

Tasmanian Planning Policies - 12C (2) Submissions

Number	Name	Organisation
1	Jiri Lev	Jiri Lev Architect
2	Mervin Reed	
3	Lachlan McKenna	
4	Chris	
5	Roger Cooper	HIA - VIC/TAS
6	Tony Griggs	
7	Name withheld	
8	Craig Tipping	Dept Treasury
9	Keith Presnell	
10	Matt Derbyshire	TasWater
11	Claire Hynes	TPC
12	David Midson	West Coast Council
13	Andrew Paul	EPA Tasmania
14	Alison Hetherington	Bicycle Network
15	Circe Alditheral	
16	Toril Mehigan	Wonderland Community Services
17	Michael Pervan	Department of Natural Resources and Environment Tasmania
18	Lyndal Byrne	Glenorchy City Council
19	Neil Noye	Hobart City Council
20	Brett Torossi	Heritage Council
21	Chantal Hopwood	TasNetworks
22	Phillip Bishop	Private Forests Tasmania
23	Andrew Walsh	Nipaluna Hobart - NBN
24	Mary Bessell	Communities Tas
25	Sheree Vertigan	Cradle Coast Authority
26	John Perry	Office of the Coordinator General
27	Dermot Barry	Tasmanian Fire Service
28	Daryl Connolly	Central Coast Council
29	Claire Bookless	Environmental Defenders Office
30	Ian Jorjes	Hydro Tasmania
31	Barry Williams	Cement Concrete & Aggregates Aus
32	Margaret Taylor	TasPIN
33	Michelle Riley	West Tamar Council
34	Peter McGlone	Tasmanian Conservation Trusts
35	Nick Steel	Tasmanian Forestry Products
36	Brett Stewart	State Growth
37	Matthew Grimsey	Huon Valley Council
38		
39	Tasha Tyler-Moore	Kingborough Council
40	Shane Wells	Sorell Council
41	James Hattam	Tasmanian Land Conservancy
42	Pattie Chugg	Shelter Tas
43	Ursula Taylor	Derwent Estuary Program
44	Andrew Paul	Environment Protection Authority
45	Chris Irvine	State Emergency Service
46	Shannon McCaughey	Clarence City Council
47	Rolph Vos	Tamar Estuary and Esk Rivers TEER

Tasmanian Planning Policies - 12C (2) Submissions

Number	Name	Organisation
48	Donna Adams	Department of Police, Fire and Emergency Management
49	Waren Groves	Flinders Island Council
50	Verity Cleland	Department of Health
51	Jennifer Jarvis	TasRail
52	Nepelle Crane	NRM South
53	Todd Dudley	North East Bioregional Network
54	Caroline Lindus	ERA Planning & Environment
55	Kerry Burns	Planning Matters Alliance
56	Andrew Ricketts	
57	Damian Mackey	Central Highlands Council
58	David Allingham	Brighton Council
59	Iain More	Launceston City Council
60	Erin Miles	Northern Midlands Council
61	Damian Mackey	Southern Midlands Council
62	John Brown	Break O'Day Council
63	Michael Purves	PIA
64	Kate Nauric	King Island Council
65	Greg Ingham	Glamorgan Spring Bay Council
66	Matthew Atkins	Devonport City Council
67	Gerald Monson	Latrobe Council
68	Gerald Monson	Kentish Council
69	John Jordan	Meander Valley Council
70	Amanda Locatelli	Northern Region Planning Group
71	Jennifer Nichols	Australian Institute of Architects
72	Jo Fearman	NRM North

Cullen, Julie

From: Jiri Lev Architect [REDACTED]
Sent: Tuesday, 27 September 2022 10:05 AM
To: State Planning Office Your Say
Subject: Response - Consultation on draft Tasmanian Planning Policies

Hi,

In response to your letter from 19 Sept 2022:

I've been involved with ecovillage and cohousing development across Australia for many years now. These typologies offer viable, sustainable alternatives to sprawling suburban development. They are the best answer to the present housing and environmental crises.

Time and time again I'm running into unnecessary planning constraints when it comes to compact, sustainable living and land sharing / ecovillages, both within and outside towns.

At times different states adopted various planning policies, such as the NSW rural land sharing scheme, now somewhat outdated I believe. (Haven't dealt with it in NSW lately.)

It would be extremely useful in Tasmania, if land urban and rural land sharing and ecovillages were specifically supported, if not *encouraged*, in the planning policy. These schemes are not super popular with developers as they usually put people before money. They aim at very long term rent occupancy, borrow to own practice, etc.

I am an architect as well as founder of [Cohousing.com.au](https://cohousing.com.au) and would be available to consult with whoever is writing these policies.

Jiri

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[REDACTED]

The Hon Michael Ferguson MHA
Minister for Planning
Parliament House
Hobart Tasmania 7000

~~My Dear Minister,~~ *Dear Michael,*

Thankyou for your letter of the 19th of September in respect to the Draft Tasmanian Planning policies.

You are aware, as am I, that the land use outcomes are effectively hamstrung by the Northern and Southern Land use policies, that have constrained development at all levels.

Now that you have the TPP's about to happen it is time for you to remove the Northern and Southern Land use policy constraints, as these are 14 years old, and no longer fit for purpose.

Indeed, they are the reason that many less homes have been built as available residential land, is unavailable for development within the constrained legislated land use boundaries of each Municipality.

There is now no reason to keep these old instruments and you should consider repealing them by Ministerial order.

Comments in regard to TPP's and the how it delivers outcomes is as follows:

1. The present process is far too complex and long, and there is no imperative to do anything, so in effect very little happens.

You may care to consider putting time limits on decision cycle so say 30 days for any TPC referral.

You may also consider increasing the costs for Planning Authorities that vote against planning applications which have been recommended for approval by statutory planning staff.

Assume say a lodgement fee of \$20,000 for each occasion for a refused application support by Planning staff is referred to the TPC.

2. Local Government to a degree has benefited from the State-wide planning scheme implementation, by imposing large fees for more planning approvals.

You should be aware that if you purchase a block of land to build a home (which has received planning approval or else the plan would not be sealed and not title would be issued) you have to in the majority of cases, go and seek planning approval all over again for some unknown reason.

If its zoned residential and is vacant land the only thing necessary is a building permit, and compliance with the state-wide planning scheme is imicable to the building permit.

The costs for a standard home are now close to \$5,000 for this nonsense. It is nothing more than a fee generator for local government, and essentially rips people off.

You should issue a planning directive about this, to remove this double dipping with fees.

3. The TPP process is supported, and I hope that the current land use policies are removed.

The process of having a strategically competent whole of Government approaches to infrastructure, the environment, and liveability, plus sensible development policies, that are not over-focussed on green political objectives, is to be applauded.

4. Use of LUPA part 5 agreements

You may or may not be aware that local Government consistently uses part 5 agreements, to enforce planning decisions that are in most cases anti-community and pro green, such as allotment gardening plans, and colours of buildings.

These are not appropriate, but they represent an enforcement process using the Land Use Planning Act, for which it was not really designed.

I am sure Parliament would not a have approved such an inappropriate provision if it was clearly enunciated at that time.

Most Local government people will tell stories to land owners who question part 5 agreements, but again the only way for the Planning Authority can enforce part 5 agreements imposed on titles, is to take the land owner to the Supreme Court.

Of course, they do not wish to do this due to costs, and the fact that a loss would generate subsequent damages claim from the litigant and all of his or her mates, if the Supreme Court found the decision was imposed, without any real reasons that are imicable to the objects of the planning scheme.

So, no enforcement action is undertaken, but the Part 5 agreements are used to force compliance to green policies, that are not acceptable the land owner.

Indeed, the Kingborough Council has been collecting fees and cash offsets into a fund for some years and this fund is in particular illegal.

You might ask your Director of Planning to investigate and report to you on this fee grab.

Again, I would suggest that you issue a planning directive that Part 5 agreements are not to be used for any residential allotment planning in the future.

This will allow the private sector to open up more land for residential housing almost immediately.

Summary:

The land use planning system is going from a fractured fiefdom approach, to one of a modern integrated State policy driven legislated approach.

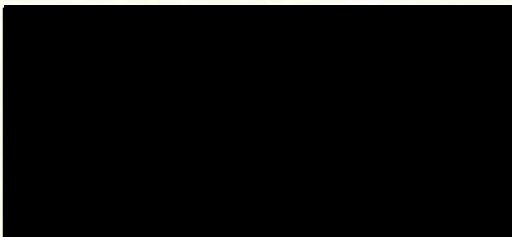
For this you are to be congratulated.

The issue is that you now need to consider using your powers to issue Ministerial directives to get things freed up, and moving.

If you want more homes built, this is your only option to give the private sector the proper signals to invest, which they do not have at present.

Michael, I wish you well in your endeavours and hope this letter finds you well.

Yours sincerely,



Mervin C Reed FAICD FCHFP AAFA
Chartered Financial Adviser

27th of September 2022

From: [REDACTED]
To: [State Planning Office Your Say](#)
Subject: Tasmanian Planning Policies: submission
Date: Tuesday, 4 October 2022 1:37:01 PM

Dear Tasmanian Government,

I am writing in support of the new Tasmanian Planning Policies' emphasis on active transport and encourage these to go further to imagine a state where citizens are not disadvantaged by not owning or using a car.

The benefits of planning low or zero car urban developments are multifaceted. From hearing the sound of birds in the morning to creating more opportunities for social interaction between the many demographics of our society, this modern approach to transport planning actually maximises economic, social and environmental benefits in the long-term. Low car cities have even been shown to have indirect benefits to the robustness of their democracies.

Modern and sustainable transportation systems are those with a finishing emphasis on the automobile. They are exactly what future-oriented governments aim for.

For more information and to get this state's transport planners focussed on a modern approach to transport planning, I recommend learning from the world's best integrated transport system in The Netherlands. One of the resources for learning about this system and how to apply it in urban and regional areas is the channel Not Just Bikes on YouTube: <https://m.youtube.com/c/NotJustBikes>

Regards,
Lachlan McKenna

From: [REDACTED]
To: [State Planning Office Your Say](#)
Subject: New planning draft feedback
Date: Tuesday, 4 October 2022 7:13:40 PM

Hi,

I approve of the current Tasmanian Planning Policies drafts considering and incorporating active transport.

Studies show high correlations between bike friendly cities and quality of life/liveability. Making alternative transportation easier results in less traffic and parking concerns, and improves the city for those who choose to drive, not just those who use non-car transport.

The development of escooters, ebikes, cargo bikes and other personal transport options is introducing better short and middle distance transport options for much broader demographics. These are more accessible for those whom standard bikes were previously less suitable for; elderly, those hauling cargo or carrying shopping, families with young children, etc. It's important to create infrastructure that keeps up with this shift in transport options.

I'm glad the current draft begins to recognise this opportunity.

Yours sincerely,
Chris



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5 October 2022

State Planning Office
Department of Premier and Cabinet
yoursay.planning@dpac.tas.gov.au

HIA Submission on the Draft Tasmanian Planning Policies

Thank you for the opportunity to provide comment in response to the *Draft Tasmanian Planning Policies* (i.e. TPPs).

HIA provided a detailed submission to the initial round of TPPs consultation in October 2021. The intent of this submission is not to override that submission, as it provided a technical assessment of the initial draft TPPs that remain generally consistent with this draft. A copy of that submission is attached as an appendix to this letter. This submission highlights some minor editing considerations in the update to the draft TPPs and our national policy position on mandatory development contributions.

About the Housing Industry Association (HIA)

The HIA is Australia's only national industry association representing the interests of the residential building industry, including new home builders, renovators, trade contractors, land developers, related building professionals, and suppliers and manufacturers of building products.

As the voice of the residential building industry, HIA represents a membership of 60,000 across Australia. HIA members are involved in land development, detached home building, home renovations, low & medium-density housing, high-rise apartment buildings and building product manufacturing.

HIA members are comprised of a mix of residential builders, including the Housing 100 volume builders, small to medium builders and renovators, residential developers, trade contractors, major building product manufacturers and suppliers and consultants to the industry. HIA members construct over 85 per cent of the nation's new building stock.

Background

The *Land Use Planning and Approvals Act 1993* (the Act) is the primary legislation controlling most of land use planning in Tasmania. It establishes the framework for the development, assessment and implementation of various statutory instruments.

As such, the TPPs are subordinate to the provisions in the Act and intended as mid-tier 'strategic' policy that is consistent with both the State Policies and the State Planning Provisions.

The Tasmanian State Government (the government) is currently undergoing a number of major policy reviews to strategically plan for the sustainable growth of Tasmania, including:

- *Tasmanian Planning Policies* review – with a consultation paper on the draft TPPs released in September 2022;
- *Tasmanian Housing Strategy Discussion Paper* – open for public comment by October 2022;
- *State Planning Provisions* review – with public comment having closed in August 2022;
- *30 Year Greater Hobart Plan* (in collaboration with the Greater Hobart Committee) – with a summary of public feedback report released in September 2022;
- *Draft Tasmanian Housing Bill* – with public consultation on a draft Bill having closed in June 2022; and
- *Medium Density Residential Development Standards / Apartment Code* – on hold.

While these reviews are being led by the government, it appears they are being independently pursued without an overarching assessment of their holistic effect. It is critical that members of each policy review team collaborate together to ensure the findings are thoroughly interrogated and final recommendations lead to consistent, supportive and effective statutory policy that reduces red tape and opens up Tasmania for appropriate economic growth and investment.

HIA notes in its March 2022 public *Report on draft TPP Scoping Consultation*, the 'scope of TPP issues' refers to whether the TPPs are consistent with 'State Policy'. This was a moot point raised by HIA in our October 2021 submission, where our gap analysis showed virtually no leading State Policy in the areas of **Economic Development, Settlement and Livable Communities** and **Transport and Infrastructure**.

Now referred to as **Settlement, Sustainable Economic Development** and **Physical Infrastructure** in the current draft, HIA urges the government to turn its attention to a State Policy review under the *State Policies and Projects Act 1993* to give the TPPs appropriate strategic weight to support good outcomes in the planning system.

HIA response to the draft TPPs

Beyond the April 2021 release of the 'consultation draft' TPPs, HIA now welcomes the inclusion of a clear policy dedicated to 'settlement growth' (i.e. *1.1 Growth*). This supports appropriate urban growth and expansion, including into 'greenfield' areas where possible.

In referring to strategy 1.1.3.8 under *Growth*, in particular 'existing infrastructure networks and services', consideration should be given to opening this up to including 'new' infrastructure networks and services, whereby the developer voluntarily contributes to the costs and works in kind to expand these networks.

Encouraging innovation, including for essential services provision to new communities, should not be 'discounted' where there is no direct policy support for this.

At 5.1 *Provision of Services*, strategy 5.1.3.5 is to:

"Facilitate developer contributions to service new use and development to be transparent, fair and reasonable, providing for equity between users."

Mandatory **development contributions** lead to the erosion of housing affordability and act like a 'tax' on new home buyers even though the bulk of any external 'benefits' are shared among the community.

HIA's view is any proposal submitted to levy cash development contributions through the planning system is unwarranted as it leads to the deterioration of housing affordability, which is a key issue for government. This is also a view shared by the National Housing Finance and Investment Corporation (NHFIC) in their August 2021 report *Development Contributions: How should we pay for new local infrastructure*.

According to NHFIC, development contributions are increasingly being used for social infrastructure with no clear nexus to development, as opposed to local essential infrastructure.

The NHFIC report states *"If the scope of developer charges doesn't have a clear nexus to the new housing development or costs aren't apportioned appropriately between the beneficiaries of the local infrastructure, developer contributions ultimately can act like a tax and discourage development."*

"Funding a much wider array of social infrastructure through developer contributions deliver broader community benefits but confer fewer clear, direct and immediate private benefits to new home buyers. This means developer contributions increasingly act like a tax on new housing, which can impede new housing supply and reduce housing affordability for buyers and renters."

Indicative case studies sourced by NHFIC show developer contributions can ultimately amount to approximately \$5,000 per dwelling in Tasmania (2018 figures). Therefore, development contributions are contributing to the cumulative impact of such charges that erode housing affordability.

Statutory taxes and charges on the cost of housing already include but are not limited to:

- GST on new dwelling construction
- Stamp duty (including cascading stamp duty on future transfers of land)
- Construction worker payroll and income taxes
- Land holding costs while seeking approvals (i.e. land tax, interest on borrowings)
- Utility services headworks and contributions
- Municipal rates
- Materials transport fuel excise

As per HIA's national policy *Infrastructure Charges and Levies on Residential Development* (attached as an appendix to this submission), the infrastructure items within the boundaries of the development

should be funded and delivered by the developer. The costs of broader community, social and regional infrastructure should be borne by the whole community and funded from general rate revenue, borrowings, or alternative funding mechanisms.

At 1.6 *Design*, strategy 1.6.3.8 provides a sound framework for **subdivision design** and engineering functional layout plans. We suggest consideration also be given to including something like “*Considers passive solar optimisation in grid pattern lot design*”. This sets higher accountability for solar access provision to all lots at the subdivision stage.

As may be the case subdivision approvals often result in a bulk of south facing lots. Under the NCC mandated energy efficiency standards for the built fabric, has made the designing of compliant homes for south facing lots considerably more challenging. Potentially only moderate changes to future subdivision design encouraged under this policy, could make a big difference for builders in achieving the current or future energy efficiency standards for home design.

In closing, HIA reiterates the point we made in the October 2021 submission, that the draft TPPs fail to differentiate between **agricultural land** that is ‘prime or highly productive’ and otherwise. So that non-productive agricultural/farm land that may be appropriate for a change in land use including urbanisation is not quarantined from development, this distinction should be included in the definition of ‘agricultural land’ in the glossary.

HIA would be pleased to provide further feedback on any specific TPP comments in this submission and assist the TPPs team with drafting changes to policy as requested. We look forward to being kept informed as the process continues.

Please do not hesitate to contact us if you wish to discuss matters raised in this correspondence –

[REDACTED]
[REDACTED]

Yours sincerely
HOUSING INDUSTRY ASSOCIATION LIMITED

[REDACTED]

Stuart Collins
Executive Director
Tasmania



HOUSING INDUSTRY ASSOCIATION



Housing Australians



Draft Tasmanian Planning Policies

October 2021

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Housing Industry Association contacts:

Stuart Collins
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Housing Industry Association
30 Burnett Street
North Hobart TAS 7000
Phone: [REDACTED]
[REDACTED]

ABOUT THE HOUSING INDUSTRY ASSOCIATION

The Housing Industry Association (HIA) is Australia's only national industry association representing the interests of the residential building industry.

As the voice of the residential building industry, HIA represents a membership of 60,000 across Australia. Our members are involved in delivering more than 170,000 new homes each year through the construction of new housing estates, detached homes, low & medium-density housing developments, apartment buildings and completing renovations on Australia's 9 million existing homes.

HIA members comprise a diverse mix of companies, including volume builders delivering thousands of new homes a year through to small and medium home builders delivering one or more custom built homes a year. From sole traders to multi-nationals, HIA members construct over 85 per cent of the nation's new building stock.

The residential building industry is one of Australia's most dynamic, innovative and efficient service industries and is a key driver of the Australian economy. The residential building industry has a wide reach into the manufacturing, supply and retail sectors.

Contributing over \$100 billion per annum and accounting for 5.8 per cent of Gross Domestic Product, the residential building industry employs over one million people, representing tens of thousands of small businesses and over 200,000 sub-contractors reliant on the industry for their livelihood.

HIA exists to service the businesses it represents, lobby for the best possible business environment for the building industry and to encourage a responsible and quality driven, affordable residential building development industry. HIA's mission is to:

"promote policies and provide services which enhance our members' business practices, products and profitability, consistent with the highest standards of professional and commercial conduct."

HIA develops and advocates policy on behalf of members to further advance new home building and renovating, enabling members to provide affordable and appropriate housing to the growing Australian population. New policy is generated through a grassroots process that starts with local and regional committees before progressing to the National Policy Congress by which time it has passed through almost 1,000 sets of hands.

Policy development is supported by an ongoing process of collecting and analysing data, forecasting, and providing industry data and insights for members, the general public and on a contract basis.

The association operates offices in 22 centres around the nation providing a wide range of advocacy, business support services and products for members, including legal, technical, planning, workplace health and safety and business compliance advice, along with training services, contracts and stationary, industry awards for excellence, and member only discounts on goods and services.

1. INTRODUCTION

Thank you for inviting HIA to participate in your public consultation of the draft **Tasmanian Planning Policies (TPPs)**.

Informing HIA's submission in this matter are:

- *Tasmanian Planning Policies and Overview Consultation Draft, April 2017* (draft TPPs).
- *Tasmanian Planning Policies Scoping Paper for Draft TPPs, September 2021* (Scoping Paper).
- *Existing State Policies*.
- *Tasmania's Affordable Housing Strategy 2015-2025, September 2015*.

As outlined in the Scoping Paper, *"the TPPs are required to be consistent with any State Policies created under the State Policies and Projects Act 1993 – currently the State Coastal Policy 1996, State Policy on the Protection of Agricultural Land 2009, State Policy on Water Quality Management 1997 and the range of National Environmental Protection Measures."*

It is therefore understood that there must be a strong correlation between State Policies and the draft TPPs. Drafting TPPs that do not have synergy to existing State Policies is like putting the 'cart before the horse' and can lead to ambiguity, inconsistency and adverse outcomes.

A simple gap analysis (refer to Appendix 1) identifies that TPPs in the areas of **Economic Development, Settlement and Liveable Communities, Transport and Infrastructure** have virtually no association with existing State Policies.

We see this as a major shortcoming in the process because without leading legislation in the areas of economic development, settlement/place making, transport and infrastructure, associated new TPPs carry no statutory weight.

HIA urges the government to put this process on hold until appropriate State Policies are implemented following the usual consultation. Notwithstanding this, HIA is prepared to provide feedback on some of the TPP drafting currently open for public comment.

HIA urgently requests that Government undertakes a thorough review of urban land supply in Tasmania and considers all reasonable opportunities to increase land supply to meet current and future demand for housing. This includes through infill, brownfield and greenfield development, increasing the supply of detached, multi-unit, affordable and social housing.

At Parliament in March 2021, Minister for Housing Roger Jaensch stated *"Currently there are around 5000 hectares of privately owned, vacant, residential zoned land across Tasmania which could deliver around 60 000 lots for residential development, but for various reasons it is not being used. That is why we will now take immediate action to remove barriers and costs to activate this land and put it to work housing Tasmanians."*

HIA notes that the Minister identified the need for every lever to be pulled across the market to provide more supply and capacity to meet current and future housing demand.

HIA would be pleased to get together with Government and other key industry stakeholders to workshop opportunities for urban expansion and new housing supply in infill, brownfield and greenfield areas to deal with land shortages and the housing affordability crisis currently being experienced in Tasmania.



2. COMMENTS ON THE DRAFT TASMANIAN PLANNING POLICIES

We have reviewed the draft TPPs in the areas of:

- Economic Development
- Settlement and Liveable Communities
- Cultural and Natural Heritage
- Hazards and Risks
- Transport and Infrastructure

HIA submits the following comments on aspects of these draft TPPs.

Economic Development

Objective 3 of Agriculture broadly referring to “agricultural land” should instead refer to “prime agricultural land” or “productive farmland” which encapsulates the land strategic planning should protect.

HIA’s view is zoned agricultural land that has limited or no productive value to the Tasmanian economy should not be quarantined from other uses that are either complimentary to agriculture or could potentially be rezoned for other rural or urban purposes.

Sub-prime or marginal agricultural land may have soil issues, soil erosion or unfavourable climactic conditions for agricultural uses. This land may be better served for other purposes with a rational such as rural and urban development opportunities where there is a strong business case.

The protection of high value agricultural land as opposed to all agricultural land will also create certainty about which agricultural land carries the highest protection.

Settlement and Liveable Communities

Strategies 1.2 & 3.2 at Urban Development and Housing respectively refer to controlling urban development through the use of “urban growth boundaries”.

As per HIA’s *Managing Urban Land Supplies Policy (2007)*, HIA has a longstanding opposition to urban growth boundaries (UGB) as a means of managing urban land supplies. Where UGBs are in place, there should be a transparent and regular review process that does not rely on legislative change or Parliamentary consideration but rather involves consultation with the community and housing industry. A copy of this policy is attached to this letter.

Rather than adopting *permanent* settlement boundaries, HIA would like to see Government’s commitment to a review process of the boundaries over time, to cater for population growth with consideration of naturally progressive expansion of urban areas in an appropriate manner.

Strategies 1.3 & 3.3 refer to prioritising “infill and brownfield development over greenfield development” and limiting “new or expanded residential development in green-field” respectively.

These strategies are considered prejudicial to a properly informed and strategic land use review process whereby suitable greenfield and/or peri-urban land is able to contribute to the current supply shortage of serviced urban land in Tasmania. Accordingly the strategy mix should be amended as follows:

Amended strategy 1.3 “*Consider infill, brownfield and appropriate greenfield development to ensure efficient use of land.*”

Additional strategy at part 3 “*Consider urban expansion into greenfield areas close to transport corridors, infrastructure and services.*”

Delete strategy 3.3 “~~Limit new or expanded residential development in green field, agricultural and rural areas.~~”

It is recommended that at **Housing** part 3 a strategy be added to inject peri-urban land (i.e. land located in an area immediately adjacent to a city or urban area) into the mix for increasing housing supply in a controlled and appropriate way.

Peri-urban land often has unique and valued attributes that contribute to its rural character but is located close to existing services and infrastructure where some housing supply may be suitable. An appropriate new strategy at part 3 is:

“Provide for development close to established and well serviced settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities.”

Strategy 3.4 under **Housing** promotes and facilitates “a diversity of housing types and densities in and around urban centres or activity centres”. While this is a sound strategy it could go further and include reference to “strategic infill sites” as a target to increase housing supply.

Planning Minister Roger Jaensch is known to support medium and higher density infill projects in and around the Hobart suburbs, which is to be encouraged under the *Metro Plan* of the *Hobart City deal*. This is a sound planning initiative that could be applied to strategically located infill sites in the major urban areas of the State. Accordingly, strategy 3.4 could be amended to read:

“Promote and facilitate a diversity of housing types and densities in and around urban centres, strategic infill sites or activity centres.”

Objective 3 refers to delivering affordable housing to meet current and future community needs. The draft TPPs fail to provide a clear direction for delivery of affordable housing, which can be achieved in partnership with industry.

As per HIA’s *Subsidised Affordable Housing Policy (2007)*, HIA supports the following options for developers and builders to enter into on a voluntary basis, to increase the delivery of affordable housing:

- Increasing industry’s land supply and development rights for affordable housing.
- Voluntary supply of affordable housing in a development in exchange for agreed or negotiated development bonuses which are relevant to the particular site and location.
- Innovative funding mechanisms to ensure greater government buy in on private development (one such suggestion being a subsidy scheme with homebuyers taking on a 70% mortgage; with HIA noting the Government’s *HomeShare scheme* is consistent with this action).
- Increasing the opportunity for ‘joint venture’ partnerships with industry.
- Provisions of tax and levy concessions for developers (nothing that one such scheme could be a Covid-19 stimulus to drive up housing supply to meet the current pressure put on Tasmania’s population growth).

It is the responsibility of governments to provide social housing infrastructure from general revenue and not place the burden on new home buyers. A copy of HIA's *Subsidised Affordable Housing Policy (2007)*, is attached to this letter.

Further to this, HIA proposes a new strategy at part 3 in relation to formally engaging with industry in the cooperation of increasing affordable housing supply:

“Engage and collaborate with the private sector to increase affordable housing supply through land release, increased development rights, agreed development concessions, joint venture partnerships and tax relief stimulus.”

We note the affordable housing policy *Tasmania's Affordable Housing Strategy 2015-2025, September 2015* was written pre Covid-19 and should be reviewed concurrently with the process to legislate the TPPs.

HIA would be pleased to get together with Government and other key industry stakeholders to workshop opportunities for urban expansion and new housing supply in infill, brownfield and greenfield areas to deal with land shortages and housing affordability issues currently being experienced in Tasmania.

Transport and Infrastructure

Strategy 7.4 at Water Supply, Waste Water Treatment and Urban Drainage refers to incorporating “water sensitive urban design principles into the planning and delivery of new developments.”

Water sensitive urban design (WSUD) is considered appropriate for medium to large scale projects e.g. three or more dwellings. We therefore suggest the strategy be extended to State “developments of three or more dwellings”.

The draft TPPs fail to provide any guidance on **car parking** provision. HIA advocates for sustainable outcomes particularly where practicable by growing alternative forms of transport that reduce the reliance on private motor cars. Government and industry must commit to investing in public transport, cycling, car sharing, etc. On a case-by-case basis it will be appropriate to provide fewer on-site car parking spaces, particularly in city centres and along major public transport corridors.

Under **objective 1 of Integrated Transport and Land Use Planning**, we suggest including additional strategies to address car parking provision and to encourage the expansion of alternative forms of transport, as follows:

“To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.”

“To support sustainable transport alternatives to the motor car.”

General comments

We note the Scoping paper calls for a review of adaptation and mitigation principles towards **climate change action** and **Covid-19 recovery** being incorporated into the TPPs.

HIA supports initiatives in these areas that make a positive contribution to the housing sector and notes that the National Construction Code (NCC) review 2022 is considering changes to the

Building Regulations that address the contribution new housing makes towards climate change impacts via construction standards and energy efficiency ratings.

As per HIA's *Subsidised Affordable Housing Policy (2007)*, HIA supports Covid-19 recovery policy stimulus for developers and builders to build more affordable housing through land supply, generous development rights, agreed development bonuses and joint venture partnerships.

HIA reserves the right to make further comment on climate change action and Covid-19 recovery initiatives once final TPPs are drafted for another round of public comment.

3. CONCLUSION

In conclusion, the key points of HIA's submission are:

- The draft TPPs process is premature to implementing appropriate and effective leading State Policies. This review should not precede a review of State Policies.
- HIA calls for a thorough review of urban land supply in Tasmania including infill, brownfield and greenfield development to meet escalating demand for urban land and housing supply.
- Under **Agriculture** "prime agricultural land" should be distinguished from "agricultural land" so that non-productive farmland is not unnecessarily quarantined from appropriate new uses.
- Under **Urban Development** and **Housing** rather than adopting *permanent* urban growth boundaries, HIA would like to see Government's commitment to a review process of the boundaries over time, to cater for population growth with consideration of the naturally progressive expansion of urban areas in an appropriate manner.
- Under **Urban Development** and **Housing** strategies should not be prejudicial to a properly informed and strategic land use review process whereby suitable greenfield and/or peri-urban land is able to contribute to the current supply shortage of serviced urban land in Tasmania.
- Under **Housing** the use of strategic infill sites should also be encouraged to increase the diversity and density of housing required to meet demand.
- Under **Housing** HIA encourages Government to innovate and collaborate with the private sector to increase *affordable housing* potentially through Covid-19 recovery economic stimulus through land release, increased development rights, agreed development concessions, joint venture partnerships and tax relief stimulus.
- Under **Water Supply, Waste Water Treatment and Urban Drainage** policy for water sensitive urban design (WSUD) is considered appropriate for medium to large scale projects e.g. three or more dwellings.
- Under **Integrated Transport and Land Use Planning** additional strategies are required to address car parking provision and encourage the expansion of alternative forms of transport in Tasmania.
- National Construction Code via NCC 2022 should be the leading legislation to address climate change mitigation through the construction standards.

HIA wishes to thank the Department for the opportunity to comment on the draft TPP's and related matters. We look forward to further involvement in the consultation process as this work progresses.

Please do not hesitate to contact **Roger Cooper** – [REDACTED]
[REDACTED] should you require anything further.



Infrastructure Charges and Levies on Residential Development

HIA's Position Statement

1. *Development specific infrastructure* which provides essential access and service provision and without which the development could not proceed are considered to be core requirements for housing development and should be provided in a timely manner to facilitate affordable development. These infrastructure items within the boundaries of the development should be provided by the developer as part of the cost of development.
2. The costs of broader *community, social and regional infrastructure* should be borne by the whole community and funded from general rate revenue, borrowings or alternative funding mechanisms.
3. Up-front charges and levies against a new development are the least efficient manner in which infrastructure costs may be recovered.
4. The imposition of up-front charges and levies on new homebuyers for *community, social and regional infrastructure* is inequitable, discriminatory, inflationary and erodes housing affordability.
5. Where up-front infrastructure charges and levies currently exist for *community, social and regional infrastructure* and until such time as these levies are eradicated in line with dot points 1 - 4 above:
 - a) The establishment and calculation should be identified by the authority and be embedded within a statutory planning instrument prepared at the time of approval of land for urban development;
 - b) Governments should be required to prepare a full cost benefit analysis of the impact of any proposed infrastructure charge or levy on housing affordability prior to any implementation;
 - c) The manner in which the up-front charges or levies are costed should be transparent and cover capital and implementation costs only. All ongoing and maintenance costs should be recovered by means of an annual rate or charge and not permitted to be part of the charge or levy calculation;
 - d) Any charges or levies implemented should provide certainty and consistency for future development and home owners about the infrastructure to be delivered, costs to be funded and timing of delivery;
 - e) Levies should be collected at the latest stage of the development process, being just prior to the creation of legal title or prior to occupation;
 - f) Once adopted charges or levies should not be subject to any change or variation apart from defined cost of living increases or similar indexation to allow for inflation;
 - g) All charges or levies should be expended in the same area from which they were collected;
 - h) The amounts collected should be fully disclosed and reported to State Parliament annually and also reported by local councils to their own communities via annual reports.

6. Levies which are applied by Governments for state based items of infrastructure should be established and collected in the same manner as those collected by local government as established above.
7. Any funds which have been collected for infrastructure which is not subsequently provided within the planned timeframes should be refunded to the property owner of the development either as soon as the decision is made to eliminate the proposal or at the expiry of the specified time frame.

Background

- Levies and charges applied to development to cover physical and social infrastructure significantly affect new housing affordability. They are in effect a tax on new homebuyers.
- Most states and territories, through the planning system, can apply a charge on new residential developments via an infrastructure development contribution scheme of some type.
- Over the last decade, the charges being applied through these infrastructure development levy schemes have become increasingly significant. This is partially due the large range and high quality of facilities being requested by authorities and in many cases a conscious decision to shift the majority of the upfront costs onto new developments.
- The levies are now so significant they are impeding orderly and affordable residential development from occurring and significantly adding to the upfront costs of new homes.
- State governments have recognised the negative impact levies have on residential development and introduced ways to slow increases through either standard development levies or capped development levies. However, there is no clear evidence this approach has lowered the charges payable and improved the final cost of a new home.
- Some councils are attempting their own approach to the levies which can result in more levies and varied amounts being charged.
- Development charges and levies can encompass two types of infrastructure provision:
 1. *Development specific infrastructure* – being items which are directly attributable to new development, defined as those items that are necessary to create the allotment without which the development could not proceed, for example:
 - local roads;
 - drainage;
 - stormwater;
 - utilities provision;
 - land for local open space; and
 - direct costs of connecting to local water, sewerage and power supplies.
 2. *Community, Social and Regional Infrastructure* – being items of broader physical, community and social infrastructure which are ancillary to the direct provision of housing in a new development and support residents outside that development, for example:
 - headworks for water, sewerage and power supplies which may be part of a specific contributions plan;
 - community facilities such as schools, libraries, child care facilities, medical centres and retail facilities;
 - district and regional improvements such as parks, open space and capital repairs;

- social improvements such as library books;
 - public transport capital improvements;
 - district and regional road improvements;
 - employment services;
 - subsidised housing; and
 - conservation of natural resources.
- Levies for community, social and regional infrastructure are typically applied by either local and/or state governments through the planning system.
- In many cases the levies are charged without the establishment of a nexus between the infrastructure item and the community who will benefit and use it, without transparency in the collection and without any consideration of the impact on housing affordability.
- Levies of this kind are being viewed as a primary funding source for community, social and regional infrastructure, despite the benefits from that infrastructure being enjoyed by the whole community.
- Whilst development specific infrastructure has a nexus with the allotment or building and directly benefit future home owners community social and regional infrastructure may have limited or no nexus with the population who will occupy the homes in a new development.
- Many items of community, social and regional infrastructure end up in private ownership and are operated on a commercial basis once delivered, such as child care and medical centres. This represents a double charge for new home buyers.
- Every dollar charged in infrastructure contributions adds multiple dollars to the end price of a home as a result of multiple factors including delays in the calculation and setting of the levies, the uncertainty of this process and associated risks, the delays in developments commencing and increased mortgage repayments by the developer and the homebuyer required over time.

Cullen, Julie

From: Tony Griggs [REDACTED]
Sent: Saturday, 15 October 2022 2:44 PM
To: State Planning Office Your Say
Subject: Re Draft Tasmanian Planning Policy

Dear Sir/Madam

The North Tasmanian Regional Strategic Planning Framework talks about growth and future planning being hand in hand to accomodate future projected needs of communities, in particular for remote communities.

In the local (Flinders Island) Strategic Growth Plan the point on Liveability discusses the building and sustaining of a 'viable' population. This is difficult if not impossible to achieve when the current biased planning scheme does not allow for the subdivision of land in to smaller acreages on the outskirts of the population areas - e.g. Lady Barron - Coast Road, Emita, Palana.

Council discusses the development and land use planning guidelines are there to promote balance. Right now there is no balance and no land available for smaller lifestyle lots. Talking to the local island real estate agent confirms this being the case.

If we seek economic growth which includes an increase in our long term population, more employment opportunities, more ratepayers etc, more land must be released for subdivision on the main outskirts of these communities on Flinders Island. We need more low density residential (lifestyle) 2,3,4 and 5 acre blocks to be available and these would be highly sought after. Incentives could/should be offered to ensure buildings are completed within a maximum timeframe and mobile trailers and caravans actively discouraged.

How can we attract a working age population given that the majority of FI residents are on the elderly side?

We own land outside of Palana, away from the Coast, 25 acres and was zoned rural. We requested a subdivision be allowed to give the opportunity for a lifestyle development of four or five 4.5 acre parcels of land.

This block has road frontage along one full side, access to power, away from the sensitive coastline, well positioned, flat and was deemed unsuitable for agriculture by a certified agronomist.

A professional submission was made by Rebecca Green and Associates (Launceston) to the recent planning review yet it was knocked back.

This was due to Flinders Island Council not having conducted due diligence on developing a strategic growth plan for the north end of Flinders Island Palana. This lack of plan has resulted in virtually no land now being available for people in the next 10 years.

The state planning authority didn't adjudicate against the land being sub divided, rather made the decision that as there was no strategic growth plan conducted, we were denied the opportunity to be approved for a sub division. This has effectively vetoed any growth up the north end of Flinders Island. It's as if we are the forgotten end of north Tasmania! We are left wondering how a council can conduct a strategic growth plan for some localities but not others. That's discrimination with serious financial consequences for people in the areas neglected.

Yet the Councils report managed to cover a number of other areas on the island. The state planning authority should have directed Council/councils consultants to review the potential for appropriate land that could be made available in the coming years should a land owner wish to make this happen. There is currently very little land available at Palana, yet it is considered to be one of the more desirable places to live.

In summation more land needs to be released to allow for sensitive development to allow for the sustainable growth referred to in the FI Draft Tasmanian Planning Policy.

Yours sincerely

Tony Griggs





Cullen, Julie

From: User [REDACTED]
Sent: Friday, 14 October 2022 8:20 AM
To: State Planning Office Your Say
Subject: Re Draft Tasmanian Planning Policy

[REDACTED]

I wish to make a submission regarding the Draft Tasmanian Planning Policy.

I live on Flinders Island and these policies were supposed to be released to the public for comment on 19 September, yet FI Council only released them on October 06. This seems judicially unfair as there has been a 17 day gap whereby the public could have been reading and absorbing the information in order to make a comment. Why was this not released on the appropriate date? Was this due to incompetence or something more sinister?

There is constant reference to TRANSPARENCY in the North Tasmanian Regional Strategic Planning Framework which appears to have been copied and pasted into the FI Draft Tasmanian Planning Policies (TPPs) - Flinders Council. I note in Council's Strategic Growth Plan pages 4-7 that FI Council aims to make professional and transparent decisions communicated and implemented in the interest of the Community. Why therefore did Council abrogate this responsibility by a) not calling a public meeting and, or b) ensuring that the public were made aware that this consultation period to respond to the Planning Policies was open. A public meeting may have brought the community together to work with Council in offering up solutions that work for Flinders Island land planning reform. In addition it could be said that by encouraging more residents to the island might give FI Council and other businesses a wider pool of expertise and qualifications to choose from in terms of candidates for employment positions.

In the Strategic Growth Plan the point on Liveability discusses the building and sustaining of a 'viable' population. How can we possibly hope to achieve this when land under the current biased planning scheme does not allow for the subdivision of land into smaller acreages on the outskirts of the population areas - e.g. Lady Barron - Coast Road, Emita, Palana. Furthermore, Council discusses the development and land use planning guidelines are there to promote balance. Right now there is no balance and no land available for smaller lifestyle lots.

If we want economic growth which includes an increase in our long term population, more employment opportunities, more ratepayers etc. we need more land that can be released for subdivision on the main outskirts of these communities on Flinders Island. We need more low density residential 2,3,4 and 5 acre blocks to be available and these would be highly sought after. In addition, and as a caveat to this Airbnb's should be restricted as it is long term rentals and purchases that are important for growth. Incentives could be offered to ensure buildings are completed within a maximum timeframe and mobile trailers and caravans actively discouraged.

How can we attract a working age population given that the majority of FI residents are on the elderly side?

I would like to mention one submission made to the planning committee during the recent hearings for the new planning scheme held on Flinders Island. We own a block outside of Palana, away from the Coast, 25 acres and was zoned rural. We requested a subdivision be allowed to give the opportunity for a lifestyle development of four or five 4.5 acre blocks. This block has road frontage along one full side, access to power, away from the sensitive coastline and was deemed unsuitable for agriculture by a certified agronomist. A submission was made by Rebecca Green and Associates to that effect yet it was knocked back. This was apparently due to Flinders Island Council not having done any due diligence on strategic planning for growth requirements at Palana. Yet their report managed to cover a number of other areas on the island. This could be considered as an unfair, or incompetent decision and should have gone back to Council's consultants to review the potential for appropriate land that could be made available in the coming years should a land owner wish to make this happen. There is currently very little land available at Palana, yet it is considered to be one of the more desirable places to live.

Finally, why would Flinders Council support the sale of Crown land at Lady Baron when there are private land owners on the outskirts of that township who wish to subdivide areas of 50 acres that have now been zoned agricultural? There seems to be some very arbitrary decisions made at this level and would seem on the face of it to be unjust.

In summation more land needs to be released to allow for sensitive development to allow for the sustainable growth referred to in the FI Draft Tasmanian Planning Policy.

In addition FI Council needs to become far more proactive and open in its dealings and its approach to community consultation as the decisions they make affect many individuals on the island.

Please note this submission is not from a disaffected individual but represents the true situation on Flinders Island with examples.

[REDACTED]

Kind regards

[REDACTED]

Cullen, Julie

From: Tipping, Craig [REDACTED]
Sent: Thursday, 6 October 2022 5:12 PM
To: State Planning Office Your Say (DPaC)
Subject: TPP Consultation

Hi

Thank you for the opportunity to comment on the draft TPPs.

Treasury has no comment.

Regards
Craig



Craig Tipping | Assistant Director

Economic Policy Branch | Department of Treasury and Finance

p (03) 6145 5832 | [REDACTED]

e [REDACTED] | [e economic.reform@treasury.tas.gov.au](mailto:economic.reform@treasury.tas.gov.au) (optional)

w www.treasury.tas.gov.au

21 Murray Street, Hobart, TAS 7000 | GPO Box 147, Hobart TAS 7001

Work pattern: Full time flexible

Cullen, Julie

From: Keith Presnell [REDACTED]
Sent: Thursday, 29 September 2022 11:30 AM
To: State Planning Office Your Say
Cc: Sophie Underwood
Subject: Draft Tasmanian Planning Strategy
Attachments: Draft Tas LUP 22word.docx

I have attached my comments which are couched to be useful source documentation.

Yours sincerely

Keith presnell

Statutory land use planning schemes are an anachronism. Society is facing unprecedented change with inherited land management practises well past their use by date. The need is for a flexible approach able to accommodate that change.

To be effective, community land management instruments require an enlightened approach, one based on **social and environmental wellness** rather than on economic growth.

There is a dark side to economic growth. History has seen human activity evolve from hunter gathering to agricultural systems, to industrialisation, and more recently to technologically based groupings. Each of those steps enabled our species to exercise greater leverage over other species, in the process unbalancing the natural web of life that just happens to support us. For life as we know it too persist, we must acknowledge that there are natural limits to growth. Sustained economic growth defies common sense. It begs to be re-balanced, and the two options are a controlled process or a chaotic stop.

Society is trending towards regionalisation not centralisation, a trend that was kick-started by Covid restrictions on travel. It is likely to persist as the implications of artificial intelligence in social life emerge.

If there is a silver lining to the pandemic, it is the way it exposed the risks of becoming too reliant on offshore services. Self capability needs rebuilding in our country, and that is best achieved by tapping into the innovative capabilities of small businesses.

Our population needs to manage its **use** of land and water based natural resources sustainably. The former is best carried out with local governance the latter by state agencies. In the process, there needs to effective separation between those seeking to exploit resources and those looking to manage the pressures.

There is a multitude of land use considerations; physical, social and environmental; that in total involve data so complex that computer based management systems are the only way we might cope. The other potentially valuable attribute of computers is their ability to independent audit decision making.

With the state pixelated, and with existing data digitised and used as a spatial reference that all decision makers have access to, priorities for improved definition would become obvious. The pros and cons of proposed land use changes could then be considered, by both local and state planning agencies, in the light of **all** relevant known facts.

From a local perspective, most Tasmanian communities treasure what they have, and the thought of an authority external to their situation able to control their ability to be productive, or worse, a non-resident minister with an opaque agenda being able to do so, is an anathema.

From a local perspective, most Tasmanian communities seek functional access to their statutory regulators. Productive communities feature effective communication. Centralising responsibility for local matters only entombs authority in an ivory tower where its ability to generate confusion, waste and corruption is well recognised.

From a local perspective, as a priority, most local communities would support programmes that kept more of their youth at home. That would involve social investment in activities ranging from primary production, to contemporary

technology research, development and commercialisation, to support for the range of essential services needed by a community.

With the right balance, the negative effect that over-regulation has on innovation could be minimised, along with the considerable cost of enforcement. When you talk about real people, one suit does not fit all. From a local perspective, regulations generated by centralised administration to counter the lack of accountability prevalent in faceless cities are often inappropriate. Social accountability becomes more relevant as community size decreases. Flexibility is a pre-requisite for accessing those potential efficiencies.

Tasmania is in a unique situation, effectively surrounded by a moat, having a relatively small population, a plethora of primary production potential and a quorum of individuals that are prepared to support change, providing it is in the right direction.

It must be remembered that whatever decisions are made, those making them will be noted for the legacy they leave the next generation.

Cullen, Julie

From: Keith Presnell [REDACTED]
Sent: Tuesday, 25 October 2022 1:06 PM
To: State Planning Office Your Say
Subject: Re: Draft Tasmanian Planning Strategy

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Julie,

It was drafted in response to the governments proposal to homogenise Tasmania's land use planning statutes (TPP)s. Even in a small state such as Tasmania, land use issues vary widely between regional and between urban and regional centres. While it is good to engender a common approach to land capability assessment, land use decisions need to be sensitive to those variations.

The submission suggested that the conventional approach to land use was well past its use by date while identifying alternatives that might put Tasmania at the forefront with its approach to social and environmental priorities. It was intended as a positive contribution, and if it is too late for the TPP it will still be relevant for the SPP.

Hopefully that is helpful

Regards

\Keith

> On 25 Oct 2022, at 11:16 am, State Planning Office Your Say <yoursay.planning@dpac.tas.gov.au> wrote:

>

> Good morning Mr Presnell,

>

> Apologies for the delay in responding to your email.

>

> Could you please advise if your submission is intended as a submission to the State Planning Provisions (SPPs) Review or on the Tasmanian Planning Policies (TPPs)?

>

> If it is on the SPPs, it can be accepted as a late submission to the SPPs review.

>

> Kind regards,

> Julie Cullen

> State Planning Office

> Department of Premier and Cabinet

> Level 7 / 15 Murray Street, Hobart TAS 7000 | GPO Box 123, Hobart TAS 7001

> (p) 1300 703 977

>

> stateplanning@dpac.tas.gov.au

> www.planningreform.tas.gov.au | www.dpac.tas.gov.au

>

> ☑ Please consider the environment before printing this message

>

>

> -----Original Message-----

> From: Keith Presnell [REDACTED]

> Sent: Thursday, 29 September 2022 11:30 AM

> To: State Planning Office Your Say <yoursay.planning@dpac.tas.gov.au>

> Cc: Sophie Underwood [REDACTED]

> Subject: Draft Tasmanian Planning Strategy

>

> I have attached my comments which are couched to be useful source documentation.

>

> Yours sincerely

>

> Keith presnell

>

>

> _____

>

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TW CM ref: 22/76534

20 October 2022

The Hon. Michael Ferguson MP

Deputy Premier

Minister for Planning

GPO Box 123

HOBART TAS 7001

Email: Michael.Ferguson@dpac.tas.gov.au

Dear Minister Ferguson

Consultation on draft Tasmanian Planning Policies (TPPs)

Thank you for the opportunity to review the draft TPPs. TasWater supports implementation of the TPPs, subject to the following:

General
TasWater recommends greater consistency in terminology relating to infrastructure. In different TPPs, and even different sections of the same TPP, terms such as services, community assets, and utilities are used interchangeably. TasWater suggests that the terms social and physical infrastructure, as defined in the glossary, be used throughout the TPPs.
Settlement TPP
Growth
1.1.3 2. (d) change to "... <i>natural or man-made hazards, that ...</i> " to ensure all hazards are considered
1.1.3 8. (c) replicate 6 (f) for consistency and to ensure logical and efficient provision of infrastructure is fully considered when identifying growth areas
Liveability
1.2.3–7 - Include: " <i>while not compromising any physical infrastructure.</i> " at end of paragraph, to protect physical infrastructure where relevant
Social Infrastructure
1.3.3.1 change to " <i>supply of land and physical infrastructure</i> " to ensure land is serviceable
Housing
1.5.3. 5 (c) replace " <i>services</i> " with " <i>physical and social infrastructure</i> " – see above discussion point

Tasmanian Water & Sewerage Corporation Pty Ltd

GPO Box 1393 Hobart Tas 7001

Email: enquiries@taswater.com.au

Tel: 13 6992

ABN: 47 162 220 653

Environmental Hazards

Bushfire

3.1.3 6. *"Firefighting infrastructure"* cannot include TasWater in the context of bushfires. This should be made clear, as TasWater's network is designed to fight structure fires only, not bushfires, with the *Water and Sewerage Industry Act 2008* specifically including clauses for emergency events.

Flooding

3.3.3 9. remove *"strategically"* so to read as *"... where planning or undertaking land use ..."* for clarity and consideration during different stages of development.

Coastal Hazards

3.4.3 8. Change *"community assets"* to *"physical and social infrastructure"* – see above discussion point

Physical Infrastructure TPP

Principles and Policy Context

5.0.1 Second last paragraph, include *"where there is available capacity"* to promote development that utilises spare capacity

Provision of Services

5.1.3 3. Redraft for clarity *"Where there is no infrastructure, no available infrastructure capacity or no non-infrastructure solution, promote the most logical and cost-effective solution to deliver services to growth areas"*

5.1.3 13. Change to *"... physical infrastructure, including roads ..."* to promote service corridors and co-location of assets

Ports and Strategic Transport Networks

5.5.3 create point 10, repeating 13 from *"Services"* to, again, promote service corridors and co-location of assets

If you require anything further, please contact Eamonn Tiernan, Department Manager Development Services, on [REDACTED]

Yours sincerely

[REDACTED]

Matt Derbyshire

GM Asset Management Services

TASMANIAN PLANNING COMMISSION



Our ref: DOC/22/107140
Officer: Claire Hynes
Phone: 61656828
Email: tpc@planning.tas.gov.au

4 October 2022

Minister Ferguson MP
Minister for Planning
By email: Minister.Ferguson@dpac.tas.gov.au

Dear Minister

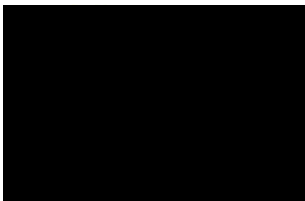
Consultation on draft Tasmanian Planning Policies

Thank you for the following documents received on 19 September 2022:

- Letter regarding consultation on draft Tasmanian Planning Policies (TPPs)
- Draft Tasmanian Planning Policies for consultation
- Draft TPP Supporting Report

The Commission noted your letter and attached documents at their meeting yesterday and resolved that the Commission has no comments to make on the policy content or scope of the matters that should be subject of the TPPs.

Yours sincerely



Claire Hynes
Acting Executive Commissioner

17 October 2022

State Planning Commission

stateplanning@dpac.tas.gov.au

Dear State Planning Office

Comments on the Draft - Tasmanian Planning Policies

Thank you for the opportunity to comment on the draft Tasmanian Planning Policies, we have the following observations and suggestions:

1. Growth – Tasmania is experiencing exceptional economic growth in its export industries, particularly mining, and in renewable energy. The transition to renewables and the rapid growth that requires in Tasmania must be considered in the Growth planning provisions. Typically, growth is currently measured by market demand, but this is short sighted and leads to growth of population disconnected from jobs, particularly future jobs. This increases non-residential workforces, decimating the host communities, and places undue strain on transport infrastructure. We recommend a new strategy addition, that growth should be priorities in areas proximate to current and future jobs, particularly noting the importance of mining and renewable energy. We recommended that growth areas be identified over the State on the basis of, modelling of where future jobs are over the next 10 – 20 years. Growth areas must be managed at the State level to avoid all areas seeking growth even where jobs will not be available to support that growth.
2. Growth and Livability – many remote communities currently have declining populations and with low populations have difficulty managing livability concerns and providing services. This is problematic as many of Tasmania's most valuable live in remote communities and will have increasing difficulty accessing services. Additionally remote communities support much of Tasmania's future economic growth in mining, renewable energy, aquaculture, and tourism, and without sustainable populations these industries will be impacted. We recommend an additional strategy to increase the population in smaller remote communities to increase sustainability of those communities, to allow non-residential workers to live in the communities they work in and protect future economic growth.
3. Housing – Non-resident workers have negative impacts on communities and on workers' health. They reduce the services available and are less likely to integrate into communities. Where non-residential workforces are prevalent, there are less services, less livability, and less investment in long-term sustainable housing. We recommend the addition of a strategy to 1. Reduce non-residential accommodation and 2. where it does exist ensure that it is well integrated into community, enhances livability and services, and can be reused for community or economic purposes when the need for non-resident worker accommodation ends.

Enquiries to: Executive Officer
P: (03) 6471 4700
E: ea@westcoast.tas.gov.au

PO Box 63 Queenstown TAS 7467
11 Sticht Street Queenstown TAS 7467



WESTCOAST.TAS.GOV.AU

4. Sustainable Economic Development – There needs to be greater emphasis on ensuring the social benefits from economic development. The development of regions reliant on single industries, or cyclical industries does not provide significant community benefit from economic growth. We recommend that there be specific strategies added to maximise the local community benefit from industry growth, to promote the diversification of industry in remote regions, and to mitigate the impact of cyclical industries on local communities.
5. Sustainable Economic Development – The industries here are all to be given some form of prioritization, but it is unclear how deconfliction will occur between them. The policies must include a mechanism for deconfliction and allow community input into that choice. For example, where a renewable energy project wishes to proceed on a mining area, there should be a mechanism to assess the economic benefit (including to the local community) of both and then an informed choice made about how to proceed. Specifically, projects in other industries should not be prevented from occurring in the Strategic Prospectivity Zone unless it is likely exploitation will occur within 10 years. The current blanket approach prevents economic diversification and negatively impacts mining communities.
6. Extractive Industry – The growth of the extractive industry must be managed to ensure local community economic and social benefits. The growth of non-residential workforces has reduced the economic link between mines and local communities, and this will need to be more carefully managed in the future. Specifically, we recommend:
 - a. A stated policy to minimise non-residential workforces.
 - b. A policy requirement for major industry to invest in housing to support workers and family to live in local communities.
 - c. A requirement for community impact assessments for extractive industry projects and a need for industry to implement the recommendations to address those impacts.
 - d. That priority be given to increasing residential growth in mining communities to support future growth.
 - e. That priority be given to increasing services in mining communities to support future growth.
 - f. That growth in the extractive industry require consideration of maintaining diverse economies in the local community.
7. Renewable Energy – The growth in renewables represents a generational opportunity for Tasmania and growth should be managed to ensure community benefit. The planning policies that projects do not negatively impact local housing markets and leave a beneficial legacy in those markets. We specifically recommend that:
 - a. Renewable energy projects be required to conduct a community impact assessment including an assessment on the impact on housing and be required to implement the mitigation measures identified in that assessment.
 - b. Renewable energy projects be required to prioritise family housing over temporary housing or be limited to a certain percentage of workforce in non-resident worker accommodation.

Enquiries to: Executive Officer
 P: (03) 6471 4700
 E: ea@westcoast.tas.gov.au

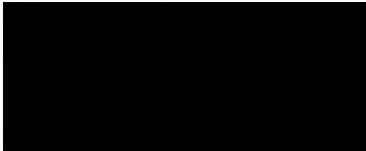
PO Box 63 Queenstown TAS 7467
 11 Sticht Street Queenstown TAS 7467



WESTCOAST.TAS.GOV.AU

- c. Any temporary housing be designed to integrate into local communities and designed with a post project use from the beginning. Accommodation for temporary workers be built to transition to social housing, aged care, or tourism accommodation at the end of the project.
- 8. Roads – We recommend a specific strategy to protect the West Coast to Burnie road, and rail network given its importance to State exports.

Yours Sincerely



David Midson

GENERAL MANAGER

CC – Michael Edrich – LGAT, Sheree Vertigan – CCA

Enquiries to: Executive Officer
P: (03) 6471 4700
E: ea@westcoast.tas.gov.au

PO Box 63 Queenstown TAS 7467
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Environment Protection Authority

GPO Box 1550 HOBART TAS 7001 Australia



Phone: [REDACTED]
Email: [REDACTED]
Web: www.epa.tas.gov.au
Our Ref: File Reference and DocONE/myDAS

26 October 2022

Department of Premier and Cabinet
State Planning Office
GPO BOX 123
HOBART TAS 7001

Email: yoursay.planning@dpac.tas.gov.au

To whom it may concern

Consultation on draft Tasmanian Planning Policies

I refer to a letter from Minister Ferguson MP, Deputy Premier, Minister for Planning dated 19 September 2022 seeking feedback on the suite of draft Tasmanian Planning Policies (TPPs) prior to them being finalised and lodged with the Tasmanian Planning Commission for independent review and assessment and provide the following on behalf of the members of the Environment Protection Authority Board (the Board).

After reviewing of the draft TPPs the Board would note a level of caution as to their usefulness in providing definitive guidance on the future strategic direction for land use planning in Tasmania, as they are very generic and would appear to be adding another layer to an already complex system.

In the context of water quality the Board continues to be concerned about the potential for unnecessary duplication and discrepancy given the following statement in the draft Environmental Values TPP:

The Environmental Values TPP seeks to protect environmental values by adopting, where relevant to the specific environmental value, the following principles:

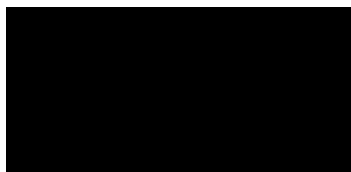
- I. identify environmental values and determine their significance;

As you may be aware the principles and objectives for water quality management in Tasmania are provided in the State Policy on Water Quality Management 1997. It provides the management framework for the protection of water quality in Tasmania and provides for the implementation of the National Water Quality Management Strategy in Tasmania. The State Policy provides a framework for the identification of protected environmental values (and uses) of water bodies, development of water quality guideline values and water quality objectives setting process, and the management and regulation of point and diffuse sources of emissions to surface waters and groundwater.

The Environment Protection Authority published in August 2020 a technical guidance for Water Quality Objectives Setting for Tasmania, a copy of which can be found at [Technical Guidance for Water Quality Objectives Setting for Tasmania \(epa.tas.gov.au\)](http://www.epa.tas.gov.au). The Board would be concerned about duplication, and potential discrepancies should the intention of the Environmental Values TPP be for local councils to replicate this work.

Thank you for the opportunity to provide comment on these issues, the Board looks forward to continuing to engage with the process as it progresses.

Yours sincerely



Andrew Paul
Chair



26 October 2022

yoursay.planning@dpac.tas.gov.au

Draft Tasmanian Planning Policies consultation

Thank you for the opportunity to comment on the draft Tasmanian Planning Policies (TPPs), their inclusion in the planning laws provide much needed direction to help bring all transport modes onto a more level playing field.

Bicycle Network made a submission to the Scoping Paper and it's pleasing to see that the issues raised in that have been accommodated in the draft TPPs.

The policies are clearly written in plain English and well-structured for easy reference.

Having said that, it would be useful to have some indication of whether particular words being used in the policies have a legal meaning, separate from their ordinary meanings.

I make comments on the policy detail based on the ordinary meaning of such words and am concerned that some elements which I consider essential are being "encouraged" and "promoted" rather than "required".

Settlement and Physical Infrastructure policies

The overall intent of these policies is a much-needed change, requiring more active transport infrastructure in new and retrofitted developments.

The Climate Change statement in the Physical Infrastructure Policy is particularly welcomed:

"The Physical Infrastructure TPP supports the provision of well-planned and well-designed infrastructure that can reduce emissions and take advantage of emerging opportunities in a low emissions future by: better sharing of road space to support increased uptake of more sustainable transport modes."

As is the recognition in the same policy that the provision of cheap, ample car parking prevents the shifts we need to sustainable transport modes like cycling.

While most of the wording in these policies makes it clear that provision of active transport infrastructure is the outcome, a few of the sections aren't so clear.

In these sections I'd like to see a greater requirement for such infrastructure rather than just consideration or encouragement, which is where my suggested wording changes come from. It may be that my suggestions do not fit with current planning language but I'd like to see changes made so it's clear that policies are what must be followed rather than just considered or promoted.

Settlement Policy

Under 1.1 Growth:

- structure plans to ~~consider~~ **include** "movement networks, including street hierarchy and pedestrian and cycling paths for active transport modes" (1.1.3-6c).

Under 1.6 Design:

- "~~Encourage~~ **Ensure** the design and siting of buildings to positively contribute to: ... safe access and egress for pedestrian, cyclists and vehicles." (1.6.3-1f).
- "~~Promote~~ **Ensure** subdivision design that considers the existing and future surrounding pattern of development and provides for connection and integration of street networks, pedestrian and bicycle paths and the efficient provision of services." (1.6.3-7).
- "~~Promote~~ **Ensure** subdivision design that provides a functional lot layout that: ... provides safe active transport" (1.6.3-8g).

Physical Infrastructure Policy

Under 5.4 Transport Modes:

- "~~Encourage~~ **Ensure** public transport corridors **are to be** supported by **current or planned** active transport networks and bus stops that are safe, accessible and provide for better passenger amenity." (5.4.3-6)

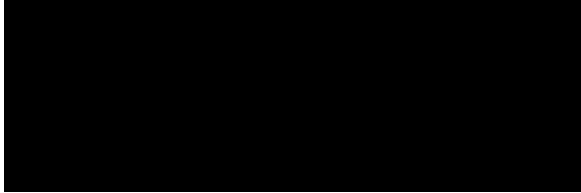
Conclusion

Overall, the draft planning policies are a welcomed step in the right direction for encouraging the provision of cycling infrastructure.

The devil is of course in the detail. The intent of the draft Tasmanian Planning Policies is to be commended but how they are interpreted for implementation through the State Planning Provisions (SPPs) and Regional Land Use Strategies is still a concern.

I note that technical changes to the SPPs under the current legislative 5-year review will be undertaken with a view to another round of policy changes following the adoption of the Tasmanian Planning Policies. Until that happens it may be useful for councils to keep following the interim planning schemes as they have preferable bike parking requirements to the current SPPs.

Yours sincerely



Alison Hetherington

Public Affairs Manager Tasmania



Tel: 

Cullen, Julie

From: Circe Alditheral [REDACTED]
Sent: Thursday, 20 October 2022 9:12 AM
To: State Planning Office Your Say
Subject: Tasmanian Planning Reform
Attachments: Argyle Street.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,

Reform is almost always a welcome occurrence, and in this case, there may be some certainty about a vital transportation mode which needs to be a viable alternative in terms of complementing cars, which are very expensive for some of the most vulnerable Tasmanians.

Active travel should preferably stop being considered as a separate, additional part to transport policy concerned with 'practical' cars, because walking and cycling are essentially side-effects to good holistic transport policy. This is why the Dutch '**Sustainable Safety**' model is successful all-round, because it achieves benefits for everyone and is an obvious choice which leaves no reason to not be implemented, with Ireland, Denmark, Finland, & the US catching on.

Here's why it should be supported:

- If you're a driver, drivers get the best experience in the world
 - You can own & use a car when you want or need, but aren't forced to
 - Parking is less in total but more optimised, so you can find it
 - Essentially eliminates common congestion, including associated stress
 - You can spend less for quicker commutes with efficiency over spend
- Any Tasmanian can safely choose any mode (transport is about moving people)
 - Walking & cycling are great for wellbeing and long-term preventative health. E-bikes aren't bothered by hills
 - Public transport is the most efficient mode
 - These modes make a Tasmanian's overall trip quicker but not as hectic
 - Tasmanian people, from all ages & abilities become free, enhancing community & safety. Over the past 50 years children & elders have become more isolated
- The Tasmanian Brand!
 - Car-dependence produces more emissions/pollution than necessary
 - Sprawl makes housing carbon-intensive per dwelling & limits housing choice
 - Using the home modes better immerses visitors to the experience & Tasmanians living here
 - Our natural environment is only here, with things like forest bathing more possible to enhance its therapeutic (see: Bruntletts) value for everyday Tasmanians
 - Tasmania is very unique & an innovator! We should endorse our own identity
- If you're a fan of fiscal responsibility
 - Tasmanians underestimate the cost of car-dependence, on individuals & to set it in stone with infrastructure & maintenance. Walkers & cyclists are actually more reliable shoppers, with micromobility infrastructure having a massive cost benefit relative to car-centric
 - Before 1945, Tasmania had a more organic planning model, driven by humans, creating human-scale environments. This can be done today without past social conditions, so consider European zoning rather than segregationist Euclidean (see: Strong Towns)
 - 'Suburbia' is not true suburbs, with very little diversity (such as you can see in old photos). This is a paradox & benefits no one, causing many of the problems associated with 'inevitability' in urban Australia
 - More flexibility, less congestion, more value for maintenance & far more local economy all stack up

- If the Tasmanian electorate worries you
 - Action is apolitical
 - There's a paradox, because a noisy minority who have an established status-quo bias create noise in the very early stages (including small businesses) eventually change their mind once solid progress has been demonstrated to them. Some demonstration can be done with 'tactical urbanism'
 - Most Tasmanians aren't entrenched & will welcome positive change

The Sustainable Safety set of guidelines are very useful, and set out an accessible standard for all Tasmanians. Please give this proper consideration.

Regards,



Cullen, Julie

From: Toni Mehigan [REDACTED]
Sent: Monday, 24 October 2022 11:54 AM
To: State Planning Office Your Say
Subject: TPP consultation feedback

Dear Sir/Madam,

I am not able to comment on the technical issues for planning however I do want to speak to issues of:

1. liveability, health and wellbeing of the community; and
2. any other matter that may be included in a planning scheme or a regional land use strategy.

I represent Wonderland Community Services. We are a NDIS Registered provider supporting young people with disabilities. I am the Director and founder of the organisation which has been operating since July 2018. We support over 150 young people.

We purchased a property in St Leonards in 2020 in a residential zone in order to support young people with disabilities for respite – Wonderland Retreat. Later we found that the residential uses including ‘respite’ had to go through a planning approval change and then that the building was too big for a Class 1b and needed to be significantly upgraded to a Class C.

All of this is fine albeit costly. However, we also leased a property in St Leonards in Blessington Rd and hoped to use it for medium term accommodation for young people with disabilities who were homeless. We were told it was rural resource and knocked back on visitor accommodation – now in the new planning scheme it appears to be agricultural land and visitor accommodation is a discretionary use.

In other words, in our efforts to make a tangible difference we have had significant difficulty with planning zones and requirements. We can get through this possibly and we are working on this currently. However, it has hampered our efforts to help individuals meanwhile.

I would like to comment on the lack of affordable housing solutions for youth particularly young people with disabilities and ask you to consider the Planning Policies. When thinking of people with disabilities our minds naturally go straight to wheelchairs and people with Down Syndrome – these are the stereotypes that have become the “go to” in our minds. From a marketing perspective these are visible disabilities. However, the largest number of people now with disabilities in Tasmania – have Autism.

Unless the people involved in the planning scheme are informed about something of the lived experience of community members and particularly those who cannot speak for themselves, we may have TPPs that miss the mark for some time to come.

- In Tasmania over one quarter (**26.8%**) of people have some type of disability.
- **31% of NDIS participants have a primary autism diagnosis and an additional 5% of participants have autism as a secondary disability.** (*That is a third, but it is more alarming for younger people*). In the younger age groups 65% of participants aged 7-14 years and **54%** of those aged 15-18 years are autistic.
- Autism prevalence has increased 178% since 2000. This is probably due to greater understanding of the disorder and funding available now for diagnosis.

In Tasmania therefore 13% of our population of young people are being diagnosed with Autism. In Launceston – 13% of young people have Autism.

- **ASD is a developmental disability** that affects an individual's social interactions, behaviour and overall ability to interact with their environment. It is a permanent condition and there is no cure. These issues emerge from neurological differences in information processing and sensory perception.

Young people with disabilities with behavioural issues often find themselves homeless. They find the sensory overload of living with others challenging. They will typically find applying for housing outside of their capacity and without options in state government housing (a 2 -4 year waiting list) they have very limited options. In rental shortages landlords will take individuals with jobs and preferably two working with no children or pets. These guys don't get to Base 1.

Case examples:

- One young man we know of was living in a tree – he had a tarp in the bush and a kero heater and due to the secondary diagnosis of PTSD (very, very, bad nerves) he had become a recluse. He had an advocate who had managed to get him onto a disability pension – but couch surfing was the only other option. Youth refuges are full. No room in the inn.
- Another young lad was living in a car in the backyard of his mother's home. She was squatting and there is no electricity or plumbing. She has a serious mental illness. To shower he used a mates gym membership and he went to the toilet at KFC.'
- Another young woman had to live in the same bedroom as her stepdad who was treating her in a sleazy manner. She wouldn't disclose more than this.
- We do have story after story.

It is critical therefore that 'visitor' accommodation be included in pretty well EVERY ZONE. Caravans, PODS and individual living options on the back of properties provides 'somewhere' safe and lockable to go.

We can have a whole lot of people with warm beds say – properties will look terrible etc but unless there are other options provided at a State or local level, we are closing our hearts and minds to kids with few options.

They are vulnerable – they can be preyed upon easily, financially, emotionally, sexually. They often in our experience do not have much in the way of family support. Behaviours of concern are prevalent; lack of planning and insight is common and is part and parcel of the condition.

I hope that this email is read – and that those who do have the power to make this one small change to the planning codes will consider this.

COVID has taken a bit bite out of the national purse. State governments are dependent on the national purse. Local communities therefore need to be empowered to reach out and help those in need. However, where we have to battle red tape to do this and fork out a great deal of extra money to be compliant with planning codes or knocked back – it seems like there is a large gap in understanding, creativity, will to put what should be put first, first, and pragmatism. I am not talking about compromising safety – obviously we want people to be safe in buildings, but we want them to have somewhere to go that won't add to a problem.

Many thanks for listening

Toni Mehigan



Toni Mehigan
Director/CEO
Wonderland Community Services Pty Ltd

Trading as:
Wonderland Retreat www.wonderlandretreat.com.au
Pirates Rest www.piratesrest.com.au
Wonderland Professionals www.wonderlandprofessionals.com.au

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Department of Natural Resources & Environment Tasmania

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Our ref: D22-503681



Brian Risby
Director
State Planning Office
Department of Premier and Cabinet
Via email: yoursay.planning@dpac.tas.gov.au

Consultation on draft Tasmanian Planning Policies

I am writing in relation to the letter from the Minister for Planning, the Hon Michael Ferguson MP, of 19 September 2022 seeking feedback on the draft Tasmanian Planning Policies (TPPs).

I can advise that the Department of Natural Resources and Environment Tasmania has reviewed the TPPs and has some further comments to make which are provided in the Attachment. These comments are in addition to the advice previously provided to your Office on 6 July 2022.

If you have any further questions on this matter please contact Sonia Mellor, Strategic Projects and Policy Analyst, Business Services Branch, Strategy and Business Services Division. Ms Mellor can be contacted on mobile: [REDACTED]

[REDACTED]

for
Michael Pervan
SECRETARY

27 October 2022

Attachment

Draft Tasmanian Planning Policies – further comments from the Department of Natural Resources and Environment Tasmania

Strategy	Section	Chapter	Original Department of Natural Resource and Environment Tasmania's comment	Current draft of TPPs
Environmental Values	Principles & context 2.0.1	Page 1	Consider elaborating on the ecosystem services provided by a healthily functioning environment – e.g., clean water, productive agricultural soils, carbon sequestration, tourism appeal.	Supported by SPO but no elaboration provided in current draft.
			The 2 nd and 3 rd sentences are unclear and cumbersome. Consider shortening and simplifying for clarity. Recommend include 'indirect' after 'broad scale'.	Supported by SPO however not included in current draft.
		add	The draft policy does not make explicit reference to the State and National contexts in the protection of environmental values. Consideration should be given to better articulating the relationship between the TPP and the State Policies as relevant for each theme. Particularly relevant under biodiversity, coasts (State Coastal Policy) and water ways (State Policy on Water Quality Management).	Noted by SPO with comment that it can be reviewed to include reference to State Policies. State Policies not referenced other than for 2.5 Coastal.
	Biodiversity 2.1.	2.1.3 10	<p><i>Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development, that will increase the ability of species, ecological communities and ecosystems to adapt to climate change.</i></p> <p>This strategy is rather convoluted, and the intended meaning is unclear. For concision and clarity, consider rewording to: <i>Promote natural resilience by avoiding use and development that will decrease the ability of species, ecological communities and ecosystems to adapt to climate change</i></p>	Supported by SPO however not reworded as suggested.

	2.2 Waterways, Wetlands and Estuaries			
		2.2.3 4(e)	Suggest replacing 'increase' with 'change', as a decrease in water or sediment flow may also have a detrimental effect, e.g., a decrease in sediment input may lead to downstream erosion. Sediment is not necessarily a pollutant.	Supported by SPO however 'Increase' not replaced with 'change'.
	5.3.3	Strategy 9	<p>Environmental, heritage and social impacts should be clearly considered at the identification stage.</p> <p>Strategy 9 implies that these values only need to be considered after location, scale and design have been determined (i.e. at the construction stage). This strategy should include consideration of measures to minimise roadkill through design (e.g., over/underpasses and associated fencing; speed controls; driver awareness signage) to reduce threat to people, wildlife and vehicles.</p>	SPO committed to seeking input from the Department of State Growth.

Draft Tasmanian Planning Policies – further comments from the Department of Natural Resources and Environment Tasmania

Strategy	Section	Chapter	Original Department of Natural Resource and Environment Tasmania's comment	Current draft of TPPs
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	Biodiversity 2.1.	2.1.3 10	<i>Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development, that will increase the ability of species, ecological communities and ecosystems to adapt to climate change.</i> This strategy is rather convoluted, and the intended meaning is unclear. For concision and clarity, consider rewording to: <i>Promote natural resilience by avoiding use and development that will decrease the ability of species, ecological communities and ecosystems to adapt to climate change</i>	Supported by SPO however not reworded as suggested.

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Our ref: Draft Tasmanian Planning Policies
Enquiries Lyndal Byrne, Senior Strategic Planner
Direct phone: [REDACTED]
Email: [REDACTED]

28 October 2022

State Planning Office
Department of Premiere and Cabinet
yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam

COMMENTS ON DRAFT TASMANIAN PLANNING POLICIES

Thank you for the opportunity to comment on the Draft Tasmanian Planning Policies (TPPs).

Council officers are pleased to see the inclusion of additional policy issues particularly housing affordability, good urban design and infrastructure contributions. It is also good to see climate change recognised at the State level. However, I note that opportunities to reduce the level of prescription included in the draft policies and that the opportunity to include principles for the TPPs based on a more aspirational and clearer framework for the Resource Management and Planning System, as raised by officers in our previous comments, have not been taken.

Attached is a copy of the draft TPP document containing specific comments, however in summary the key concerns raised by Council officers are discussed below.

Role of the document

The majority of 'strategies' in the document are written as objectives (ie they have no 'action'), so it is unclear how they will be achieved. This confuses the role of the document.

The *Land Use Planning and Approvals Act 1993* (LUPAA) provides that the TPPs are to set out the 'aims, or principles' for the Tasmanian Planning Scheme (TPS) or Regional Land Use Strategies (RLUSs). As most of the 'policies', and particularly the 'strategies', are either written as objectives or are written with such prescription that their role could be interpreted as actually being a regional strategy (eg Strategy 1.1.3.12) or planning scheme provision (eg Strategies 1.6.3.6 and 8) rather than providing the aims and principles for these documents. This significant level of duplication not only confuses the role of the TPPs but also the role of the RLUSs. Some additional wording, such as *A Regional Land Use Strategy should...*, may address this, but the current wording not only makes the role of RLUS unclear but could be

interpreted as 'locking in' elements for these documents rather than facilitating the review of the RLUS and TPS against the TPPs.

It is also considered that provisions written in such detail but intended to be read as 'State Policy' will make them difficult to apply. Will a simple rezoning or SAP control be able to satisfy the relevant criteria of the TPPs or will practitioners be forced to apply them at such a high level that they become meaningless?

Length and effectiveness as policy

The extensive number of 'policies' and 'strategies' has produced a lengthy document. Good policy adopts a principles-based approach, is easily understood and sufficiently succinct. While the overarching topics covered in the draft TPP are relevant, the inclusion of an extensive number of 'strategies' for each may limit the ability for this document to fulfill its role of providing the 'aims and principles' of planning in Tasmania and be embraced by the community. The attached draft TPP document identifies a number of 'strategies' which could be rationalised or deleted.

Application

The 'policies' are intended to apply 'State-wide'. However, Section 11(3) of LUPAA provides that a planning scheme cannot control timber reserves, mineral exploration, fishing or marine farming, this significantly fetters the role of these policies, particularly those around environmental values as they cannot effectively apply 'State-wide'. How will the implementation of these policies meet this intent?

It is very encouraging to see policy on Aboriginal Cultural Heritage; will this result in deletion of C6.1.2 *This code does not apply to the Aboriginal heritage values* from C6.0 Local Historic Heritage Code? Will this require clarification or other legislative changes to implement?

Conflict between policy

Due to the level of detail, there appears to be some conflict between the intent of some policy provisions. For instance, 7.3 Regulation seeks to limit 'over-regulation', but it could pre-empt the inclusion of exemptions or controls which do not need to be advertised in planning schemes as they would be 'consistent' with the policy. However, 7.1 Consultation seeks to improve and promote community consultation. In our view, these policy positions appear to be in conflict. (As noted below 7.0 Planning Processes is not supported in this document.)

Implementation and review

While the *Report on draft TPP Scoping Consultation, March 2022* indicates it is not appropriate to identify specific roles and responsibilities for policy outcomes or identify benchmarks to measure the success of a policy, it is difficult to understand how a policy can be effectively reviewed if it cannot be measured or how it can be implemented if no-one is clearly given that responsibility. The final policy document should indicate that an implementation plan that identifies performance measures, key deliverables and responsibilities for implementation will need to form part of the RLUS. This statement does not need to be a statutory component of the document.

Further, as the majority of 'strategies' in the document are written as objectives (ie they have no 'action') it is difficult to understand how the TPPs will be implemented or achieved. Noting the concerns about the length of the document and the role of many of the 'strategies', if the intent is to retain some of them, additional wording (such as *A Regional Land Use Strategy should...*) may address this.

Provisions on Planning Process and duplication with the Objectives of LUPAA

The inclusion of Section 7.0 Planning Processes is not supported.

Many of these provisions duplicate the consultation elements of LUPAA. A clear timeframe and process for consultation as set in the LUPAA regulations ensures consistent and transparent decision making. A policy on consultation processes has potential to 'muddy the waters' for the community and developers alike.

Some of the policies within this section also appear to be in conflict. For example, who determines the 'level of impact' and that a planning control should be reduced? (Strategy 7.3.3.2). The 'level of impact' should be determined through the consultation process it should not be pre-empted by these policies. Therefore, this policy could be considered inconsistent with Strategies 7.1.3.1 and 2 which promote meaningful and genuine consultation in the planning process.

Finally, how will compliance with these policies be measured?

Practice Notes on planning process and consultation may be more useful and would be more appropriate than the proposed policies in Section 7.0.

The State Planning Office (SPO) is to be commended on providing the foundation for a set of policies that, with further work and refinement, will provide sound direction for future planning in Tasmania.

Council officers are willing to work with the SPO to address these issues before the draft TPPs are submitted to the Tasmanian Planning Commission for assessment.

Should you wish to discuss this matter further, please contact me on (03) 6216 6800.

Yours sincerely



Lyndal Byrne

Senior Strategic Planner

Encl – draft Tasmanian Planning Policies

Tasmanian Planning Policies

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

Foreword

Land use planning seeks to balance the competing demands on land to support the community's environmental, social and economic interests. To achieve this, it applies foresight, strategic thinking and prioritized action to spatially arrange land use and development to avoid conflict and, from a temporal perspective, it applies this approach in the consideration, protection and allocation of land to accommodate the needs of future generations.

The Tasmanian Planning Policies (TPPs) are a planning instrument made under Part 2A of the *Land Use Planning and Approvals Act 1993* (the Act) that provide consistent, high-level planning policy direction that will guide planning outcomes delivered through Regional Land Use Strategies (RLUS) and the Tasmanian Planning Scheme (TPS). The Act also requires consideration of the TPPs during the declaration and assessment of major projects.

Section 12B of the Act sets out the broad range of matters that a TPP may relate, including:

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

The policy content is delivered through seven TPPs that address broad land use planning topics including: Settlement, Environmental Values, Environmental Hazards, Sustainable Economic Development, Physical Infrastructure, Cultural Heritage and Planning Processes.

The Foreword and Implementation, Table of Contents, headings, footnote and the Principles and Policy Context section of each TPP are not intended to have statutory application. They have been included to assist users' understanding of the TPPs, their relationship to the Act and how they are intended to be implemented to guide both the planning system and planning outcomes. They are a guide only and should be read in conjunction with the Act.

Implementation

There is no order or hierarchy associated with the application of the TPPs. It is intended that, where the Act requires consideration of the TPPs, the TPPs should be considered in their entirety with all relevant strategies applying equally.

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

The TPPs provide a section to include implementation guidelines. Where none are specified, the section is retained to allow future provisions to be included if required.

Implementation guidelines that are provided in the TPPs form part of the TPPs, and therefore there is a statutory requirement for the policy content to be implemented in the manner specified. Implementation guidelines are provided only where it is considered necessary to specify how particular strategies are to be implemented to achieve the desired policy outcome.

Those strategies that do not have implementation guidelines are considered to contain enough detail in the strategy to guide how it is intended to be applied. These strategies can be implemented in multiple ways, allowing different local and regional circumstances to be considered in the context of competing social, environmental and economic interests.

The effectiveness of the TPPs will be monitored, and to ensure the policy outcomes are responsive to changing circumstances, reviews will be undertaken every five years in accordance with section 121 of the Act.

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1.0 Settlement

1.0.1 Principles and Policy context

In Tasmania and around the world, the majority of people live in settlements. The quality of our settlements contributes to our quality of life. Settlements that contain diverse uses, are well planned, serviced, accessible and environmentally attractive stimulates economic growth and community resilience and wellbeing.

Land use planning shapes the existing and future form and function of our settlements. It considers the competing demands on land and aims to balance these demands to spatially arrange land use and development to avoid conflict. Urban environments are highly susceptible to land use conflict due to the interaction of environmental, social and economic forces that create complex spatial relations. Land use planning considers these spatial relations, and in doing so promotes the allocation, co-ordination and efficient use of land to provide for the needs of the existing and future generations.

With the guidance of the TPPs, the planning system will determine how and where growth will occur. The Settlement TPP requires that sufficient land is allocated to meet the community's needs for housing, including social and affordable housing, commerce, recreation, open space and community facilities and is appropriately serviced by social and physical infrastructure. It also supports the planning system to deliver future development in a coordinated, cost effective and environmentally responsible way.

Settlement patterns have a direct impact on infrastructure and service requirements and outcomes. Where possible, use and development should align with and maximise the use of existing infrastructure and services.

The policy prioritises a settlement pattern that locates people where they have access to employment, social infrastructure and transport networks to improve connectivity and liveability of settlements. It emphasises the delivery of social and affordable housing and recognises that these types of housing are essential to improve social and economic resilience. The Settlement TPP acknowledges that designing functional, sustainable and engaging spaces contribute to social inclusion and strengthen connections with place and our cultural identity. The combination of these factors supports healthy communities, attracting more people to live, visit and invest in our settlements.

To achieve these planning outcomes, the Settlement TPP is split into 5 separate policy areas that provide for liveable settlements, mechanisms for directing growth, policies relating to specific settlement types, housing diversity and availability and providing for well- designed built environment and public spaces.

1.0.2 Climate Change Statement

Because settlements concentrate populations and economic activities, they are also drivers of energy and resource consumption and contribute to climate change. Under a changing climate, Tasmania's terrestrial environments are projected to experience a rise in annual average temperatures, significant changes in seasonal and regional rainfall patterns and an increase in rainfall intensity.

In practice this means some of our settlements may experience increased likelihood of:

- localised flooding;
- inundation in coastal areas;
- potential for land slips;
- storm damage to property and infrastructure;
- bushfires in bushland near to settlements;
- social and economic disruption from extreme events;
- hot days and greater runs of hot days; and
- urban heat island effect in highly built-up areas.

Land use planning cannot prevent these events, however it can support measures that help address the causes and impacts of climate change.

While some of these matters are more specifically dealt with under other TPPs, from a settlement perspective many of the strategies to address these impacts also offer other benefits to the community and the environment. For example, strategies that promote networks of green spaces also increases rain-absorbing surfaces, allowing cities to better manage flooding from intense storms. Encouraging urban vegetation that provides shade allows urban environments to better tolerate extreme heat events and contributes to carbon storage in the urban landscape. Both these actions help to reduce the impact of climate change and, in doing so, create a more liveable environment.

Similarly, measures to consolidate settlements, make use of existing infrastructure, promote energy efficient design and improve access to public and active transport networks, while providing for efficient settlement patterns also reduces resource consumption and lowers emissions.

The impact of these predicted changes will not be felt evenly throughout the community. The more vulnerable in our community are likely to experience greater impacts, especially people that are older, have some pre-existing medical conditions, have lower levels of literacy and those on lower incomes or in housing stress.

While the planning system cannot solve these problems, there are strategies within the Settlement TPP that facilitates greater access to health, education and social and affordable housing that will support the vulnerable and build climate change resilience within the community.

1.1 Growth

1.1.1 Application

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

1.1.2 Objective

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

1.1.3 Strategies

1. Develop Regional Land Use Strategies that provide for at least a 15 year supply of land that is available, identified or allocated, for the community's existing and forecast demand for residential, commercial, industrial, recreational and community land to support the economic, social and environmental functioning of settlements.
2. Regional Land Use Strategies should plan for growth that will:
 - a) prioritise and encourage infill development, consolidation, redevelopment, re-use and intensification of under-utilised land within existing settlements, prior to allocating land for growth outside existing settlements;
 - b) prioritise the development of land that maximises the use of available capacity within existing physical and social infrastructure networks and services;
 - c) avoid the development of land that is not well serviced by existing or planned physical and social infrastructure, or that are difficult or costly to service;
 - d) avoid the development of land at risk of natural hazards, that has high environmental or landscape value or are, or could have the potential to be used for, viable agricultural or extractive industry uses; and
 - e) integrate with existing transport systems.
3. Identify regional settlement hierarchies in Regional Land Use Strategies based on:
 - a) population projections and forecast demographic change;
 - b) the functional characteristics of the settlement and any specific role it plays in the State or Region;
 - c) the social, environmental and economic characteristics of the settlement;
 - d) the availability of goods and services, including social infrastructure, to support the needs of the community;
 - e) access to employment and training opportunities;

- f) efficient and accessible transport systems; and
 - g) capacity and cost-efficient upgrading of physical infrastructure.
- 4. Prioritise growth of settlements that are within the higher tiers of the settlement hierarchy.
- 5. Actively address impediments to infill development, particularly in the major urban centres.
- 6. Require the preparation of structure plans that provide for the effective planning and management of land use and development within a settlement, or part of a settlement, that, as a minimum, considers:
 - a) the identified values, physical constraints and the strategic context of the location;
 - b) urban or settlement growth boundary;
 - c) movement networks, including street hierarchy and pedestrian and cycling paths for active transport modes;
 - d) location of land for the purpose of residential, commercial, open space, recreation and community use and development, the relationship between uses and their positioning to avoid land use conflict;
 - e) any staging or sequencing of development of land;
 - f) the use of existing infrastructure and services and the logical and efficient provision of additional infrastructure; and
 - g) impacts on broader physical and social infrastructure, including health and education facilities, strategic transport networks, public transport services, water and sewerage.
- 7. Regional Land Use Strategies are to identify urban or settlement growth boundaries that clearly identifies the spatial extent of growth, including the allocation of a sufficient land to meet projected growth.
- 8. Regional Land Use Strategies should identify the role and function of activity centres within settlements and with planning schemes enabling for use and development that compliments and supports that role and function.
- 9. Encourage the concentration of commercial, administrative, major retail, entertainment and cultural use and development within activity centres that are highly accessible by public and active transport.
- 10. Prioritise the sustainable expansion, consolidation, redevelopment and intensification of existing activity centres prior to the development of new activity centres, unless the existing activity centres are at capacity and growth is constrained.
- 11. Regional Land Use Strategies should provide for and identify preferred development sequences in areas of growth to enable better coordination and more cost-effective planning and delivery of physical infrastructure.



Based on the regional settlement hierarchy, RLUSs are to identify settlements that require at least a 15 year supply of land to accommodate growth.

For identified settlements, the RLUS should provide a 20 year supply of land to maintain the 15 year minimum supply required by strategy 1 of section 1.1.3 of the TPPs. The 5 yearly review cycle of the RLUS should assist in maintaining the 15 year supply minimum.

Urban or settlement growth boundaries are to define the spatial extent of the 20 year land supply, considering infill, intensification and consolidation strategies, allocated to accommodate settlement growth that must be identified on a map within the RLUS.

1.2 Liveability

1.2.1 Application

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

1.2.2 Objective

To improve the liveability of settlements by promoting a pattern of development that improves access to housing, education, employment, recreation, nature, health and other services that support the wellbeing of the community.

1.2.3 Strategies

1. Locate residential use and development close to activity centres or secure and reliable employment sources.
2. Facilitate access to, and a diverse range of, employment opportunities in settlements by:
 - a) the provision of, and access to, safe and efficient public transport;
 - b) encouraging telecommunications infrastructure to support the ability to work remotely and access global markets; and
 - c) enabling businesses that promote local characteristics, resources and produce.
3. Locate tertiary education and vocational training institutions in close proximity to, or highly accessible by, residential areas to support growth in the skilled workforce and increase opportunities for innovation, technology and research to support established and emerging industries.
4. Provide for a network of accessible and inviting open and green spaces close to and within residential areas and activity centres to encourage active lifestyles, connection with nature and social interaction.
5. Provide for connectivity within settlements, especially between residential areas,

activity centres and open space networks, through a network of legible and accessible infrastructure dedicated to active transport modes, including end of trip facilities.

6. Provide integrated transport networks that allow people to move safely and efficiently between and within settlements utilising different transport modes, including public transport, cycling and walking, to reduce car dependency.
7. Planning Scheme provisions should support measures to mitigate the impacts of climate change on urban environments by encouraging urban forests, street plantings, garden roof tops (green roof), water sensitive urban design and integration of shade and water features into public spaces.
8. Improve neighbourhood amenity by managing incompatible use and development.
9. Provide for a range of cultural, recreational and community facilities that support wellbeing, social cohesion and cultural identity and understanding.
10. Protect and enhance those settlements, or part of settlements, that contain unique or distinctive local characteristics that contribute, or have the potential to contribute to, the community's identity and sense of place.
11. Facilitate place-making and recognise the contribution it makes to the local economy, environmental amenity and social wellbeing of the community.

1.2.4 Implementation Guidelines

None specified.

1.3 Social Infrastructure

1.3.1 Application

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

1.3.2 Objective

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

1.3.3 Strategies

1. Provide for a sufficient supply of land to support the community's existing and forecast demand for social infrastructure, including, but not limited to, schools, health care, libraries, social services and child and aged care.
2. Facilitate the co-location of suitable and compatible social infrastructure.
3. Maximise the use of existing well-located social infrastructure, including the re-use

and multi-use of sites, to meet the changing needs of the community.

4. Integrate public and active transport networks with major social infrastructure.
5. Promote the location of social infrastructure in close proximity to, or highly accessible by, residential areas.
6. Facilitate the provision of services that support vulnerable or at risk people, including crisis accommodation, neighbourhood houses, youth-at-risk centres, women's shelters and men's shelters.
7. Protect major health and emergency services facilities (including associate airspace) from land use conflict by avoiding the encroachment or intensification of surrounding incompatible use and development.
8. Support the temporary or intermittent use of recreational, educational and community facilities for a range of cultural and creative activities that promote community participation and social inclusion.

1.3.4 Implementation Guidelines

None specified.

1.4 Settlement Types

1.4.1 Application

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

1.4.2 Objective

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

1.4.3 Strategies

1. Regional Land use Strategies must identify and strategically manage the peri-urban interface to protect environmental, landscape and agricultural values from urban encroachment and to protect life and property from the threat of natural hazards.
2. Promote the vibrancy and character of specific activity centres, hubs or inner-city locations that have good connectivity, housing choices and access to goods and services that support urban lifestyles, where the impacts associated with mixed use and higher density residential use can be managed.
3. Establish urban or settlement growth boundaries around coastal settlement to ensure that growth in coastal areas is directed to existing settlements areas and prevents linear development along the coast.

4. Facilitate the provision of social and physical infrastructure to support the seasonal fluctuations in populations experienced by coastal or other settlements that are characterised by holiday homes.
5. Identify and protect the key values and activities of rural towns and villages, and support use and development that enhances these values and activities.
6. Avoid allocating additional land for the purpose of rural residential use and development, unless:
 - a) the amount of land to be allocated is minimal and does not constitute a significant increase, or the existing pattern of development reflects rural residential type settlement;
 - b) the land is not within an urban growth boundary or settlement growth boundary;
 - c) the location of the land represents an incremental, strategic and natural progression of an existing rural residential type settlement;
 - d) the land is not strategically identified, or has the potential to be identified in the future, for development at urban densities;
 - e) growth opportunities maximise the efficiency of existing services and infrastructure;
 - f) agricultural land, cultural heritage values, landscape values, environmental values and land subject to natural hazards are avoided;
 - g) the potential for land use conflict with surrounding incompatible activities, such as extractive industries and agricultural production, is avoided; and
 - h) it contributes to providing for a mix of housing choices that attracts or retains a diverse population.

1.4.4 Implementation Guidelines

None specified.

1.5. Housing


1.5.1 Application

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

1.5.2 Objective

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

1.5.3 Strategies

1. Provide the timely supply of land for housing in locations that are, or can be, easily connected to, and integrated with, the range of services including infrastructure provision, access to community, health and education facilities, public transport, and employment, consistent with the policy outcomes that deliver liveable settlements.
2. Supply land, including infill, reuse and greenfield sites, for housing that meets the projected housing demand, which is to be based on the best available evidence, to improve housing availability and affordability.
3.  Facilitate social and affordable housing to meet the needs of the community that is located close to services and public transport networks.
4. Plan and provide for a diverse range of quality housing types that meet the needs of the community by:
 - a) responding to demographic trends including changing household size and composition;
 - b) supporting the provision of well-designed social and affordable housing;
 - c) catering for the aging population, including facilitating aging in place and catering for different levels of dependency and transitioning between them;
 - d) catering for people requiring crisis accommodation;
 - e) considering the needs of people with disabilities, including the level of support and care required for different levels of dependent and independent living options; and
 - f) supporting co-living scenarios to help address housing availability and affordability.
5. Encourage higher density housing in locations that:
 - a) have been identified for urban consolidation;
 - b) are within close proximity to an activity centre;
 - c) have good access to employment, services, open space and active and public transport networks;
 - d) the potential impacts associated with increased residential density and land use conflict can be managed; and
 - e) does not impact environmental values and is not constrained by topography and environmental hazards.

1.5.4 Implementation Guidelines

None specified.

1.6 Design

1.6.1 Application

Statewide

1.6.2 Objective

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

1.6.3 Strategies

1. Encourage the design and siting of buildings to positively contribute to:
 - a) the site and surrounds;
 - b) the wellbeing of the occupants;
 - c) the public realm;
 - d) neighbourhood amenity and safety;
 - e) incorporate energy efficient measures; and
 - f) safe access and egress for pedestrian, cyclists and vehicles.
2. Provide public places that are designed to connect with, and respond to, their natural and built environments, enhancing and integrating environmental values that contribute to a sense of place and cultural identity.
3. Encourage public places that are designed to promote:
 - a) equal access and opportunity and to cater for the various needs and abilities of the community; and
 - b) safety, social interaction and cultural activities, enabling a sense of wellbeing and belonging.
4. Respect the characteristics and identities of neighbourhoods, suburbs and precincts that have unique characteristics by supporting development that considers the existing and desired future character of the place.
5. Encourage the use of urban design principles that creates, or enhances, community identity, sense of place, liveability, social interaction and climate change resilience.
6. Support sustainable design practices that are energy and resource efficient, address temperature extremes and reduce carbon emissions, including:
 - a) reduce the urban heat island effect by promoting the greening of streets, buildings and open space with vegetation, preferably native species where appropriate;
 - b) implement sustainable water and energy solutions for climate change adaptation, including water sensitive urban design and renewable energy production;
 - c) promote consolidation of urban development;
 - d) integrate land use and transport; and

- e) encourage active transport through the provision of safe and shaded rest areas with urban furniture, drinking fountains and similar amenity measures.
- 7. Promote subdivision design that considers the existing and future surrounding pattern of development and provides for connection and integration of street networks, pedestrian and bicycle paths and the efficient provision of services.
- 8. Promote subdivision design that provides a functional lot layout that:
 - a) supports the intended future use and development of the lot;
 - b) uses urban land efficiently;
 - c) promotes climatically responsive orientation of buildings;
 - d) allows passive surveillance of public spaces promoting community safety;
 - e) provides a convenient, efficient and safe road network;
 - f) supports efficient and effective public transport access;
 - g) provides safe active transport;
 - h) is responsive to topography, site constraints and environmental values and hazards; and
 - i) provide diverse lot sizes for residential use, in appropriate locations, that supports the future provision of diverse housing choices that meets the needs of the local community.

1.6.4 Implementation Guidelines

None specified

2.0 Environmental Values

2.0.1 Principles and Policy Context

Tasmania's natural environment is diverse, rich and unique. It provides the backdrop to our settlements, it is where we choose to engage in recreational pursuits and our connection with nature contributes to our quality of life, general wellbeing and how we identify as Tasmanians.

Land use planning seeks to recognise the functional, aesthetic and intrinsic value of the natural environment. It also acknowledges that by protecting these values it can support those sectors that rely on healthy ecosystems and intact landscapes to produce goods and services that stimulates our economy.

A significant proportion of Tasmania's environmental values are protected by mechanisms outside the planning system. Land use planning can play a strategic role in identifying and prioritising other environmental values and apply measures to protect them. In doing so, it can help address the broad scale, cumulative effects associated with land use and its impacts on environmental values.

The Environmental Values TPP seeks to protect environmental values by adopting, where relevant to the specific environmental value, the following principles:

1. identify environmental values and determine their significance;
2. avoid designating land, that contains significant environmental values, for land use and development that will detrimentally impact those values;
3. minimise the impact of land use and development on environmental values where avoidance is not possible or impracticable; and
4. where possible, apply offset where the impacts cannot be minimised.

These principles have been broadly applied to five categories of environmental values being:

- Biodiversity;
- Waterways, wetlands and estuaries;
- Geodiversity;
- Landscape values; and
- Coasts

While the primary outcome of the Environmental Values TPP is to establish the strategies by which the planning system can play its role in protecting and conserving Tasmania's environmental values, it also contributes to broadening the community's understanding and appreciation of natural systems which in turn promotes their health and resilience.

2.0.2 Climate change statement

Projected changes to Tasmania's future climate will have a variety of impacts on our environmental values. These include:

- significant changes in the amount of rainfall, including seasonal variation and spatial distribution;
- increased frequency and intensity of extreme weather events;
- increased average temperatures and longer runs of days at higher temperatures: and
- sea level rise

Future climatic conditions will impact the five categories within the Environmental Values TPP differently. These changes are unlikely to be linear and predictable, and the interactions between effects may introduce additional uncertainty.

Coastal environments are projected to experience sea level rise, ocean warming, increased frequency and intensity of marine heatwaves and storm events. The latter will accelerate coastal erosion in vulnerable areas, potentially threatening coastal habitats.

Waterways and wetlands may experience times of flooding or reduced flow rates. This may impact aquatic habitats and present issues for water security. Periods of either excessive high or low soil moisture may stress native flora and fauna.

Ecosystems may also be exposed to climatic conditions that they are not adapted, potentially disrupting ecological processes. Changed environmental conditions may also favour and potentially increase the spread of invasive plant and animal species. More frequent fires will also impact damage habitat, and while many of our native flora and fauna have adapted to fire, a significantly altered fire regime may also effect the abundance and distribution of species and the relationship between them.

Because there are many unknowns regarding climate change, the planning system needs to plan for both predicted scenarios and remain responsive to unforeseen circumstances. The Environmental Values TPP seeks to address this by:

- supporting early action against native habitat loss;
- promoting connectivity between vegetation to support viable ecological processes and build climate change resilience;
- considering the vulnerabilities of ecosystems and natural processes to the projected future climate and spatially applying parameters to identify, protect and prioritise communities at high risk; and
- enabling retreat pathways for ecosystems.

Land use planning can also support measures to reduce emissions. The Environmental Values TPP supports this by promoting the protection of biodiversity values and ecological services that maximise opportunities for carbon storage.

2.1 Biodiversity


2.1.1 Application

Statewide.

2.1.2 Objective

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

2.1.3 Strategies

1. Identify biodiversity values, appropriately rank the significance of those values and map their location.
2. Avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.
-  3. Prior to designating land for a particular purpose:
 - a) consider the biodiversity values of that land and the potential impacts of the range of future use and development will have on those values; and
 - b) determine if they are compatible and can be managed to avoid or minimise the impact on biodiversity values, especially high biodiversity values.

4. Provide for a level of restriction and regulation of use and development that will reflect its potential impact on, and be relative to, the biodiversity value.
5. Promote use and development to be located, designed and sited to avoid impacts on biodiversity values, and where avoidance cannot be achieved, or is not practicable, the impacts to biodiversity values will be minimised, or offset.
6. Promote and maintain connectivity between isolated and fragmented vegetation communities to support habitat corridors and promote viable ecological processes.
7. Land use planning is to minimise the spread and impact of environmental weeds.
8. Protect and enhance areas that provide biodiversity and ecological services that maximise opportunities for carbon storage.
9. Support early action against loss of native habitat as a result of climate change.
10. Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development that will increase the ability of species, ecological communities and ecosystems to adapt to climate changes.
11. Identify ecological communities that are most vulnerable to climate change and develop strategies that consider improving resilience, mitigating impacts, planning retreat and facilitating adaptation to support their long-term survival.
12. The application of planning scheme zones and codes should Identify and enable retreat pathways for endangered ecosystems in coastal zones.

13. Support land managers or regulators of land within the Tasmanian Reserve Estate to manage that land in accordance with approved management plans and specific reserve objectives.

2.1.4 Implementation Guidelines

None specified.

2.2 Waterways, Wetlands and Estuaries

2.2.1 Application

Statewide

2.2.2 Objective

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

2.2.3 Strategies

1. Identify and protect areas that support natural systems within waterways, wetlands and estuaries, including their terrestrial verges and groundwater recharge areas.
2. Avoid designating land in, or around, waterways, wetlands and estuaries for use and development that has the potential to cause point source or diffuse pollution and would require considerable disturbance of riparian or foreshore vegetation and soil, unless the use and development:
 - a) relies specifically on being located within close proximity to aquatic environments;
 - b) is for flood mitigation measures; or
 - c) has considerable social, economic and environmental benefits; and can demonstrate that the risk of environmental harm can be managed.
3. Protect and conserve waterways by retaining, creating or improving vegetated riparian zones to maintain their natural drainage function and minimise unnatural or accelerated erosion of stream banks while providing riparian habitat corridors and protecting landscape values.
4. Use and development located on land in, or around, waterways, wetlands and estuaries will:
 - a) minimise the clearance of native vegetation;
 - b) promote the retention and restoration of, and linkages between, terrestrial and aquatic habitats;
 - c) protect the natural form and process of the landform assemblage, including

- aquatic areas;
 - d) avoid land disturbance, soil erosion and changes in sediment loads within the water;
 - e) not significantly increase the rate and quantity of stormwater or pollutants entering the water; and
 - f) be designed and sited to maintain or enhance significant views and landscape values.
5. Support the collaboration and coordination of catchment management across the State and implement integrated catchment management that considers the downstream impacts of land use and development on water quantity and quality, and freshwater, coastal and marine environments.
 6. Protect and manage the ecological health and environmental values of surface and groundwater to prevent water quality degradation due to point source pollution, diffuse land use impacts or chemical reactions such as acidification.
 7. Provide for the availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.
 8. Promote and encourage the efficient and effective use of water resources.

2.2.4 Implementation Guidelines

None specified.

2.3 Geodiversity

2.3.1 Application

Statewide.

2.3.2 Objective

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

2.3.3 Strategies

1. Identify and map land containing high conservation value geodiversity and avoid designating land for use and development that will impact those values, including through the modification of natural processes and functions that prevents geological, geomorphological or soil features from evolving naturally.
2. Promote the protection of high conservation value geodiversity by avoiding, or if not practicable minimising, the impacts of land use and development on the feature

and the natural processes and functions that support the feature's evolution.

3. Encourage integrated management of geodiversity and biodiversity to enhance efficient function of ecological processes.
4. Protect places and sites of geological, palaeontological or other scientific importance, including rock formations and fossil sites from human induced impacts.
5. Protect geological features, such as peat, that provide opportunities for carbon storage.

2.3.4 Implementation Guidelines

None specified.

2.4 Landscape Values

2.4.1 Application

Statewide.

2.4.2 Objective

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

2.4.3 Strategies

1. Identify and map the extent of significant cultural, ecological, geological and aesthetic landscapes, scenic areas and scenic corridors and determine their specific features and values.
2. Protect significant landscapes, scenic areas and scenic corridors by recognising their individual scenic values and develop measures to ensure that use and development respects, and is sensitive to, the character and quality of those scenic values.
3. Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development:
 - a) relies specifically on being located within significant landscape;
 - b) has considerable social, economic and environmental benefits; and
 - c) includes specific measure to minimise the impact on significant landscapes.
4. Promote the retention and natural revegetation of degraded sites that will contribute to the overall improvement of the scenic quality of a significant landscape, scenic area or scenic corridor, where vegetation cover is an element of the scenic quality.

2.4.4 Implementation Guidelines

None specified.

2.5 Coasts

2.5.1 Application

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

2.5.2 Objective

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

2.5.3 Strategies

1. Protect natural coastal processes and coastal landforms from use and development that will prevent natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise, unless engineering or remediation works are required to protect land, property, infrastructure and human life.
2. Strengthen the resilience of coastal processes to climate change by reducing threats and protecting the natural coastal environment, such as wetlands, estuaries, marine-protected areas, sand dunes, cliff tops, beaches, native vegetation, and other important habitats.
3. Identify coastal areas that can support the sustainable use and development of recreation, tourism, boating infrastructure (jetty wharfs), marine industries, ports and other land use that explicitly rely on a coastal location while minimising the impacts on coastal values.
4. Support the location of use and development on the coast that:
 - a) promotes the maintenance of biodiversity, ecological functions, natural coastal processes and coastal resources; and
 - b) complements or enhances the coastal environment in terms of its landscape, amenity and cultural values.

2.5.4 Implementation Guidelines

None specified.

3.0 Environmental Hazards

3.0.1 Principles and Policy Context

Environmental hazards are a natural part of the Tasmanian landscape. Significant environmental hazard events, or natural disasters, have the potential to impact people, property, infrastructure, the economy and the natural environment.

Traditionally governments have focussed attention on emergency response and recovery from natural disasters and typically overlooked mitigation strategies. As a result of enquiries into natural disasters in recent decades, governments are focussing more attention on building community resilience and capacity to prepare for environmental hazards and include regulatory measures to reduce their associated impact. Environmental hazard management and policy is now delivered through a range of institutions at a range of scales, from international to local.

Land use planning is one of the tools available to government to help reduce the impact of environmental hazards. From a strategic perspective, land use planning can identify land that is subject to hazards and avoid zoning that land for incompatible purposes thereby directing inappropriate development away from high-risk areas. Regulation through statutory planning provisions can ensure specific developments incorporate hazard protection or mitigation measures, such as adequate water supply for firefighting in a bushfire-prone area, to reduce the risk of harm caused by environmental hazards. It can also support the necessary emergency responses and community recovery from events by facilitating the provision of emergency and community infrastructure.

While the planning system has a role to play, it is also limited in what it can achieve. It cannot apply retrospectively to address planning decisions that were made under former planning regimes but it can provide for current and future land use planning decisions to respond to risks.

Planning is one component of an integrated system that operates in conjunction with others to reduce the risks arising from natural disasters from occurring and reduce the risk of harm caused by these events. For example, The *Mineral Resources Development Act 1995* regulates the management of landslip hazards and controls are imposed under the *Building Act 2016*, *Building Regulations 2016* and associated Determinations issued by the Director of Building Control. The *Land Use Planning and Approvals Act 1993* provides guidance on addressing issues relating to natural and environmental hazards including public health, public safety or other prescribed circumstances. Also, the *Environmental Management and Pollution Control Act 1994* include provisions to protect and enhance the quality of the environment to prevent any adverse impact and maintain environmental quality.

The Environmental Hazards TPP seeks to consider hazards early in the planning system which will assist in protecting life and property, reducing the financial and emotional cost to the community and decreasing the burden for emergency management caused by environmental hazards. To achieve this, the TPPs apply the following set of principles to drive the planning policy response to environmental hazards:

- prioritise the protection of human life;
- support disaster resilience of communities;
- identify and map the environmental hazard;

- avoid designating land for incompatible use or development in hazard prone areas;
- use and development, including intensification of existing use and development, does not increase the risk of environmental hazards or the harm caused by environmental hazards;
- hazard mitigation measures are to be applied to use and development exposed to unacceptable levels of hazard risk to reduce that risk to a tolerable level;
- hazard mitigation measures must consider the impacts on other identified values; and
- regulation of use and development in areas subject to environmental hazards will reflect the level of exposure to the risk of harm caused by the environmental hazard.

3.0.2 Climate change statement

Significant changes in seasonal and regional rainfall patterns, an increase in rainfall intensity and associated flooding, higher average and more extreme temperatures, and longer, more intense fire seasons will impact the frequency and intensity of hazard events.

Tasmania's coastal zone is projected to be impacted by rising sea levels and an increase in the frequency and intensity of storm events. This will exacerbate the impacts from coastal hazards such as coastal erosion and inundation.

The Tasmanian Government has developed sea level rise planning allowances for all coastal municipalities, and statewide mapping of natural hazards including, coastal erosion and inundation, and bushfire risk.

These measures demonstrate how land use planning can contribute to climate resilience, enable adaptation to the risks from a changing climate, minimise risks from natural hazards to settlements and built form, and support the health and safety of communities in the long-term.

By managing the risks from a changing climate and building a climate-resilient economy, the economic and ecological impacts from extreme weather events can be reduced, and impacted communities can recover faster.

With advancements in GIS and greater access to evidence-based data relating to future climate change scenarios, land use planning, through the guidance of the Environmental Hazards TTP, can:

- identify and map risks from natural hazards and avoid locating incompatible use and development in areas subject to risk;
- strategically consider how risks are best managed;
- apply climate change adaptation responses through statutory provisions; and
- consider protective works.

3.1 Bushfire

3.1.1 Application

Statewide.

3.1.2 Objective

To prioritise the protection of human life and to support the resilience of settlements and communities by reducing the potential impacts of bushfire on life, property and infrastructure.

3.1.3 Strategies

1. Identify and map land that is exposed to bushfire hazards.
2. The protection of human life from harm caused by bushfire will be considered and prioritised at every stage of the planning process.
3. Avoid designating land for purposes that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks.
4. Where it is not practical to avoid bushfire hazards, use and development is to:
 - a) identify the risk of harm to human life, property and infrastructure caused by bushfire;
 - b) incorporate bushfire protection measures that manage the identified risk and reduce it to within a tolerable level; and
 - c) provide a higher level of risk mitigation for uses deemed particularly vulnerable or hazardous.
5. Support the efficient and safe intervention of firefighting personnel and emergency evacuation.
6. Facilitate the provision of firefighting infrastructure and support emergency services and the community to prevent, respond and recover from bushfire events.
7. Avoid future use and development that will increase the exposure to bushfire risks for existing use and development, especially uses deemed to be particularly vulnerable or hazardous.
8. When designating land for particular purposes and considering use and development in areas subject to bushfire hazards:
 - a) consider the impacts of implementing future bushfire protection measures on environmental values and the cost to the community associated with defending properties from bushfire; and
 - b) avoid locations that require bushfire hazard management to be undertaken on land external to the site where that land is publicly owned and managed for conservation purposes.
9. Allow the implementation of bushfire protection measures that are carried out in accordance with an endorsed plan, including hazard reduction burns.

10. Identify and plan for the potential impacts of future bushfire conditions as a result of climate change based on the best available scientific evidence.

3.1.4 Implementation Guidelines

None specified.

3.2 Landslip

3.2.1 Application

Statewide.

3.2.2 Objective

To reduce the risk to people, property and the environment from the adverse impacts of landslip hazards.

3.2.3 Strategies

1. Identify and map susceptibility to landslip hazards, including consideration of the impacts of predicted climate change induced increased rainfall and sea level rise on landslip hazards.
2. Use and development on land at risk of landslip, including the provision of utilities, is of a type, scale and in a location that avoids triggering or exacerbating the risk of landslip.
3. Avoid designating land that is more susceptible to landslip hazards for purposes that have the potential to expose people and property to landslip hazard where it does not achieve and maintain a level of tolerable risk from landslip.
4. Avoid designating land for use and development that involves significant soil disturbance, major construction or adding significant quantities of water to soil on land that is identified as being prone to landslip hazards, unless hazard reduction or protection measures can be applied to demonstrate that the risk of harm to people and property associated with the landslip hazard is tolerable.
5. Promote use and development that maintains or enhances the protective function of landforms and vegetation that can mitigate risks associated with landslip hazards.
6. Ensure the risk to human life and property resulting from use and development on land that is more susceptible to landslip hazards is identified and addressed through hazard reduction or protection measures that reduce the level to a tolerable risk.

3.2.4 Implementation Guidelines

None specified.

3.3 Flooding

3.3.1 Application

Statewide.

3.3.2 Objective

To minimise the impact of flood hazards that have the potential to cause harm to human life, property and infrastructure and to reduce the cost to the community as a result of flood events.

3.3.3 Strategies

1. Identify and map land that is subject to flooding based, as a minimum, on land inundated by the 1% Annual Exceedance Probability (AEP), or an alternative as determined by the State Government in response to climate change.
2. Avoid designating land for purposes that provide for incompatible use and development to be located on land that exposes people, property and infrastructure to flood hazards that cannot achieve and maintain a level of tolerable risk from flood.
3. Consider and plan for the cumulative impacts of use and development on flooding behaviour.
4. Maintain a level of tolerable risk from flood by avoiding locating, or intensifying, incompatible use and development on land subject to flood hazards.
5. Avoid locating use and development on land subject to flood hazards, where a level of tolerable risk cannot be achieved and maintained, that involves:
 - a) the storage of hazardous materials that if impacted by flooding may result in the release of materials, increasing the risk to public health and the environment caused by the flood hazards;
 - b) activities where vulnerable people are gathered, who may not be able to respond, evacuate or protect themselves in the event of a flood; and
 - c) public infrastructure that is required to be functional to assist in the delivery of emergency responses during and in the recovery phase of a flood event.
6. Where incompatible use and development cannot avoid being located on land subject to flood hazards, hazard reduction and protection measures must be considered and, where appropriate, incorporated into the planning and ongoing functioning of the use and development to reduce the level of risk to people, property and infrastructure to a tolerable risk level.
7. Consider and support use and development that will assist in managing emergency responses and recovery to flood events including the provision of, and safe and efficient access to, evacuation centres, emergency accommodation and medical

centres.

8. Support the development of flood mitigation infrastructure that has the capacity to lower the risk of flood hazards and provide greater protection to human life, property and infrastructure, if:
 - a) the flood hazard is not diverted to an area that will expose people, property and infrastructure to an increased risk of harm where a level of tolerable risk cannot be achieved and maintained;
 - b) the impact on environmental values are considered and minimised;
 - c) the cost to the community is considered and minimised; and
 - d) careful consideration is given to the appropriateness of intensifying the use and development of the area being protected to avoid exposing additional people, property and infrastructure to flood hazards, especially considering the unpredictability of climate change induced flood events.
9. Consider any upstream dam infrastructure when strategically planning land use to protect the impacts on human life, property, critical infrastructure and community assets as a result of potential dam failure.

3.3.4 Implementation Guidelines

None specified.

3.4 Coastal Hazards

3.4.1 Application

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

3.4.2 Objective

To minimise the risks associated with coastal erosion and coastal inundation caused by climate change induced sea level rise by incorporating avoidance, mitigation and adaptation strategies into land use planning.

3.4.3 Strategies

1. Identify and map land that is subject to coastal erosion and coastal inundation, based on a projected sea level rise of not less than 0.8 metres by 2100 or the latest adopted State Government sea level rise measurements, that considers the effects of coastal processes, geology, topography, storm surges and tides on the rate and extent of coastal erosion and coastal inundation.
2. Avoid designating land for purposes that provide for incompatible use and

development to be located on land that exposes people, property and infrastructure to coastal hazards that cannot achieve and maintain a level of tolerable risk from coastal erosion or coastal inundation.

3. Avoid incompatible use and development of land subject to coastal erosion or coastal inundation where a level of tolerable risk cannot be achieved and maintained, or that is not feasible or desirable to be located elsewhere, unless the use and development is:
 - a) dependent on a coastal location;
 - b) temporary, readily locatable or able to be abandoned;
 - c) essential public infrastructure; or
 - d) minor redevelopment or intensification of an existing use involving a building or structure that cannot be relocated or abandoned.
4. Where incompatible use and development cannot avoid being located on land subject to coastal erosion or coastal inundation, hazard reduction and protection measures must be considered and, where appropriate, incorporated into the siting, design, construction and ongoing functioning of the use and development to reduce the level of risk to people, property and infrastructure to a level of tolerable risk.
5. Promote strategic responses for existing settlements that are at risk of being impacted by coastal erosion or coastal inundation by considering the effectiveness and the social, environmental and economic viability of one, or a combination, of the following strategic responses:
 - a) adaptation to changing conditions over time;
 - b) planned retreat; and
 - c) protective works.
6. Avoid use and development that will;
 - a) increase the rate of coastal erosion or coastal inundation; or
 - b) increase the risk of exposing existing people, property or infrastructure to coastal erosion or coastal inundation, especially vulnerable and hazardous uses.
7. Encourage coastal defences that work with natural processes to protect assets or mitigate coastal erosion and coastal inundation risks where possible.
8. Facilitate the provision of engineered coastal defences to protect community assets from coastal inundation and coastal erosion, where the social, environmental and economic considerations are included in the planning and decision-making process.

3.4.4 Implementation Guidelines

None specified.

3.5 Contaminated Air and Land

3.5.1 Application

Statewide.

3.5.2 Objective

To consider the impacts of past, present and future land use and development that has involved, or is proposed to involve, potentially contaminating activities, and to minimise the risk of harm to human health, property and the environment arising from exposure, or potential exposure, to contaminants or nuisances caused by those activities.

3.5.3 Strategies

1. Identify and map land that has been used, or is being used, or has been affected by use and development involving potentially contaminating activities.
2. Avoid allowing incompatible use or development on contaminated or potentially contaminated sites, unless remediation works, protection measures and a site assessment demonstrates the land is suitable for the future intended use and development.
3. Avoid land use conflict by applying and maintaining appropriate separation between potentially contaminating activities and incompatible use.

3.5.4 Implementation Guidelines

None specified.

4.0 Sustainable Economic Development

4.0.1 Principles and Policy Context

The Sustainable Economic Development TPP focuses on identifying and supporting our economic advantages, to deliver economic growth in a socially and environmentally responsible way.

Tasmania's natural resources underpin our economic prosperity. Our fertile soils, mild climate and reliable rainfall provide opportunities in the agricultural sector while our pristine air quality, unique landscapes and ecological diversity attract visitors from around the world. Our proximity to Antarctica and the Southern Ocean provides advantages to attract research, accessing and servicing opportunities. Our world-class wind, deep hydro storages and 100% renewable-energy status provide opportunities to attract industry looking for clean energy and have been identified as a key economic and emissions reduction driver both for Tasmania and Australia.

While our geographic location has advantages, it also presents some economic challenges. Being the only island state of an island nation, Tasmania's isolation from mainland Australia and

the rest of the world puts us at an economic disadvantage in an era of globalisation and globalised economies. Our physical distance from the northern hemisphere and Asian markets adds to complexities for maintaining competitive in trading commodities and accessing markets. In addition, our ageing population is likely to present future economic challenges through a decline in the skilled workforce.

While the planning system alone cannot drive the State's sustainable economic growth, it still has an important role to play. We will remain geographically isolated but we can plan for and support the provision of digital infrastructure, to ensure our businesses have access to online global markets. Planning for ports and strategic transport networks can improve efficiency in physically accessing global markets. It can also facilitate infrastructure development in areas best aligned with environmental, social and economic values, provide for strategic co-location of new infrastructure with existing infrastructure and promote circular economies.

Similarly, planning cannot prevent the declining workforce. However, it can support the creation of liveable cities that encourage migration and the retention of our young adults. It can also support the establishment of higher education institutions that are easily accessible, which also helps increase the skilled workforce.

The Sustainable Economic Development TPP supports economic activity through the planning system by embedding the following principles:

- allocating sufficient land in appropriate locations to support various economic activities;
- protecting allocated land from incompatible use and development;
- supporting the efficient use of infrastructure and coordinated delivery of new infrastructure, including digital infrastructure;
- identifying and supporting emerging and innovative industries;
- promoting diversification to strengthen the resilience of the economy; and
- protecting the resources and values that are relied on for sustainable economic development.

The Sustainable Economic Development TPP provides initiatives to guide economic growth in our agriculture, tourism, renewable energy, industry, extractive industries, business and commercial and research and innovation industries. It provides for flexibility in responding to new opportunities and changing economic conditions, supporting a diverse and more resilient economy.

4.0.2 Climate change statement

Tasmania's economy is likely to face challenges as a result of the predicted effects of climate change however, we also have some significant advantages. Our greenhouse gas emissions profile is unique among Australian jurisdictions, due to a high proportion of renewable energy generation and high levels of carbon sequestration from the State's managed forest estate

Each economic sector in the Sustainable Economic Development TPP will be impacted differently by climate change and will need to respond to issues as they emerge. For example,

the agricultural sector will need to reconsider traditional crops and favour those that respond better to warmer conditions. Areas that may have been ideal for low chill varieties of fruit may need to consider trials and progressive replacement of orchards. Primary production is also at risk from increased storm damage, unpredictable rainfall and more extreme high temperature events.

While it is difficult to predict the range and extent of the potential impact climate change will have across all economic sectors, land use planning can play a strategic role in facilitating economic resilience and help to address the impacts and causes of climate change.

The Sustainable Economic Development TPP addresses these issues by:

- protecting agricultural resources and promoting diversification within the industry which will help the industry respond to changing climatic and economic conditions;
- promoting efficient use and consolidation of land, infrastructure and transport networks to reduce emissions;
- supporting innovation and research opportunities to diversify and contribute to a more resilient economy; and
- supporting opportunities for greater economic self-sufficiency and circular economies to help reduce the impact of unexpected, external forces on the economy.

4.1 Agriculture

4.1.1 Application

Statewide.

4.1.2 Objective

To promote a diverse and highly productive agricultural sector by protecting agriculture land and the resources on which agriculture depends, while supporting the long-term viability and growth of the agricultural sector.

4.1.3 Strategies

1. Identify agricultural land, and potential agricultural land, and apply contemporary land capability classification mapping systems, that includes access to irrigation water as a criteria of land capability, that identifies and maps the capability of land to sustain long term agricultural uses as a criteria, including under forecast climate change scenarios.
2. Protect land with agricultural capabilities by designating it specifically for agricultural use and development or for purposes that prevent the permanent loss or conversion of the land's agricultural potential.

3. Allow compatible land uses to operate on agricultural land, where they do not cause unreasonable fettering or fragmentation and minimises the sterilisation of agricultural land.
4. Protect land with significant agricultural capabilities, and agricultural land within irrigation districts, by affording them the highest level of protection from fettering, fragmentation or conversion to non-agricultural uses.
5. Prevent fettering of agricultural land by considering the impacts of agricultural uses on surrounding future use and development to prevent land use conflict and protect the productivity and viability of agricultural uses.
6. Protect the viability of agricultural uses by preventing the fragmentation of agricultural land.
7. Protect agricultural land by avoiding the permanent conversion of agricultural land to non-agricultural land uses unless:
 - a) the scale of the conversion or sterilisation is minor in terms of the overall agricultural operation of the site;
 - b) the conversion contributes to the viability of the agricultural use on the site; and
 - c) the proposed use will not cause land use conflict, fetter or impact the viability of the surrounding agricultural uses.
8. Support diversification and value-adding of the primary industries sector by supporting effective agricultural production and processing, innovation in rural industries and farm-related retailing and agritourism that is ancillary to the principal use, to enable sustainable growth of the sector and strengthen its ability to adapt to climate change, natural disasters and market challenges.
9. Allow residential use where it is part of, or supports, an agricultural use, such as workers' accommodation, where it does not unreasonably fetter, fragment or convert agricultural land uses.
10. 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.
11. Facilitate the provision and protection of infrastructure that supports the diversification and improved productivity of the primary industries sector.
12. Protect the viability of upstream dam infrastructure when strategically planning land use and development.

4.1.4 Implementation Guidelines

None Specified.

4.2 Extractive Industry

4.2.1 Application

Statewide.

4.2.2 Objective

To identify and protect existing and potential extractive industry resources, and supporting infrastructure, to facilitate economic growth and support efficient infrastructure and urban development.

4.2.3 Strategies

1. Identify and protect key resource areas and deposits, including areas of known mineral resources and strategically important construction materials, such as sand.
2. Protect existing extractive industries from encroachment by residential and other incompatible use.
3. Support the long-term viability of existing operations and access to future mineral resources.
4. Enable the provision and protection of supporting infrastructure for extractive and related resource industries so that access can be facilitated and maintained.
5. Support future mineral extraction on land available for mineral exploration by, prior to designating the land for a purpose that removes the ability of that land to be used and developed for mineral extraction, consideration of the following:
 - a) the nature and scale of the mineral resource;
 - b) the viability of extracting the mineral resource; and
 - c) the social, economic and environmental benefits of the mineral resource compared to that of the alternative land use.
6. Plan for and encourage the use of suitable mineral resources that can provide for a viable resource supply to be extracted consistent with relevant planning policies, considering:
 - a) the benefits to the community;
 - b) the provision of energy and infrastructure;
 - c) access to a skilled workforce;
 - d) risks to public health and safety are managed to within acceptable levels; and
 - e) environmental impacts are minimal.
7. Facilitate the provision of housing and services to support mining employees and their families in remote settlements.

4.2.4 Implementation Guidelines

None specified

4.3 Tourism

4.3.1 Application

Statewide.

4.3.2 Objective

To promote the sustainable development of the State's tourism industry.

4.3.3 Strategies

1. 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:
 - a) visitor demand and forecast trends of visitation across the State;
 - b) existing supply of tourism product, services and infrastructure;
 - c) appropriateness of the scale and nature of the tourism use;
 - d) the impact on the environmental, landscape, intrinsic and local character values of the place;
 - e) the use and development being displaced;
 - f) alignment with and promotion of the Tasmanian brand;
 - g) alignment with regional destination plans supporting the visitor economy;
 - h) the contribution to the local, regional and State economy; and
 - i) integration with the local community.
2. Promote tourism use and development that protects, is compatible with and builds on the assets and qualities of the events, activities and attractions underpinning them.
3. Ensure visitor accommodation does not significantly impact the supply of housing for the local community.
4. Support unique, diverse and innovative tourism experiences that support the Tasmanian brand.
5. Facilitate the provision of infrastructure, housing and services, where appropriate, to support tourism and hospitality employees, to meet the demand for, and support the growth of, sustainable tourism use and development.
6. Identify and protect attributes that attract and enhance tourism experience.
7. Prevent the cumulative impacts of tourism use and development from unreasonably detracting from how the local community engages and identifies with their local surrounds.

8. Promote growth and investment in recreational, art and cultural activities that attracts tourism growth and supports the local community's access to these facilities.
9. Promote the integration of tourism infrastructure into activity centres to support and reinforce the economic function of activity centres.

4.3.4 Implementation Guidelines

None specified.

4.4 Renewable Energy

4.4.1 Application

Statewide.

4.4.2 Objective

To promote renewable energy use and development to support economic and employment opportunities and strengthen the State's economy, while also supporting emissions reduction.

4.4.3 Strategies

1. Identify renewable resource areas to prioritise the location of renewable energy use and development within areas that have been strategically identified for future renewable energy use and development taking into consideration:
 - a) the quality of the energy resource;
 - b) economic and social value;
 - c) investor interest; and
 - d) environmental, cultural heritage and land-use constraints.
2. Identify and plan for supporting transmission infrastructure required to connect renewable resource areas to the existing network, taking into consideration the ancillary infrastructure that may be required to provide for a reliable and secure network.
3. Recognise the quality and diversity of Tasmania's renewable energy resources and the role it can play in limiting greenhouse gas emissions and supporting the transition to national low carbon economy through existing and future interconnection to Tasmania.
4. Facilitate local, neighbourhood and specific site renewable energy generation, including the potential use of green hydrogen, to help diversify the local economy, improve sustainability outcomes and build resilience and diversification around energy supply.
5. Support infrastructure enabling distributed energy resources.

6. Facilitate the provision of housing, including temporary housing, required to accommodate workers, particularly during the construction phase, to support the development of renewable generation sources within regional areas.

4.4.4 Implementation Guidelines

None specified.

4.5 Industry

4.5.1 Application

Statewide.

4.5.2 Objective

To protect industrial land, facilitate sustainable industrial use and development and ensure there is sufficient availability of suitable industrial land to meet the existing and future needs of Tasmania.

4.5.3 Strategies

1. Regional Land Use Strategies should identify and allocate land within urban growth boundaries that is suitable for industrial use and development, considering:
 - a) analysis of industrial activities and land supply at a regional or metropolitan level, including existing available land, potential for growth within, or adjacent to, existing centres, and the nature of current and future industrial activities;
 - b) topography and physical site constraints;
 - c) compatibility of surrounding land use;
 - d) provision of adequate buffer areas to separate incompatible uses;
 - e) access to workforce;
 - f) supply chain relationships, including freight patterns, and proximity to existing freight networks, including high productivity and key local freight roads;
 - g) the ability to and cost of, servicing with physical infrastructure; and
 - h) avoidance of environmental hazards and environmental values.
2. Regional Land Use Strategies should provide for at least a 15 year supply of industrial land, that is located within urban growth boundaries, that is based on projected demand to meet the economic needs of Tasmania.
3. Enable industrial use and development, outside urban growth boundaries, where:
 - a) the use is resource dependent, including, but not limited to, abattoir, onshore

marine farm or sawmill, and required to be located with the resource to provide for more sustainable outcomes;

- b) high impact industrial use warrants separation from settlements;
- c) the land has formerly been developed and is no longer being used to its full capacity, such as a brownfield site, and is proposed to be re-purposed for industrial use and development; or

- d) the land is identified as being strategically located, such as having access to supporting infrastructure or freight routes and has State or regional industrial importance; and
 - e) environmental hazards and the impact on environmental values are avoided or can be appropriately managed.
- 4. Protect existing and future industrial land from encroachment by incompatible use and development.
- 5. Where appropriate, protect land surrounding industrial estates by designating it for a compatible land use that does not prejudice the future availability of that land for industrial use and development.
- 6. Encourage the co-location of similar industrial uses within existing or future strategic industrial precincts.

4.5.4 Implementation Guidelines

None specified.

4.6 Business and Commercial

4.6.1 Application

Statewide.

4.6.2 Objective

To promote business and commercial activities at a scale and intensity suited to the location to support diverse economic and employment opportunities and strengthen the State's economy.

4.6.3 Strategies

- 1. Regional Land Use Strategies should identify and allocate a sufficient supply of land within existing settlements or areas identified for future growth of settlements, to provide for commercial and business use and development based on existing and projected demands, considering:
 - a) the nature and scale of the catchment being serviced;
 - b) consumer demand and demographic forecast;
 - c) efficient use of existing infrastructure;
 - d) accessibility to existing transport networks and services;
 - e) access to employees;
 - f) activity centre hierarchy; and
 - g) regional settlement hierarchy.

2. Regional Land Use Strategies should identify an activity centre hierarchy that is based on the scale, role, function and accessibility of activity centres.
3. Support the activity centre hierarchy by promoting complimentary use and development to strengthen efficiencies within activity centres and avoid unnecessary competition between activity centres.
4. Encourage the intensification and growth in, and around, higher order activity centres that are highly accessible and which promote the efficient use of infrastructure and services.
5. Support the redevelopment of commercial and business use and development in existing activity centres prior to considering the establishment of new activity centres, unless it is a natural progression of the existing activity centre and is highly accessible to its catchment of users.
6. Avoid locating activity centres outside urban or settlement growth boundaries.
7. Support home-based businesses where the impact does not cause an unreasonable loss of residential amenity to the surrounding area.
8. Provide for small scale commercial or business opportunities in residential and industrial areas that meets the needs of local residents or workers, is conveniently located and, in the case of residential land, does not cause an unreasonable loss of residential amenity.
9. Support mixed use, including residential uses, in activity centres that are highly accessible and where the potential for land use conflict can be managed.

4.5.4 Implementation Guidelines

None specified

4.7 Innovation and Research

4.7.1 Application

Statewide.

4.7.2 Objective

To promote innovation and research, and the institutions and infrastructure that drives learning and prepares a skilled workforce, that will support existing and emerging opportunities and contribute to a diverse and resilient economy.

4.7.3 Strategies

1. Support the provision and expansion of logistics and digital infrastructure to promote the information and communications technologies (ICT) industry that provides opportunities to drive learning, productivity, innovation and access to

online global markets.

2. Support accessible and well-connected tertiary education and training institutions that fosters innovation and career diversity while supporting the existing and emerging needs of the State's employment sectors.
3. Promote existing and emerging innovation and research opportunities, especially those that promote Tasmania's assets, facilitates diversification of our economy, makes use of our geographical location and furthers our brand values, by providing planning mechanisms that are adaptive and flexible to respond competitively to opportunities as they arise.
4. Provide for precinct planning that allows for collaborations between industry, science, research and education institutions to be co-located to facilitate and promote learning, on the job training, collaboration and shared access to resources.
5. Support opportunities for greater economic self-sufficiency, diversification and circular economies to help reduce the impacts of external forces on the State economy.

4.7.4 Implementation Guidelines

None specified.

5.0 Physical Infrastructure

5.0.1 Principles and Policy Context

Tasmania has extensive physical infrastructure networks, across transport, water and sewerage, energy and telecommunications. These networks underpin a wide range of social, environmental and economic outcomes for the State, including population growth, sanitation, job creation, productivity improvements, efficient market access and community connectivity.

Physical infrastructure assets have a long-life span and are expensive to provide and maintain. Maximising the outcomes of these assets requires long-term planning and a sound evidence base. Physical infrastructure planning must consider the many factors influencing why, where and when infrastructure is provided, for example, demographics, economics, climate, and technological change and how the infrastructure is currently or likely to be used.

Land use planning has a direct impact on infrastructure efficiency, safety and performance. It is important that use and development aligns with the function and capacity of existing infrastructure, protects key assets from encroachment by incompatible use and protects current and future infrastructure corridors.

Economies of scale are critical to infrastructure delivery. Where possible, land use planning frameworks should facilitate the consolidation of use and development in locations close to key and existing infrastructure and services.

Land use planning should be flexible in responding to changes in community preferences, technology and demand affecting the type of infrastructure required and how it is used.

5.0.2 Climate change statement

The projected changes to the State's climate can affect the lifespan and viability of infrastructure networks and assets.

Older infrastructure was typically designed before climate change was accepted and understood. Greater extremes and longer periods of higher temperatures, and more violent weather events, will impact the capacity of these older systems. Combined with wear and tear over time and changes in technology, many forms of infrastructure will need to be adapted, or replaced.

Climate-resilient infrastructure refers to how well infrastructure networks and assets continue to function while under greater stress, including the ability to withstand, and recover from, natural hazards made worse by climate change. The TPPs can promote climate-resilient infrastructure by:

- minimising the need for future adaptation by considering the best available climate science to inform decision-making early in the planning process;
- identifying and mapping current and projected areas subject to hazards, such as coastal erosion and inundation, flooding and bushfire;
- strengthening the framework for identifying appropriate location of land use and development; and
- inclusion of risk mitigation measures.

The Physical Infrastructure TPP supports the provision of well-planned and well-designed infrastructure that can reduce emissions and take advantage of emerging opportunities in a low-emissions future by:

- enabling the sustainable development of existing and emerging low-emissions technologies (for example: renewable energy generation and renewable hydrogen), and ensuring development is planned for in an appropriate manner;
- protecting the efficiency and functioning of freight routes and strategic transport networks;
- Supporting integration of infrastructure providers' strategic planning into land use planning strategy and decision making;
- supporting the uptake of low and zero emissions vehicles¹ by enabling the siting of charging and refuelling infrastructure in developments and the public domain; and
- better sharing of road space to support increased uptake of more sustainable transport modes.

5.1 Provision of Services

5.1.1 Application

Statewide.

5.1.2 Objective

To promote the efficient, effective, sustainable and safe delivery of services including reticulated water and sewerage, stormwater management, electricity, gas, telecommunications and recycling and waste management.

5.1.3 Strategies

- I. Regional Land Use Strategies should identify, allocate and protect a sufficient amount of appropriately located land to accommodate infrastructure that will provide for the existing and future service needs of the community.

¹ Low emissions vehicles include plug-in hybrid electric vehicles, battery electric vehicles, and hydrogen fuel cell electric vehicles.

2. Regional Land Use Strategies should identify whether existing infrastructure has the capacity to deliver services to accommodate growth and prioritise designating land use for the purpose of making efficient use of that available capacity.
3. Where there is no infrastructure, available infrastructure capacity or non-infrastructure solution, promote the most logical and cost-effective solution to deliver services to growth areas.
4. Support the installation and/or upgrading of infrastructure to deliver services that meet the future long-term needs of the community.
5. Facilitate developer contributions to service new use and development to be transparent, fair and reasonable, providing for equity between users.
6. Provide an integrated approach to the planning and engineering design of new subdivision and subsequent use and development, promoting the coordinated and efficient provision of infrastructure.
7. Provide for reticulated sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
8. Provide for reticulated electricity supply at the time of subdivision or ensure lots created by the subdivision are capable of accommodating an alternative source of power adequate for the future use and development of the land.
9. Protect significant existing and future water, gas, electricity, sewerage, drainage and telecommunications infrastructure assets and waste disposal and resource recovery facilities, sites and infrastructure corridors from sensitive and incompatible use and development encroaching those assets, facilities, sites or corridors.
10. Encourage the siting, design, management and rehabilitation of waste disposal facilities to prevent or minimise contamination of groundwater and surface waters, litter, odour, dust and noise.
11. Facilitate access to a variety of recycling stations to encourage community participation in recycling and waste reduction.
12. Support the provision of contemporary telecommunications and information technology that are widely accessible and meet the needs of business, industry, public infrastructure and domestic users.
13. Where appropriate, support the co-location of infrastructure to service use and development.

5.1.4 Implementation Guidelines

None specified.

5.2 Energy Infrastructure

5.2.1 Application

Statewide.

5.2.2 Objective

To protect electricity infrastructure, including infrastructure to support energy efficiency and renewable energy and provide for a safe, secure and reliable energy system to meet the needs of the community, businesses and industry.

5.2.3 Strategies

1. Protect existing energy infrastructure corridors and ancillary facilities from conflicting and incompatible land use and development.
2. Plan for and facilitate energy-related use and development (including ancillary facilities) in appropriate locations.
3. Support infrastructure required for distributed energy resources including rooftop solar, battery storage, at home electric vehicle chargers.
4. Contribute to improved energy efficiency through urban design and urban settlement pattern, and support for the use of alternative transport modes.

5.2.4 Implementation Guidelines

None specified.

5.3 Roads

5.3.1 Application

Statewide.

5.3.2 Objective

To plan, manage and maintain an integrated road network that supports efficiency, connectivity, travel reliability and safety.

5.3.3 Strategies

1. Identify and protect the following key road corridors from encroachment by incompatible land use and development:
 - a) Burnie to Hobart transport corridor, Tasmania's premier passenger and freight corridor, facilitating the movement of high volumes of people and heavy freight between major ports, intermodal hubs, population and industrial centres;
 - b) Key urban passenger transport corridors; and

- c) Last mile urban freight routes.
- 2. Identify and protect future road corridors.
- 3. Recognise the role of Tasmania's regional road network in providing connectivity and access between regional and rural communities, major production and processing centres and tourism destinations.
- 4. Support heavy vehicle access that is responsive to industry needs and appropriate to the use and function of a road.
- 5. Provide for new and upgraded road infrastructure on key urban and local corridors to allocate space for electricity infrastructure, public transport, walking and cycling modes.
- 6. Provide for land use planning frameworks and decisions to support, and be informed by, road investment programs.
- 7. Support the targeted expansion and improvement of the urban road network based on future use, safety, and in response to strategic urban growth corridors.
- 8. Provide for road networks to be protected from incompatible use and development.
- 9. Minimise the environmental, heritage and social impacts associated with new and upgraded transport infrastructure and services.

5.3.4 Implementation Guidelines

None specified.

5.4 Transport Modes

5.4.1 Application

Generally applied statewide, with a focus on urban areas.

5.4.2 Objective

To support a safe, reliable, efficient and accessible passenger transport system that provides people with modal choice and is well integrated with land use.

5.4.3 Strategies

- 1.  Support integrated land use and infrastructure and network planning that increases mode choice to access employment, essential services and community participation.
- 2. Promote medium to high density development and mixed use in proximity to high frequency passenger transport corridors.

3. Integrate land use with existing and planned passenger transport infrastructure and services.
4. Identify and protect key sites required to support the expansion of public transport services and modes.
5. Provide an active transport network within key urban areas that is integrated across State and local government networks, and which includes dedicated infrastructure, appropriate signage, and end of trip facilities.
6. Encourage public transport corridors to be supported by active transport networks and bus stops that are safe, accessible and provide for better passenger amenity.
7. Provide for subdivision design that:
 - a) supports efficient and effective public transport access;
 - b) encourages walking and cycling, with the provision of appropriate and direct site-through links; and
 - c) considers the subsequent, and surrounding, use and development, promoting the coordinated and efficient provision of passenger transport systems.
8. Locate developments that attract high numbers of people within existing activity centres, in areas adjacent to major urban public transport corridors or in areas that support the logical extension of existing public transport services.
9. Support the targeted expansion and improvement of public transport services, and supporting infrastructure, based on travel demand, including latent demand, and in support of strategic urban growth corridors.
10. Encourage land use planning frameworks that can support and adapt to changing passenger transport needs, modal options, and technologies.
11. Recognise carparking as a key travel demand management measure, and appropriately manage carparking provision to support a modal shift.
12. Provide infrastructure to support the use of electric vehicles, including a public network of high-quality EV charging stations, and the inclusion of 'electric vehicle ready' carparking as part of new residential and commercial developments.

5.4.4 Implementation Guidelines

None specified.

5.5 Ports and Strategic Transport Networks

5.5.1 Application


Statewide.

5.5.2 Objective

To recognise and protect Tasmania's strategic freight system, including key freight networks,

ports, intermodal hubs and industrial estates.

5.5.3 Strategies

1.  Identify and protect existing and future freight infrastructure, industrial and distribution centres.
2. Promote use and development at and adjacent to the Burnie, Devonport, Launceston and Hobart ports, and the Brighton Transport Hub, that is compatible with proximity to a major port and reinforces the role of these ports as freight and logistics hubs.
3. Recognise the regional ports at Grassy, Lady Barron and Cape Barren as critical links in the freight supply chains of the Bass Strait Islands.
4. Protect key freight corridors and assets from encroachment by inappropriate land use and development.
5. Protect major airports by applying appropriate buffers that prevent the encroachment of incompatible use and development.
6. Support major airports by designating adjacent land to accommodate complementary use and development.
7. Locate industrial, freight and intermodal developments in areas with good access to existing, high-volume freight networks.
8. Protect the Burnie to Hobart freight corridor as Tasmania's premier land transport network for both road and rail.
9. Encourage land use planning frameworks that can support and adapt to a changing freight system, including changes to freight volumes and demand, and emerging technologies.
10. Provide appropriate zoning for major freight generating activities to support on-site operational efficiency.
11. Identify and safeguard locations along key freight corridors for heavy vehicle rest areas.
12. Recognise the strategic value of non-operational rail corridors.

5.5.4 Implementation Guidelines

None specified.

6.0 Cultural Heritage

6.0.1 Principles and Policy Context

Tasmania's cultural heritage is diverse and unique. It provides valuable insight into the lives of past generations and contributes to our identity and connection with place.

The Cultural Heritage TPP addresses Aboriginal Cultural Heritage values and non-Indigenous cultural heritage values. The land use planning response to Aboriginal and non-Indigenous cultural heritage differs to reflect the different ways these values are found in the landscape, recorded and managed. It also acknowledges the distinctive relationship and understanding Aboriginal people have of their heritage and aspirations for its conservation.

A core practical difference remains that non-Indigenous cultural heritage tends to be visible and known, and thus easily identifiable pre-emptively for protection, whereas much Aboriginal Cultural Heritage is often not formally identified until rediscovered, commonly in the course of development preparation.

Land use planning should acknowledge and respect the Tasmanian Aboriginal people as being the custodians of their living and enduring cultural heritage, seeking to improve its protection and where possible supporting ongoing Aboriginal Cultural Heritage practices. In the past the main or only emphasis has been on identifying Aboriginal Cultural Heritage at the development stage. The Cultural Heritage TPP seeks to rectify this by encouraging Aboriginal Cultural Heritage to be considered more strategically when land is being designated for particular use and development.

Tasmania also has a rich source of non-Indigenous cultural heritage which is represented in certain buildings, parts of buildings, places, precincts and landscapes. Often the best-preserved historical suburbs and towns are the places that attract us to visit, work and live.

The non-Indigenous component of the Cultural Heritage TPP addresses only local non-Indigenous cultural heritage values, as sites with State heritage significance are listed on the Tasmanian Heritage Register and are protected under the *Historic Cultural Heritage Act 1995*.

The underlying principle of the Cultural Heritage TPP is to promote early consideration of cultural heritage values in land use planning to manage and protect these values more efficiently and effectively.

6.0.1 Climate Change Statement

Tasmania's cultural heritage sites are located in a range of settings across the State. Like other aspects of our natural and built environments, they will be impacted by climate change.

Climate change will impact environmental processes which may affect the cultural heritage values of a site. For example, archaeological sites may be compromised because of changes in soil chemistry. Changes in the water table can affect older buildings and structures, and new pest species may threaten structures constructed with organic material.

This is in addition to the better understood threats of flooding, fire and heatwave. Increased thermal stress can accelerate the deterioration process, and increased periods under water threaten structural integrity. Some sites may be permanently lost due to sea level rise.

The management of cultural heritage sites requires consideration and response to the projected changes to Tasmania's environments. Management responses require site-specific approaches and a good understanding of the projected risks from natural hazards for a given location. Other components of the TPPs support this, particularly the Environmental Hazards

TPP.

While it is premature to accurately predict what, and how, cultural heritage sites might be impacted by climate change and therefore propose specific strategies to protect them, land use planning in general has a role to play by:

- providing spatial identification of cultural sites, and projected risks from natural hazards;
- ensuring the projected impacts of climate change on cultural heritage sites and practises is considered early in the planning process; and
- supporting processes to protect significant cultural heritage sites and practises.

6.1 Aboriginal Cultural Heritage

6.1.1 Application

Statewide.

6.1.2 Objective

Support the protection and Aboriginal custodianship of Aboriginal Cultural Heritage including places, objects and practices.

6.1.3 Strategies

1. Land use planning is to:
 - a) recognise, respect and accept that Tasmanian Aboriginal people are the custodians of their cultural heritage;
 - b) acknowledge that Aboriginal Cultural Heritage is living and enduring;
 - c) promote the protection of Aboriginal Cultural Heritage; and
 - d) support the protection and connection of Tasmanian Aboriginal people with country and the continuity of their practices and traditions.
2. Support the investigation of land for the presence of Aboriginal Cultural Heritage places and objects where that land is proposed to be designated for use and development that could potentially damage any identified places or objects.
3. Avoid designating land for incompatible land use and development where investigations identify, or it is known that there are, or highly likely to be, places or objects of Aboriginal Cultural Heritage.
4. Avoid use and development that has the potential to impact Aboriginal Cultural Heritage places or objects unless clear plans, agreed by the Tasmanian Aboriginal people, demonstrate remediation measures to limit the impact on the Aboriginal Cultural Heritage place or object.

5. Support Tasmanian Aboriginal people to identify, manage and, where appropriate, continue to use and culturally identify with, places of Aboriginal Cultural Heritage.

6.1.4 Implementation Guidelines

None specified.

6.2 Non-Indigenous Cultural Heritage

6.2.1 Application

Statewide

6.2.2 Objective

To support the identification and conservation of significant non-Indigenous local cultural heritage buildings and settings, part of buildings, infrastructure (for example bridges), places, precincts and landscapes and consider design responses that preserves cultural heritage values while allowing for appropriate adaptive reuse.

6.2.3 Strategies

1. Identify land that has historic archaeological potential and significance and avoid designating it for incompatible use and development that would damage the archaeological values until the significance of those values can be established and appropriately managed.
2. Identify buildings and settings, part of buildings, places, infrastructure, precincts and landscapes that contain significant non-Indigenous local cultural heritage values, describe the significance of those values and promote access to this information to ensure identified values are considered early in strategic and statutory planning processes.
3. Provide for the conservation of identified buildings and settings, part of buildings, infrastructure, places, precincts and landscapes that contain significant non-Indigenous local cultural heritage value.
4. Encourage compatible use and respectful (or sympathetic) adaption of buildings and settings, part of buildings, infrastructure, places, precincts and landscapes of significant non-Indigenous local cultural heritage value by promoting innovative and complimentary design responses that conserves, restores and retains cultural heritage values.
5. Support the retention of appropriate surrounding settings and site context that contributes to the significance of the non-indigenous local cultural heritage values of buildings, part of buildings, infrastructure, places, precincts and landscapes.

6.2.4 Implementation Guidelines

None specified.

7.0 Planning Processes



7.0.1 Principles and Policy Context

The Planning Processes TPP seeks to ensure that best practice, contemporary planning processes are adopted and applied in the planning system.

The *Land Use Planning and Approvals Act 1993* (the Act) is the primary legislation controlling most of land use planning in Tasmania. It establishes the framework for the development, assessment and implementation of various statutory instruments.

As such, the TPPs are subordinate to the provisions in the Act and cannot modify the planning processes that it specifies.



The planning system also relies on processes that either sit outside the Act, or are less explicit in the Act. For example, these processes include the preparation of local plans such as settlement strategies, structure plans and precinct plans that potentially inform RLUSs and LPSs. The Planning Processes TPP can support improved processes at this level of planning.

A fundamental element of land use planning is to understand the needs, expectations and values of the community. To obtain this information planners must engage with the community. At its best, meaningful engagement in planning allows the community to discuss issues, share experiences, expand their understanding, develop empathy with competing stakeholders and help find collaborative solutions that can be expressed through strategic and statutory planning processes.

However, not all people within the community share the same needs, expectations and values. The role of planning is to fairly and transparently evaluate these competing demands to deliver outcomes in the best interest of the broader community, balancing social, environmental and economic considerations. Strategically planning land use and development lowers the risk and likelihood of land use conflict by giving a structured process to handle disagreement, providing for the more sustainable use of land and resources

To achieve this, land use planning considers a variety of opinions and complex arguments to reach a mediated outcome. In trying to address concerns and to ensure desired outcomes are achieved, planning has been criticised for over regulation and 'red tape'. The Planning Processes TPP seeks to acknowledge the issue and responds by including strategies that seek to align the degree of regulation to the scale of the impact caused by the use and development.



7.0.2 Climate change statement

Resilience is the capacity to maintain function in the face of disturbance. Land use planning is a mechanism with considerable potential to improve social, economic and environmental resilience to climate change.

The scale of the transition facing the Tasmanian community is large. The impacts of climate change will not be evenly distributed amongst the community with the vulnerable being disproportionately affected. Planning processes that are collaborative, consultative, evidence based and responsive to change are essential for navigating an unpredictable future and taking care of the more vulnerable within the community.

Land use planning also plays a significant role in mitigating and adapting to climate change. Robust planning processes are required to achieve these responses. The Planning Processes TPP promotes consultation, strategic considerations of issues and collaborations between jurisdictions, and in doing so increases the capacity of the community to understand, respond and build resilience to climate change.

7.1 Consultation



7.1.1 Application

Statewide.

7.1.2 Objective

To improve and promote community consultation processes to ensure the community's needs, expectations and values are identified and considered in land use planning.

7.1.3 Strategies

1.  Facilitate the community's understanding of the planning system, land use planning issues and how they might be impacted, to encourage meaningful community consultation in land use planning.
2. Promote community consultation that is fair, inclusive, respectful and genuine, allowing people to express themselves freely and strengthening their confidence in participating in land use planning.
3. Support consultation processes, and the outcomes generated from them, that are informative and transparent.
4. Acknowledge that planning outcomes, derived through consultation processes, involves compromise and trade-offs that balance the community's social, economic and environmental interests. 

7.1.4 Implementation Guidelines

None specified.

7.2 Strategic Planning





7.2.1 Application

Statewide.

7.2.2 Objective

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

7.2.3 Strategies

1.  Avoid allowing use and development where the implications of that use and development on the environment, now and into the future, is not fully known or understood.
2.  Promote the identification, establishment and implementation of long-term land use planning priorities, that are environmentally sound, to strengthen inter-generational equity, allowing future generations to have access to the resources they need.
3. Strengthen the use of scientific-based evidence to make informed decisions about land use planning.
4. Promote the integration and coordination of land use planning with population strategies and social and physical infrastructure planning.
5. Promote collaboration and coordination between, and within, Commonwealth, State and local government to deliver integrated, efficient and effective planning outcomes.
6.  Facilitate coordinated approaches between public and private investment to achieve common planning goals.
7.  Adopt and implement best practice governance structures to provide strategic and innovative leadership within communities that will effectively inform land use planning.
8. Promote the regular review of land use strategies so that they remain current, adaptive and responsive to planning issues as they arise.

7.2.4 Implementation Guidelines

None specified.

7.3 Regulation






7.3.1 Application

Statewide.

7.3.2 Objective

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

7.3.3 Strategies

1. State Planning provisions are to be constructed to allow use and development that has little or no impact to proceed without requiring planning approval. 
2. Reduce planning regulation to the amount necessary to reflect, manage and be proportionate to , the level of impact caused by the use and development.
3. Support the maintenance of regulatory consistency unless there  is a demonstrated need that warrants deviation from that consistency.
4. Encourage mechanisms that allow for timely  adjustments in planning regulation for responses to, and recovery from, situations including, but not limited to, pandemic, climate change and emergency events.
5. Facilitate the coordination and rationalisation of regulation where there is consistency between planning and other jurisdictions. 

7.3.4 Implementation Guidelines

None specified. 

GLOSSARY

Active transport – means physical activity undertaken as a means of transport and includes travel by foot, bicycle and other non-motorised vehicles,

Activity centre – means a place that provides a focus for retail, commercial, services, employment, and social interaction in cities and towns.

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

AIDR – Australian Institute for Disaster Resilience.

Agricultural land – means all land that is in agricultural use, or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

Agricultural use – means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animal, excluding domestic animals and pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.

Agritourism – means a tourism-related experience that connects agricultural or aquaculture products, people or places with visitors on a farm, including marine farms.

Amenity – means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place of building harmonious, pleasant or enjoyable.

Assisted housing – means housing provided by an organisation for higher needs tenants or residents, including those with physical or intellectual disabilities, and may include associated support services.

Brownfield site – means underutilised, vacant or derelict former industrial or commercial land typically located in an urban environment and often characterised by contamination

Circular economy – means a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products as long as possible.²

Coastal protection work – means structure or works aimed at protecting land, property and human life from adverse impacts caused by erosion or inundation in the coastal zone.

² <https://www.europarl.europa.eu/news/en/headlines/economy/20151201STO05603/circular-economy-definition-importance-and-benefits>

Coastal Zone - means as described in section 5 of the State Coastal Policy Validation Act 2003.

Communal residence – means use of land for a building to accommodate persons who are unrelated to one another and who share some parts of the building such as a boarding house, residential college and residential care facility.

Community – means a social group with a commonality of association and generally defined by location, shared experience, or function and with a number of things in common, such as culture, heritage, language, ethnicity, pastimes, occupation, or workplace. (AIDR 2019)

Distributed energy resources – means consumer-owned devices that, as individual units, can generate or store electricity or have the 'smarts' to actively manage energy demand. This includes small-scale embedded generation such as residential and commercial rooftop photovoltaic systems (less than 100 kilowatts [kW]), non-scheduled generation (NSG, up to 30 megawatts [MW]), distributed battery storage, virtual power plant and electric vehicles.

Electricity Infrastructure - means anything used for, or in connection with, the generation, transmission or distribution of electricity including, but not limited to –

- (a) electricity generating plant; and
- (b) structures and equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation; and
- (c) powerlines; and
- (d) substations for converting, transforming or controlling electricity; and
- (e) equipment for metering, monitoring or controlling electricity;

Geodiversity – means 'the range (or diversity) of geological (bedrock), geomorphological (landforms) and soil features, assemblages, systems and processes'.³

Groundwater - means any water contained in or occurring in a geological formation.

Land – means as defined by the Act.

Liveability – means the degree to which a place is suitable or good for living in.

Physical infrastructure – means the basic physical structures required for an economy to function and survive, transportation networks, water supply, sewers, stormwater, waste disposal systems, power and telecommunications.

³ SHARPLES, C., 1995a: Geoconservation in forest management - principles and procedures; Tasforests, Vol. 7, p. 37 - 50, Forestry Tasmania, Hobart, Dec. 1995.
(<https://nre.tas.gov.au/Documents/geoconservation.pdf>)

Place-making – means a collaborative process that strengthens the connection between people and the places they share, to shape the public realm in order to promote community identity and maximise shared values and aspirations.

Potentially contaminating activities – means an activity listed in Table C14.2 [of the Tasmanian Planning Scheme] as a potentially contaminating activity that is not directly associated with and subservient to Residential [Use Class].

Resilience – means the ability of a system, community or society exposed to hazards to resist, absorb, accommodate, adapt to, transform and recover from the effect of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and function through risk management. (UNDRR 2017)

Sense of place – means the felt or meaningful character of a place that makes it distinctive as a place⁴.

Sensitive use – means a residential use or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school.

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

Social housing – means both housing provided by the government (public housing) and non-government organisations (community housing) with below-market rent prices.

Social infrastructure - 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 justice and public safety provisions, as well as arts, culture and recreational facilities.⁵

Tolerable risk – means the lowest level of likely risk from the relevant hazard:

- a) to secure the benefits of a use or development in a relevant hazard area; and
- b) which can be managed through:
 - i. routine regulatory measures; or
 - ii. by specific hazard management measures for the intended life of each use or development.

⁴ Malpas, J., 2018. Place and Experience: a philosophical topography, Routledge, New York

⁵ <https://www.statedevelopment.qld.gov.au/industry/infrastructure/infrastructure-planning-and-policy/social-infrastructure>



25 October 2022

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FEEDBACK ON THE DRAFT TASMANIAN PLANNING POLICIES

Thank you for the opportunity to provide feedback on the draft Tasmanian Planning Policies (TPPs). The City of Hobart appreciates the Tasmanian Governments development of the policies and is generally supportive of the comprehensive scope of the content. Given that the consultation on the draft TPPs has occurred during a voluntary caretaker period for the City of Hobart, this submission has been prepared by City of Hobart officers.

Climate Change

- The following are general comments for a broader 'climate' framing:
 - The draft TPPs represent climate change as a future risk, however, climate change needs to be considered in an immediate/current context. Climate impacts are currently being experienced across natural and built landscapes as natural disasters and shifting ecological processes, including extinctions. Given this, climate should be framed in a current context throughout the TPPs rather than a future one.
 - Novel and emerging climates present significant challenges for settlements (legacy and new) and land use planning. These challenges, including the increase and intensification of natural hazards and associated behaviours (such in fire, rainfall, wind-load), exceed known occurrences and limits. Whilst it is appreciated that land use planning is inherently static; unique and flexible responses will be required for settlements to adapt, including retreat, and develop resilience to climate change. These may include the capacity for interim and intermittent uses within the land use planning framework.
 - Climate change needs to be considered more broadly than through an 'environmental' and natural hazards lens. For example, 1.0 Settlement 1.1 Growth should include concepts around gentrification, adaptation pathways, justice and the vulnerability of future land release to novel

and emerging climates. New approaches that include interim flexible planning responses with the bolted-on capacity to identify triggers points at climate impact 'milestones' i.e. services such as road maintenance, waste removal will not be provided if there are more than X (based on a cost benefit analysis) impactful events in a financial year

- 3.0 Environmental Hazards should include 'heat and extended heat waves' and 'drought.'
- Climate impacts and hazards need to include consideration of compounding, concatenating, coincidental and cascading events and limitations of viability of locations. The consideration of siloed natural hazards increases vulnerability of settlements, and limits the identification of appropriate solutions.
- Concepts such as promoting the protection of biodiversity values and ecological services to maximise opportunities for carbon storage are considered overreach and should be limited. Whilst these are considered critical concepts in their own right detailed analysis of carbon storage before and after settlement is required to support this statement. It is highly unlikely that the carbon storage post development will offset that which existed prior. Similarly green infrastructure whilst strongly encouraged has limits and should be considered alongside other approaches to enhance resilience and zero-carbon development.
- Glossary should include terms: adaptation, adaptation pathway, retreat, sequestration, net zero etc
- Overall it is recognised that climate risk is an issue facing all organisations – no matter whether they are private or public, their location, circumstance, resourcing capacity. It has evolved from an 'environmental' issue to the mainstream with material financial risk across physical, economic transition and litigation dimensions. Regulatory and investor expectations for climate risk assessment and disclosure, by corporate and public sectors, are accelerating, posing risks and opportunities that need understanding, assessment and appropriate action. To this end climate considerations should be applied more forensically across the TPPs in their entirety to ensure that TPPs maximises the climate resilience and mitigates vulnerability.

Implementation

- It states on page 1 that 'The effectiveness of the TPPs will be monitored'.
 - What are the indicators being measured/performance measures? Who will do the monitoring and will the feedback be shared with Local Government?

1.0 Settlement

- Developer Contributions
 - Strategies for developer contributions should also be included under 1.0 Settlement rather than just under 5.1 Provision of Services so the policy extends to public benefits beyond the provision of water and sewerage, stormwater management, electricity, gas, telecommunications and recycling and waste management. The policy should allow flexibility for Councils to facilitate potential developer contributions for a wide range of public benefits such as community infrastructure, open space, placemaking and public art.

- 1.0.1 Principles and Policy context

- 'Urban environments are highly susceptible to land use conflict due to the interaction of environmental, social and economic forces that create complex spatial relations.'

Noting that the general tone here is about land use planning, rural/non-urban environments are susceptible to land use conflict, as urban environments seek to expand. Note also that the definition 'settlement' includes:

'While predominantly referring to land developed as cities, towns and villages, it also includes land that has been modified from its natural state to provide for a mix of land uses which are not reliant upon natural resources, such as rural residential, utility and industrial uses.'

- 1.2.3 Liveability

Strategy 1

- '..secure and reliable employment sources.'

Suggestion: amend to 'established opportunities for employment'. How can employment be considered secure and reliable?

Strategy 2

- a) the provision of, and access to, safe and efficient public transport;

Noting that the provision of public transport is not within the remit of land use planning. Suggestion amend to:

'the provision of public transport infrastructure, enabling access to safe, efficient and frequent public transport'.

Strategy 4 – Suggested additions:

- Support measures to equally prioritise and co-locate urban forest and green space in the public realm with transport and infrastructure for improved social and health outcomes.
- Ensure there is sufficient space for greening in private developments including apartment/medium density housing developments
- Provide deep-soil guidelines in new developments to provide adequate space for trees to develop.
- ‘provide for a network of accessible and inviting open and green spaces **that cater for a diversity of needs and age groups**’
- Provide guidelines to ensure that built structures allow setbacks for street tree growth – for example, balconies, signage and fixed awnings.

Strategy 9

- ‘Provide for a range of cultural, recreational and community facilities that support wellbeing, social cohesion and cultural identity and understanding.’

Suggestion: Consider adding social inclusion to the list after social cohesion.

• 1.3.2 Social Infrastructure

Objective

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

Why are social infrastructure and physical infrastructure separated, with social infrastructure part of the Settlement TPP and physical infrastructure a separate TPP? Social infrastructure can be in a physical form. Perhaps infrastructure should be in a combined TPP, and the individual infrastructure networks defined.

The combined TPP might be more specific about undertaking infrastructure planning and include another strategy that includes wording such as:

‘Identify the local government's plans for trunk infrastructure that are necessary to service urban development at the desired standard in a coordinated, efficient, and financially sustainable manner.’

Another strategy should deal with developer contributions/infrastructure charging towards infrastructure establishment costs, cost apportionment, etc.

- 1.3.3 Social Infrastructure

Strategy 1

- 'Provide for a sufficient supply of land to support the community's existing and forecast demand for social infrastructure, including, but not limited to, schools, health care, libraries, social services and child and aged care.'

Suggestion: Add 'community centres, recreation facilities, ' after or before 'libraries'.

As noted above, such infrastructure is also physical infrastructure that, with recreation facilities, should form part of an infrastructure network.

- 1.4.3 Settlement Types

Strategy 6

- 'h) it contributes to providing for a mix of housing choices that attracts or retains a diverse population.'

Suggestion: This is rather open to interpretation and instead could be more specific.

- 1.5.3 Housing

Strategy 4

- 'e) considering the needs of people with disabilities, including the level of support and care required for different levels of dependent and independent living options; and'

Suggestion: Here and elsewhere amend people with disabilities to people with disability – not all people with disability have more than one disability.

Why should support and care be required for independent living?
Suggest that wording of e) be amended to

'e) consider the needs of people with disability, including independent living options, and the level of support and care required for assisted living options.

- Suggested addition

g) ensuring good residential amenity through the provision of solar access and quality private open space.

- 1.6 Design

Objective:

- The objective, or definition, provided for urban design is quite comprehensive and contains elements that are widely accepted, in spite of this it can be argued that urban design has been evolving to become more holistic in its aims. This should be reflected in the Objective clause.

Suggestion: Consider adding that urban design seeks to provide improved environmental, economic and socio-cultural settlement outcomes.

Strategies - overarching

- It is likely that the strategies are not meant to have an implicit urban design hierarchy but the sequential and numbered manner in which they are presented does lend itself to be understood as a hierarchy.
- Suggestion: In terms of how the strategies are presented it may be useful to emphasize the importance of the public realm by having strategies relating to the 'public places' before those relating to buildings, as this is often what the community first experiences and cares about.
- A suggested alternative sequence could be:
 1. Currently strategy 5
 2. Currently strategy 4
 3. Currently strategy 6
 4. Currently strategy 2
 5. Currently strategy 3
 6. Currently strategy 7
 7. Currently strategy 8
 8. Currently strategy 1

Strategy 1 – Suggested addition:

- This section covers the design and siting of buildings but is missing any mention of the importance of providing private open space.

Suggestion: add 'g) provision of private open space that is functional, has good amenity and considers privacy'.
- Add 'h) incorporation of areas of green space or provide access to green space to move towards greater environmental equity.'

Strategy 3

- 'Encourage public places that are designed to promote:
 - a) equal access and opportunity and to cater for the various needs and abilities of the community; and
 - b) safety,'

Why is 'equal access and opportunity' and 'safety' only encouraged and not required to be provided (as detailed in Strategy 2)?

Strategy 5 – Suggested addition

- 'Encourage the use of urban design principles that creates, or enhances, community identity, sense of place, liveability, social interaction, **environmental equity** and climate change resilience.'

Strategy 4 – '..supporting development that considers existing and desired future character of the place.'

Suggestion: Is there any character mechanism and/or way to determine and 'codify' in the planning scheme what is considered the character of a place? It would be desirable for the place character, both existing and desired future character, are to be implemented through character statements or similar instruments

Strategy 7 – the use of the term streets would seem to exclude other likely pedestrian and cycle connections that are very common such as trails and tracks.

Suggestion: Change the word 'street networks' to 'movement networks' with potentially some examples of what this covers (e.g. streets, trails and tracks)

Strategy 8 – the subdivision strategy and sub-strategies are very positive in their intent and provide good overall guidance, but some improvements will make them more effective and easier to translate into other planning tools:

Suggestion: Enhance the importance of sub-strategy h) (i.e. contextually responsive design) by placing it first, as it is a fundamental starting point for any subdivision design. In addition, add wording about the need 'to incorporate and integrate with the natural systems'.

Suggestion: Reorder the sub-strategies from higher level, initial design considerations, to more detailed matters. This would assist in its comprehension. An alternative order could be:

- a) Currently h
- b) Currently e
- c) Currently f

- d) Currently g
- e) Currently b
- f) Currently a
- g) Currently i
- h) Currently c
- i) Currently d

Strategy 8 – Suggested additions or amendments

- 'Promote subdivision design that provides a functional lot layout that:
 - c) promotes climatically responsive orientation of buildings **and choice of materials, with particular emphasis on non-heat absorbing roofs;**
- Sub-strategy i) (i.e. diverse lot sizes) reads like definite guidance when not every subdivision should have diverse lot sizes as these are only desirable when an analysis has been undertaken that confirms there is a need and demand.

Suggestion: 'provide diverse lot sizes for residential use, when the location, a housing market analysis and surrounding housing make it appropriate'
- Insert a new j) allows for public and private street tree and green space planting to reduce the urban heat island effect; (note: avoiding poor outcomes such as some examples in Sydney northern suburbs with recent subdivisions with no street trees, and built to extent of building envelopes with all black roofs. Several of these new subdivisions are experiencing 40+ days per year over 36deg)
- Insert a new k) maximises retention and absorption of surface drainage water on site.
- Designing with Country – is an expanding area of design knowledge and application that seeks to provide design tools and understanding to incorporate the Tasmanian Aboriginal people perspectives in our built environment.

Suggestion: Add a strategy that encourages the application of Designing with Country principles and approaches.

It should also include references about the need to work with the need to work with Tasmanian Aboriginal people and culture, local provenance flora and fauna for biodiversity resilience.

- Community participatory design – there has been a strong evolution in urban design to incorporate co-design and participatory methodologies to ensure a level of stakeholder input and ownership above the more conventional top-down masterplanning process.

Suggestion: Add a strategy that encourages the application of co-design and participatory engagement methodologies to improve the quality of the urban design outcomes and stakeholder ownership.

- Time and adaptability – complementary to the previous point are the benefits of incorporating prototyping and placemaking approaches into urban design add the dimension of adaptability and responsiveness.

Suggestion: Add a strategy that encourages the use of methodologies, such as placemaking and prototyping, which allow for experimentation, learning and adaptability.

5.0 Physical Infrastructure

- 5.0.1 Principles and Policy context

- ‘Tasmania has extensive physical infrastructure networks, across transport, water and sewerage, energy and telecommunications. These networks underpin a wide range of **social**, environmental and economic outcomes for the State,’
- ‘Maximising the outcomes of these assets requires long-term planning and a sound evidence base.’

Suggestion: As mentioned previously why are social infrastructure and physical infrastructure separated, with social infrastructure part of the Settlement TPP and physical infrastructure a separate TPP? Social infrastructure can be in a physical form. Perhaps infrastructure should be in a combined TPP, and the individual infrastructure networks defined.

The combined TPP might be more specific about undertaking infrastructure planning and include another strategy that includes wording such as:

Identify the local government's plans for trunk infrastructure that are necessary to service urban development at the desired standard in a coordinated, efficient, and financially sustainable manner.

Another strategy should deal with developer contributions/infrastructure charging towards infrastructure establishment costs, cost apportionment, etc.

- ‘Physical infrastructure assets have a long-life span and are expensive to provide and maintain’

This is true for community centres, libraries, sports pitches, indoor sports, swimming pools, etc.

- 'Land use planning has a direct impact on infrastructure efficiency, safety and performance. It is important that use and development aligns with the function and capacity of existing infrastructure, protects key assets from encroachment by incompatible use and protects current and future infrastructure corridors.'

This is another reason why legislation should be introduced and local government resourced, to undertake proper infrastructure planning.

6.0 Cultural Heritage

- The blanket use of the term 'local cultural heritage values', to the exclusion of other levels of value is too restrictive and blunt such that places listed on the Tasmanian Heritage Register (THR) are not reflected in or bound by the policy. This presents as policy in reverse to cement the existing approach in SPPs that THR listed places are not covered by the SPP code. Council remains opposed to this approach.

It also appears to be at odds with the *Historic Cultural Heritage Act 1995* which is one of a number of Acts which are part of Tasmania's Resource Management and Planning System such that in making a decision under the Act, the Heritage Council must consider, a range of factors, including the objectives of the RMPS and the planning process set out in LUPAA 1993.

In addition, the terminology in the policy does not consider heritage listed places, precincts, historic landscape precincts and places of archaeological potential that have values greater than local heritage values.

Council's view is that the TPP should be inclusive of the same breadth of heritage places and precincts considered under the planning process and not exclude anything more than having local heritage value. This may well result in significant gaps in the protection of heritage values.

- The term non-Indigenous is not consistent with current meanings set out in both historic heritage and Aboriginal legislation. In terms of reflecting current Aboriginal protocols and preferences, the City of Hobart has a guide that recommends respectful language and recommends avoiding terms such as 'Indigenous' which is generally not supported in the Tasmanian context. Therefore, non-Indigenous should be avoided. The term 'non-Indigenous' is replaced with 'historic' in Council's comments.

The TPPs do not adequately consider contact sites. Clarity is required with at the very least, reference to this type of place.

The Glossary should reflect all language used in the historic and Aboriginal heritage strategies and suggested additional terms and meanings are provided. The Glossary should reflect the current legislation.

The strategies wording is non-binding and not in need of a direct response, i.e. encourage, support, consider, avoid etc. The statements then almost sound as an optional pathway, or one that can be negotiated out of.

- Suggested amendments:

- 6.2 ~~Non-Indigenous~~ Historic Cultural Heritage

- 6.2.2 Objective

- To support the identification and conservation of significant ~~non-Indigenous~~ local cultural heritage buildings, part of buildings, infrastructure (for example bridges), places, precincts and landscapes and consider design responses that support preserves conservation of cultural heritage values while allowing for appropriate adaptive reuse.

- 6.2.3 Strategies

- 1. Identify land that has potential archaeological local cultural heritage value and avoid designating it for incompatible use and development that would damage the archaeological values until the significance of those values can be established and appropriately managed.

- 2. Identify buildings, part of buildings, places, infrastructure, precincts and landscapes that contain significant ~~non-Indigenous~~ local cultural heritage values, describe the significance of those values and promote access to this information to ensure identified values are considered understood and addressed early in strategic and statutory planning processes.

- 3. Provide for the protection, and encourage the restoration conservation, of identified buildings, part of buildings, infrastructure, places, precincts and landscapes that contain significant ~~non-Indigenous~~ local cultural heritage value.

- 4. ~~Encourage~~ Promote appropriate development and adaptive reuse of buildings, part of buildings, infrastructure, places, precincts and landscapes of significant ~~non-Indigenous~~ local cultural heritage value ~~by promoting innovative and complimentary~~ through design responses that conserves, restores and retains cultural heritage values.

- 5. Allow for the retention of appropriate ~~surrounding settings curtilage~~ and site context that contributes to the significance of the ~~non-indigenous~~ local cultural heritage values of buildings, part of buildings, infrastructure, places, precincts and landscapes.

- 6. (Additional strategy) Adopt and implement best practice governance structures (namely The Burra Charter 2013) to provide guidance on appropriate heritage design responses that are sympathetic to their setting.

- 6.0.1 Climate Change Statement

- It is recommended that the following additional specific strategies be included in relation to sustainable development and reducing waste delivering reductions in carbon emissions (taken from Burra Charter Practice Note Heritage and Sustainability)
 - Minimising construction waste by reducing the demolition cycle, ensuring buildings are adapted and retained until the end of their useful life;
 - Reducing carbon emissions by minimising the energy needed to demolish and reconstruct;
 - Retaining the embodied energy of existing structures and landscapes, recognising the environmental cost already paid;
 - Continuing the life of building materials that can no longer be sustainably sourced;
 - Continuing to utilise buildings designed to operate using passive environmental control;
 - Continuing traditional skills and practices, many of which have low environmental impacts.

Additionally, there is no consideration of the role that heritage buildings have in our response to climate change.

- These buildings have imbued energy and to demolish all or substantial amounts of historic buildings can be seen as underutilising and wasting existing resources while the subsequent new developments create more emissions and waste in the manufacturing and transportation of materials and construction.
- This section would benefit from highlighting how circular economy can be incorporated in the development process to the benefit of both heritage and climate change objectives.

7.0 Planning Processes

- 7.0.1 Principles and Policy Context

- 'In trying to address concerns and to ensure desired outcomes are achieved, planning has been criticised for over regulation and 'red tape'.'

Suggestion: If including this, why are you not include the counter claims that planning does not do enough to stop unfettered development?

- 7.2.3 Strategies

- Strategy 1

‘Avoid allowing use and development where the implications of that use and development on the environment, now and into the future, is not fully known or understood.’

Suggestion: Remove this point. It is vague and potentially quite limiting on new businesses and emerging uses such as various R&D technology uses.

- Strategy 4

‘Promote the integration and coordination of land use planning with population strategies and social and physical infrastructure planning.’

Suggestion: That this be referenced in the other related TPPs. This strategy might be more specific about undertaking infrastructure planning and include another strategy that includes wording such as:

‘Identify the local government's plans for trunk infrastructure that are necessary to service urban development at the desired standard in a coordinated, efficient, and financially sustainable manner.’

Another strategy should deal with developer contributions/infrastructure charging towards infrastructure establishment costs, cost apportionment, etc.

- Strategy 6

‘Facilitate coordinated approaches between public and private investment to achieve common planning goals.’

Suggestion: Use established definition for affordable housing or at least include the 30/40 rule:

The standard test for affordable housing is that a household in the lower 40 per cent by income should not pay more than 30 per cent of their gross income on housing, known as the 30/40 rule. In a broader sense, housing is generally considered to be ‘affordable’ if the household members are not in housing stress after they have paid for their housing, whether renting or buying. Housing is unaffordable for a household when paying their housing cost leaves them in housing stress or living in poverty.

GLOSSARY (Suggested Amendments)

Aboriginal heritage – It is recommended that this term is included in the Glossary however it must reflect current legislation and/or reflect current Aboriginal language protocols and preferences. For example, currently, the City of Hobart has a Respectful Language Guide which recommends avoiding the term Indigenous in the Tasmanian context. This would therefore be inappropriate in the historic heritage context.

Adaptive reuse – mean the renovation and reuse of pre-existing structures (such as warehouses) for new purposes. (Webster dictionary)

Affordable housing – Suggest use established definition for affordable housing or at least include the 30/40 rule:

The standard test for affordable housing is that a household in the lower 40 per cent by income should not pay more than 30 per cent of their gross income on housing, known as the 30/40 rule. In a broader sense, housing is generally considered to be 'affordable' if the household members are not in housing stress after they have paid for their housing, whether renting or buying. Housing is unaffordable for a household when paying their housing cost leaves them in housing stress or living in poverty.

Assisted housing – means housing provided by an organisation for higher needs tenants or residents, including people with physical or intellectual disability, and may include associated support services.

Circular economy – (as per existing Glossary)

Conservation – includes preservation, maintenance, sustainable use and restoration of the natural and cultural environment and also means all the process of looking after a place so as to retain its cultural significance.

Cultural significance – means aesthetic, historic, scientific, social, or spiritual value for past, present, or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places have a range of values for different individuals or groups.

Cultural significance is also determined by the criteria set out in s.16 of the *Historic Cultural Heritage Act 1995*.

Curtilage - the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance. It can apply to either:

- land which is integral to the heritage significance of items of the built heritage; or
- a precinct which includes buildings, works, relics, trees or places and their setting. (definition in *Heritage Curtilages* publication by the NSW Heritage Office)

Environmental Equity – Warrants a definition to avoid confusion.

Physical infrastructure – Suggest that the word economy be replaced with settlement or community.

If you have any queries relating to this matter, please contact

[REDACTED].

Yours sincerely

[REDACTED]

(Neil Noye)

DIRECTOR CITY LIFE

27 October 2022

Michael Ferguson MP
Minister for Planning

Email: yoursay.planning@dpac.tas.gov.au and stateplanning@dpac.tas.gov.au

Dear Minister

Re: Tasmanian Planning Policies

The Heritage Council is pleased to take this opportunity to comment on the latest version of the draft Tasmanian Planning Policies (TPP's) as part of its statutory responsibility under the *Historic Cultural Heritage Act 1995* to promote and encourage the long term stewardship and proper management of places of historic cultural heritage significance in Tasmania.

General

The Heritage Council supports the reframing of cultural heritage in the planning system by using the dichotomy of Aboriginal Cultural Heritage and Non-indigenous cultural heritage to describe and differentiate how a diverse range of heritage values can be managed by the Tasmanian planning system.

6.0.1 Principles and Policy Context

While it is recognised that the non-indigenous cultural heritage aspect of this policy has a narrow focus and limited application to non-indigenous local cultural heritage, only a brief paragraph is devoted to explain why it is exceptional and worthy of robust protection and management.

Given that the TPP's represent the State of Tasmania's interests as a whole, it is recommended that the description of non-indigenous cultural heritage articulates a more holistic understanding of the uniqueness of Tasmania's heritage to recognise the strong connections between local cultural heritage and its broader setting and surrounds.

For example, reference could be made to the important interrelationship that exists between local and State and National heritage listings and UNESCO World Heritage sites that all play a unique part in telling Tasmania's non-indigenous history.

In addition, the valuable role that local heritage plays in defining the identity and character of local communities and regional areas could also be highlighted as further justification of why local heritage is worthy of robust management and protection regimes being established and maintained for the benefit of present and future generations.

6.0.1 Climate Change Statement

The Heritage Council agrees that the TPP's should address the emerging trend of the impacts from climate change on Tasmania's cultural heritage assets with regard to both the built and natural environments as a high priority.

6.2 Non-indigenous Cultural Heritage

6.2.3 Strategies

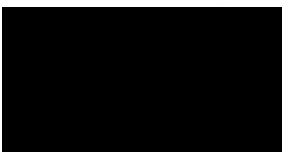
The Heritage Council supports the general intent of the strategies outlined in this section that are aimed at providing a Statewide policy framework that supports the identification, investigation and protection of local cultural heritage. This approach is consistent with the system of heritage management that is recognised as current best practice in Tasmania at the local and State levels.

While the Heritage Council remain concerned that there are many municipalities in Tasmania where local heritage places are not protected by the planning system, it is acknowledged that this issue cannot be addressed directly by the TPP's.

Nonetheless, it would be remiss of the Heritage Council not to advocate for greater protections being afforded to local places, precincts and landscapes that currently remain vulnerable to inappropriate development, demolition and permanent removal. Therefore, it is recommended that consideration be given to how the increased protection of local heritage places might be addressed through the development of the 'Implementation guidelines' section of the TPP's and through the development of Regional Land Use Strategies as part of the future planning reform agenda.

We trust that this representation adds value to finalising the TPP's. Please contact [REDACTED], [REDACTED] if you would like to discuss any of the matters raised.

Yours sincerely



Brett Torossi

Chair

Under delegation of the Tasmanian Heritage Council

31 October 2022

State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

Submitted by email: yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam

RE: Tasmanian Planning Policies review

TasNetworks welcomes the opportunity to respond to the State Planning Office's consultation on the draft Tasmanian Planning Policies (**TPPs**).

TasNetworks, is both the Transmission and Distribution Network Service Provider in Tasmania, as well as the proponent for Marinus Link, a new interconnector between Tasmania and Victoria. The focus in all of these roles is to deliver safe, secure and reliable electricity network services to Tasmanian and National Electricity Market (**NEM**) customers at sustainable prices. TasNetworks is therefore pleased to support the development of the TPPs. It is hoped the TPPs will provide consistent planning rules which will encourage investment and also provide protections for the electricity industry to support economic growth in Tasmania.

TasNetworks would like to acknowledge the recent changes to the TPPs, where the provision of services have been updated to include the reticulation of electricity supply, the protection of existing and future electricity infrastructure assets and corridors from sensitive and incompatible use and developments that may encroach. We are also supportive of the inclusion of allocating space for electricity infrastructure when roads and upgrades on key urban areas are planned for in the near future. These changes will promote a more coordinated approach to planning and approvals across various services including electricity.

For more information or to discuss this submission, please contact TasNetworks' Land Use Planner, A [REDACTED]

Yours faithfully

[REDACTED]
Chantal Hopwood
Head of Regulation

31 October 2022

State Planning Office
Department of Premier and Cabinet
GPO Box 123 HOBART TAS 7001

yoursay.planning@dpac.tas.gov.au

Inquiries: Penny Wells
Phone: [REDACTED]
Email: [REDACTED]
Our Ref: D22-508903
Your Ref: [\[Click to enter text\]](#)

Consultation – Draft Tasmanian Planning Policies

Thank you for the opportunity to provide feedback on the draft Tasmanian Planning Policies (TPPs)

Private Forests Tasmania (PFT) is an independent statutory authority established under the Tasmanian *Private Forests Act 1994*. We work to facilitate and expand the sustainable growth and development of the private forest resource in Tasmania. We do this through providing information to private forest growers, through research collaborations, advocacy, innovation and planning tools. Under our [Corporate Plan 2022–25](#) one of our four goals is to work with policy makers and regulators to improve regulatory efficiency and practical policy settings for private forestry.

PFT have reviewed the draft TPPs, the supporting report and related documents associated with the Tasmanian planning system. We note the draft TPPs make very little or no reference to forestry or the forestry industry. This is despite land dedicated to a forestry purpose in Tasmania makes up nearly 1.25 million hectares – 812,000 ha Permanent Timber Production Zone (PTPZ) on public land and 432,000 ha Private Timber Reserves (PTR) on private land. That is 18% of the State's landmass.

The forestry industry is a major employer in our regions and worth more than \$1.2 billion annually to the State's economy. Forestry will play a key role in meeting Tasmania's ambitions carbon emission reduction targets (detailed [here](#)) and providing timber to build the 10 000 new affordable homes by 2032 announced recently as part of Tasmania's Housing Strategy (detailed [here](#)).

The stated purpose of the TPPs is to establish a comprehensive, high level policy framework intended to shape strategic land use planning across Tasmania. Specifically, the TPPs set out the aims, or principles, that are to be achieved or applied by the Tasmanian Planning Scheme (TPS) and the regional land use strategies.

The TPS consists of the State Planning Provisions and the Local Provisions Schedule (LPS) for each municipality. In many of the draft (and likely approved) LPS's, PFT is continually made aware of the inconsistent application of zones and codes on land dedicated for forestry purposes. PTR's, PTPZ Land and Future Potential Production Forest Land have been placed in zones where forestry is discretionary or in some cases prohibited.

It has been suggested to PFT that this does not have any practical effect because forestry operations on land dedicated for a forestry purpose are generally exempt from the planning scheme. Operations on public land are exempt by virtue of section 4 of LUPAA whilst operations on PTR's are exempt by virtue of section 11 of LUPAA.

Despite the exemption, dedicated forestry land is still subject to zoning by local government planners when preparing their LPS's. The zoning of land can influence public perceptions of what is an appropriate use of land. Land dedicated for forestry use that is zoned inappropriately will only cause confusion and can be used as an argument that the land should be transferred to other land uses. This is despite previous land use decisions and classifications made by the state legislature and following detailed assessments.

Under the old planning schemes much of the rural and agricultural land, and all of the dedicated forestry land, was zoned in the Rural Resource Zone where plantation and native forestry was permissible, provided the requirements of the forest practices regulatory system were met. The new planning system has re-calibrated the Rural Resource Zone with the stated intent of providing better protection for agricultural land. Under the current roll out of the LPS's the old Rural Resource Zone appears to be increasingly re-zoned into other zones such the Agriculture Zone, the Landscape Conservation Zone or the Environmental Management Zone where forestry becomes discretionary or in some cases prohibited depending on whether it is plantation or native forestry.

Private land that is not covered by a PTR has no automatic exemption from the planning scheme when a forestry use is proposed. There are many private forest blocks that have significant potential as a wood resource that are not covered by a PTR. This is highlighted in PFTs recently published [2020 Tasmanian Private Forest Resource Review](#). It showed that only 50% of private plantation forests are covered by a PTR and less than 20% of the private native forests with wood potential are covered by a PTR. This amounts to over 130,000 hectares of private forested land that is a potential wood resource that is not covered by a PTR. The potential for these forests to contribute to alleviating Tasmania and Australia's current wood shortage and meeting our emission reduction targets does not seem to be taken into consideration by local planners when zoning this land.

Recent draft LPS's from both the Derwent and Huon Valley LGA's are examples of where local town planners have effectively engaged in land use re-classification through zoning. It has highlighted the limited capacity of 29 separate planning sections within 29 councils to interpret and implement the complex statewide planning system and ensure the Government's broader policy objectives are taken into consideration.

It shows there is no meaningful or strategic consideration of forestry, or the protection and enhancement of the existing and future timber resource, built into the planning system. This situation contrasts with land that has agricultural potential and land that has mineral or mining potential. In these situations the draft TPP contains specific provisions that identify and protect land with these capabilities (see sections 4.1 & 4.2 of the draft TPP).

PFT recommends that similar high level provisions to identify and protect land with timber potential be included in the Sustainable Economic Development TPP. I have attached the draft of this TPP with track change comments that specifically address these issues (as discussed with Senior Project Manager TPPs Nell Nettlefold)

If you have any queries on the points we have raised, please contact our CEO Penny Wells on [REDACTED]
or our Policy & Data Officer [REDACTED]

Yours sincerely,

[REDACTED]

Phillip Bishop
A/CEO Private Forests Tasmania

Tasmanian Planning Policy

4.0 Sustainable Economic Development

4.0.1 Principles and Policy Context

The Sustainable Economic Development TPP focuses on identifying and supporting our economic advantages, to deliver economic growth in a socially and environmentally responsible way.

Tasmania's natural resources underpin our economic prosperity. Our fertile soils, mild climate and reliable rainfall provide opportunities in the agricultural sector while our pristine air quality unique landscapes and ecological diversity attract visitors from around the world. Our proximity to Antarctica and the Southern Ocean provides advantages to attract research, accessing and servicing opportunities. Our world-class wind, deep hydro storages and 100% renewable-energy status provide opportunities to attract industry looking for clean energy and have been identified as a key economic and emissions reduction driver both for Tasmania and Australia.

While our geographic location has advantages, it also presents some economic challenges. Being the only island state of an island nation, Tasmania's isolation from mainland Australia and the rest of the world puts us at an economic disadvantage in an era of globalisation and globalised economies. Our physical distance from the northern hemisphere and Asian markets adds to complexities for maintaining competitive in trading commodities and accessing markets. In addition, our ageing population is likely to present future economic challenges through a decline in the skilled workforce.

While the planning system alone cannot drive the State's sustainable economic growth, it still has an important role to play. We will remain geographically isolated but we can plan for and support the provision of digital infrastructure, to ensure our businesses have access to online global markets. Planning for ports and strategic transport networks can improve efficiency in physically accessing global markets. It can also facilitate infrastructure development in areas best aligned with environmental, social and economic values, provide for strategic co-location of new infrastructure with existing infrastructure and promote circular economies.

Similarly, planning cannot prevent the declining workforce. However, it can support the creation of liveable cities that encourage migration and the retention of our young adults. It can also support the establishment of higher education institutions that are easily accessible, which also helps increase the skilled workforce.

The Sustainable Economic Development TPP supports economic activity through the planning system by embedding the following principles:

- allocating sufficient land in appropriate locations to support various economic activities;
- protecting allocated land from incompatible use and development;
- supporting the efficient use of infrastructure and coordinated delivery of new infrastructure, including digital infrastructure;
- identifying and supporting emerging and innovative industries;
- promoting diversification to strengthen the resilience of the economy; and

- protecting the resources and values that are relied on for sustainable economic development.

The Sustainable Economic Development TPP provides initiatives to guide economic growth in our agriculture, tourism, renewable energy, industry, extractive industries, business and commercial and research and innovation industries. It provides for flexibility in responding to new opportunities and changing economic conditions, supporting a diverse and more resilient economy.

It also addresses the production of timber which, although regulated by the forest practices system, there is still a role for the TPPs to consider this industry from a strategic land use planning perspective.

4.0.2 Climate change statement

Tasmania's economy is likely to face challenges as a result of the predicted effects of climate change however, we also have some significant advantages. Our greenhouse gas emissions profile is unique among Australian jurisdictions, due to a high proportion of renewable energy generation and high levels of carbon sequestration from the State's managed forest estate

Each economic sector in the Sustainable Economic Development TPP will be impacted differently by climate change and will need to respond to issues as they emerge. For example, the agricultural sector will need to reconsider traditional crops and favour those that respond better to warmer conditions. Areas that may have been ideal for low chill varieties of fruit may need to consider trials and progressive replacement of orchards. Primary production is also at risk from increased storm damage, unpredictable rainfall and more extreme high temperature events.

While it is difficult to predict the range and extent of the potential impact climate change will have across all economic sectors, land use planning can play a strategic role in facilitating economic resilience and help to address the impacts and causes of climate change.

The Sustainable Economic Development TPP addresses these issues by:

- protecting agricultural resources and promoting diversification within the industry which will help the industry respond to changing climatic and economic conditions;
- strategically considering and protecting land designated for timber production to contribute to carbon sequestration;
- promoting efficient use and consolidation of land, infrastructure and transport networks to reduce emissions;
- supporting innovation and research opportunities to diversify and contribute to a more resilient economy; and
- supporting opportunities for greater economic self-sufficiency and circular economies to help reduce the impact of unexpected, external forces on the economy.

4.1 Agriculture

4.1.1 Application

Statewide.

4.1.2 Objective

To promote a diverse and highly productive agricultural sector by protecting agriculture land and the resources on which agriculture depends, while supporting the long-term viability and growth of the agricultural sector.

4.1.3 Strategies

1. Identify agricultural land, and potential agricultural land, and apply contemporary land capability classification mapping systems, that includes access to irrigation water as a criteria of land capability, that identifies and maps the capability of land to sustain long term agricultural uses as a criteria, including under forecast climate change scenarios.
2. Protect land with agricultural capabilities by designating it specifically for agricultural use and development or for purposes that prevent the permanent loss or conversion of the land's agricultural potential.
3. Allow compatible land uses to operate on agricultural land, where they do not cause unreasonable fettering or fragmentation and minimises the sterilisation of agricultural land.
4. Protect land with significant agricultural capabilities, and agricultural land within irrigation districts, by affording them the highest level of protection from fettering, fragmentation or conversion to non-agricultural uses.
5. Prevent fettering of agricultural land by considering the impacts of agricultural uses on surrounding future use and development to prevent land use conflict and protect the productivity and viability of agricultural uses.
6. Protect the viability of agricultural uses by preventing the fragmentation of agricultural land.
7. Protect agricultural land by avoiding the permanent conversion of agricultural land to non-agricultural land uses unless:
 - a) the scale of the conversion or sterilisation is minor in terms of the overall agricultural operation of the site;
 - b) the conversion contributes to the viability of the agricultural use on the site; and
 - c) the proposed use will not cause land use conflict, fetter or impact the viability of the surrounding agricultural uses.
8. Support diversification and value-adding of the primary industries sector by supporting effective agricultural production and processing, innovation in rural industries and farm-related retailing and agritourism that is ancillary to the principal use, to enable sustainable growth of the sector and strengthen its ability to adapt to climate change, natural disasters and market challenges.
- 8-9. Encourage the integration of trees on farms through shelterbelt and small woodlot plantings to increase primary production outcomes while simultaneously improving the carbon balance and growing timber products.
- 9-10. Allow residential use where it is part of, or supports, an agricultural use, such as workers' accommodation, where it does not unreasonably fetter, fragment or convert agricultural land uses.
- 10-11. 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.

~~11.12.~~ 12. Facilitate the provision and protection of infrastructure that supports the diversification and improved productivity of the primary industries sector.

~~12.13.~~ 13. Protect the viability of upstream dam infrastructure when strategically planning land use and development.

4.1.4 Implementation Guidelines

None Specified.

4.2 Timber Resources

4.2.1 Application

Statewide.

4.2.2 Objective

To identify and protect existing and potential timber resources, and supporting infrastructure, to facilitate economic growth and support emissions reduction.~~To contribute to the protection of Tasmania's timber resources (on private timber reserves).~~

4.2.3 Strategies

1. Protect timber resources~~production areas including plantation and native forests by identifying land declared as private timber reserves~~dedicated for timber production and consider designating/zoning that land for purposes that are compatible with timber production.
2. Encourage surrounding land, that is likely to be impacted by activities associated with timber production on dedicated timber production land~~private timber reserves, to;~~
 - a) be designated for purposes that are compatible with timber production; or
 - b) consider incorporating measures to mitigate, manage or avoid environmental hazards and social and environmental impacts associated with timber production.
3. Support the development of future timber production on suitable land by, prior to designating/zoning the land for a purpose that removes the ability of that land to be used for timber production, consideration of the following:
 - o the nature and scale of the existing and potential wood resource;
 - o the viability of extracting the wood resource; and
 - o the social, economic and environmental benefits of the wood resource compared to that of the alternative land use.
4. Enable the provision and protection of supporting infrastructure for timber resources so access can be facilitated and maintained.

4.2.4 Implementation Guidelines

None Specified.

4.3 Extractive Industry

4.3.1 Application

Statewide.

4.3.2 Objective

To identify and protect existing and potential extractive industry resources, and supporting infrastructure, to facilitate economic growth and support efficient infrastructure and urban development.

4.3.3 Strategies

1. Identify and protect key resource areas and deposits, including areas of known mineral resources and strategically important construction materials, such as sand.
2. Protect existing extractive industries from encroachment by residential and other incompatible use.
3. Support the long-term viability of existing operations and access to future mineral resources.
4. Enable the provision and protection of supporting infrastructure for extractive and related resource industries so that access can be facilitated and maintained.
- [1.5.](#) Support future mineral extraction on land available for mineral exploration by, prior to designating the land for a purpose that removes the ability of that land to be used and developed for mineral extraction, consideration of the following:
 - the nature and scale of the mineral resource;
 - the viability of extracting the mineral resource; and
 - the social, economic and environmental benefits of the mineral resource compared to that of the alternative land use.
5. Plan for and encourage the use of suitable mineral resources that can provide for a viable resource supply to be extracted consistent with relevant planning policies, considering:
 - a) the benefits to the community;
 - b) the provision of energy and infrastructure;
 - c) access to a skilled workforce;
 - d) risks to public health and safety are managed to within acceptable levels;
and
 - e) environmental impacts are minimal.
6. Facilitate the provision of housing and services to support mining employees and their families in remote settlements.

4.3.4 Implementation Guidelines

	State Planning Provisions	Local Provisions Schedule

4.4 Tourism

4.4.1 Application

Statewide.

4.4.2 Objective

To promote the sustainable development of the State's tourism industry.

4.4.3 Strategies

1. 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:
 - a) visitor demand and forecast trends of visitation across the State;
 - b) existing supply of tourism product, services and infrastructure;
 - c) appropriateness of the scale and nature of the tourism use;
 - d) the impact on the environmental, landscape, intrinsic and local character values of the place;
 - e) the use and development being displaced;
 - f) alignment with and promotion of the Tasmanian brand;
 - g) alignment with regional destination plans supporting the visitor economy;
 - h) the contribution to the local, regional and State economy; and
 - i) integration with the local community.
2. Promote tourism use and development that protects, is compatible with and builds on the assets and qualities of the events, activities and attractions underpinning them.
3. Ensure visitor accommodation does not significantly impact the supply of housing for the local community.
4. Support unique, diverse and innovative tourism experiences that support the Tasmanian brand.
5. Facilitate the provision of infrastructure, housing and services, where appropriate, to support tourism and hospitality employees, to meet the demand for, and support the growth of, sustainable tourism use and development.
6. Identify and protect attributes that attract and enhance tourism experience.
7. Prevent the cumulative impacts of tourism use and development from unreasonably detracting from how the local community engages and identifies with their local surrounds.

8. Promote growth and investment in recreational, art and cultural activities that attracts tourism growth and supports the local community's access to these facilities.
9. Promote the integration of tourism infrastructure into activity centres to support and reinforce the economic function of activity centres.

4.4.4 Implementation Guidelines

None specified.

4.5 Renewable Energy

4.5.1 Application

Statewide

4.5.2 Objective

To promote renewable energy use and development to support economic and employment opportunities and strengthen the State's economy, while also supporting emissions reduction.

4.5.3 Strategies

1. Identify renewable resource areas to prioritise the location of renewable energy use and development within areas that have been strategically identified for future renewable energy use and development taking into consideration:
 - a) the quality of the energy resource;
 - b) economic and social value;
 - c) investor interest; and
 - d) environmental, cultural heritage and land-use constraints.
2. Identify and plan for supporting transmission infrastructure required to connect renewable resource areas to the existing network, taking into consideration the ancillary infrastructure that may be required to provide for a reliable and secure network.
3. Recognise the quality and diversity of Tasmania's renewable energy resources and the role it can play in limiting greenhouse gas emissions and supporting the transition to national low carbon economy through existing and future interconnection to Tasmania.
4. Facilitate local, neighbourhood and specific site renewable energy generation, including the potential use of green hydrogen and bioenergy, to help diversify the local economy, improve sustainability outcomes and build resilience and diversification around energy supply.
5. Support infrastructure enabling distributed energy resources.
6. Facilitate the provision of housing, including temporary housing, required to accommodate workers, particularly during the construction phase, to support the development of renewable generation sources within regional areas.

4.6 Industry

4.6.1 Application

Statewide.

4.6.2 Objective

To protect industrial land, facilitate sustainable industrial use and development and ensure there is sufficient availability of suitable industrial land to meet the existing and future needs of Tasmania.

4.6.3 Strategies

1. Identify and allocate land within urban growth boundaries that is suitable for industrial use and development, considering:
 - a) analysis of industrial activities and land supply at a regional or metropolitan level, including existing available land, potential for growth within, or adjacent to, existing centres, and the nature of current and future industrial activities;
 - b) topography and physical site constraints;
 - c) compatibility of surrounding land use;
 - d) provision of adequate buffer areas to separate incompatible uses;
 - e) access to workforce;
 - f) supply chain relationships, including freight patterns, and proximity to existing freight networks, including high productivity and key local freight roads;
 - g) the ability to and cost of, servicing with physical infrastructure; and
 - h) avoidance of environmental hazards and environmental values.
2. Provide for at least a 15 year supply of industrial land, that is located within urban growth boundaries, that is based on projected demand to meet the economic needs of Tasmania.
3. Enable industrial types of use and development, outside urban growth boundaries, where:
 - a) the use is resource dependent, including, but not limited to, abattoir, onshore marine farm or sawmill, and required to be located with the resource to provide for more sustainable outcomes;
 - b) high impact industrial use warrants separation from settlements;
 - c) the land has formerly been developed and is no longer being used to its full capacity, such as a brownfield site, and is proposed to be re-purposed for industrial use and development; or
 - d) the land is identified as being strategically located, such as having access to supporting infrastructure or freight routes and has State or regional industrial importance; and

environmental hazards and the impact on environmental values are avoided or can be appropriately managed.
4. Protect existing and future industrial land from encroachment by incompatible use and development.
5. Where appropriate, protect land surrounding industrial estates by designating it for a compatible land use that does not prejudice the future availability of that land for industrial use and development.

6. Encourage the co-location of similar industrial uses within existing or future strategic industrial precincts.

4.6.4 Implementation Guidelines

None specified

4.7 Business and Commercial

4.7.1 Application

Statewide.

4.7.2 Objective

To promote business and commercial activities at a scale and intensity suited to the location to support diverse economic and employment opportunities and strengthen the State's economy.

4.7.3 Strategies

1. Identify and allocate a sufficient supply of land within existing settlements or areas identified for future growth of settlements, to provide for commercial and business use and development based on existing and projected demands, considering:
 - a) the nature and scale of the catchment being serviced;
 - b) consumer demand and demographic forecast;
 - c) efficient use of existing infrastructure;
 - d) accessibility to existing transport networks and services;
 - e) access to employees;
 - f) activity centre hierarchy; and
 - g) regional settlement hierarchy.
2. Identify an activity centre hierarchy that is based on the scale, role, function and accessibility of activity centres.
3. Support the activity centre hierarchy by promoting complimentary use and development to strengthen efficiencies within activity centres and avoid unnecessary competition between activity centres.
4. Encourage the intensification and growth in, and around, higher order activity centres that are highly accessible and which promote the efficient use of infrastructure and services.
5. Support the redevelopment of commercial and business use and development in existing activity centres prior to considering the establishment of new activity centres, unless it is a natural progression of the existing activity centre and is highly accessible to its catchment of users.
6. Avoid locating activity centres outside urban or settlement growth boundaries.
7. Support home-based businesses where the impact does not cause an unreasonable loss of residential amenity to the surrounding area.

8. Provide for small scale commercial or business opportunities in residential and industrial areas that meets the needs of local residents or workers, is conveniently located and, in the case of residential land, does not cause an unreasonable loss of residential amenity.
9. Support mixed use, including residential uses, in activity centres that are highly accessible and where the potential for land use conflict can be managed.

4.7.4 Implementation Guidelines

None specified

4.8 Innovation and Research

4.8.1 Application

Statewide.

4.8.2 Objective

To promote innovation and research, and the institutions and infrastructure that drives learning and prepares a skilled workforce, that will support existing and emerging opportunities and contribute to a diverse and resilient economy.

4.8.3 Strategies

1. Support the provision and expansion of logistics and digital infrastructure to promote the information and communications technologies (ICT) industry that provides opportunities to drive learning, productivity, innovation and access to online global markets.
2. Support accessible and well-connected tertiary education and training institutions that fosters innovation and career diversity while supporting the existing and emerging needs of the State's employment sectors.
3. Promote existing and emerging innovation and research opportunities, especially those that promote Tasmania's assets, facilitates diversification of our economy, makes use of our geographical location and furthers our brand values, by providing planning mechanisms that are adaptive and flexible to respond competitively to opportunities as they arise.
4. Provide for precinct planning that allows for collaborations between industry, science, research and education institutions to be co-located to facilitate and promote learning, on the job training, collaboration and shared access to resources.

- 5. Support opportunities for greater economic self-sufficiency, diversification and circular economies to help reduce the impacts of external forces on the State economy.

4.8.4 Implementation Guidelines

Regional Land Use Strategies	State Planning Provisions	Local Provisions Schedule



31 October 2022

Minister Michael Ferguson,
Minister for Planning,
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Via email yoursay.planning@dpac.tas.gov.au

Dear Minister Ferguson,

Submission on Draft Tasmanian Planning Policies (TPPs) - Addressing the digital connectivity challenges faced by Tasmanians moving into newly developed properties

NBN Co is the Federal Government-owned wholesale broadband network and wholesale service provider, with a purpose of lifting the digital capability of Australia. As such, **nbn** welcomes the opportunity to comment on the draft Tasmanian Planning Policies (TPPs) consultation. In this submission, we highlight areas we encourage the Tasmanian Government to consider for reform. **nbn** believes they will improve digital connectivity for Tasmanians by helping to ensure the applicable broadband infrastructure is in place and services are available to be connected when people move into newly developed properties.

As previously highlighted in communication to the Hon Roger Jaensch MP, the former Minister for Planning, on 9 July 2018, we continue to see that many Tasmanians face challenges when moving into their newly developed properties as broadband network infrastructure sometimes have not been arranged by the property developer as part of the property development process.

At **nbn** we are committed to providing world class digital connectivity across the country. When it comes to newly developed properties, it is critically important that broadband network infrastructure and services are arranged by the property developer as part of the property development process. When these arrangements are not made, people and businesses may move into newly developed properties and find themselves without access to applicable broadband services. In effect, they may end up “digitally stranded” for months which can have detrimental impacts.

Our data shows that more than one in seven newly developed properties in Tasmania are already occupied by the time they are made “ready to connect” to the **nbn**® network. These people and businesses face unnecessary delays in connecting to the **nbn**® network for a variety of developer and/or **nbn** and/or development approval reasons, some of which may include the developer not getting the process started in a timely manner, or at all. The ratio is more than double the national average and one of the highest in Australia.

It is suspected that one of the reasons for this is there are no mandatory planning requirements for broadband network infrastructure in the Tasmanian planning system. Without planning requirements, developers may fail to make arrangements for broadband network infrastructure and services. Developers may also approach carriers without enough notice to provision infrastructure and services prior to occupancy. To express the impact in absolute terms, over 600 Tasmanian premises were occupied in 2021 without broadband infrastructure, impacting a wide range of people, families and businesses.



The impacts are broad and significant:

1. **People and businesses** can be left without fixed-line broadband access and services for at least four months, potentially severely impairing their ability to live, work, learn, play and trade from their home or place of business. This is particularly concerning for vulnerable members of the community who may require the support provided by broadband for the ongoing management of their health and safety.
2. The **cost** to retrospectively build broadband network infrastructure, including fibre-ready facilities, is typically more than double what it would have been if the fixed-line broadband network infrastructure was built while the property was in development. Typically, this cost is borne by the developer or **nbn**.
3. **Aesthetics and waste:** To retrofit broadband network infrastructure, brand new walls, driveways and gardens often need to be disturbed, and conduits often need to be fixed to the outside of the walls of new buildings. This compromises aesthetics and drives waste, all of which can be avoided if the broadband network infrastructure is built while the property is in development. This disturbance to a new dwelling is particularly keenly felt by new owners.

Under Tasmanian planning laws, processes, and the draft Tasmanian Planning Provisions, the making of arrangements to ensure broadband network infrastructure is built and broadband services are available is at the discretion of the property developer. In effect, Tasmania is relying on property developers to “do the right thing”. While most developers do so, there are instances where developers fail to engage with a network provider to have infrastructure installed prior to sale or lease. This contrasts with other jurisdictions which require developers to provide evidence that fibre-ready facilities have been installed to relevant specifications, and all lots are either connected to or are ready for connection to telecommunication services. For example, in Victoria, developers are unable to complete their subdivision and receive statement of compliance until the telecommunications mandatory conditions for subdivision permits under the Victoria Planning Provisions have been met.

nbn has previously engaged with local councils in Tasmania to raise awareness about this issue, with detailed feedback received from 10 councils. Many councils responded that they were aware of the issue and were at a stalemate with developers because it was difficult to impose local conditions without state policy support. **nbn** has also engaged with the Local Government Association of Tasmania, which is aware of this issue and supports policy change.

Consequently, **nbn** is proposing that the relevant sections of the Tasmanian Planning Provisions be amended to provide greater security and certainty for new property owners and businesses by incorporating conditions requiring confirmation that fibre-ready facilities have been built to the relevant carrier’s technical specifications and that broadband services have been connected, or are ready for connection, to all lots that form part of the development. It would also bring Tasmania’s planning laws, policies and processes into alignment with best practice nationally. Specifically, the fibre-ready facilities requirements under the part 20A of the *Telecommunications Act 1997* and those in Telecommunications in New Developments policy. To achieve this, we believe that changes would need to be made to the Tasmanian Planning Policies and potentially the *Land Use Planning and Approvals Act (1993)* and/or its regulations.

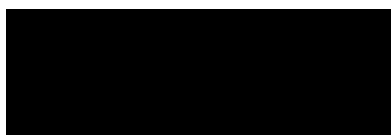
nbn would be happy to arrange a meeting with your office or with relevant officers from the State Planning Office to discuss proposed changes and broader issues that could be considered by the Tasmanian Government. Please contact Russell Kelly, Corporate Affairs Manager, Tasmania to discuss and arrange a further briefing v [REDACTED]



Thank you for considering our proposal. We are confident it will lead to better outcomes for hundreds of Tasmanians moving into newly developed properties each year and help avoid the disappointment, frustration, cost and waste which can occur when developers fail to organise for fixed-line broadband network infrastructure to be provided as part of their development or if they apply with too little notice before occupancy occurs.

I look forward to working collaboratively with the Tasmanian Government to improve digital connectivity and lift the digital capability of Tasmanians.

Your sincerely,



Andrew Walsh
Executive General Manager, New Developments
NBN Co Limited

Tasmanian Planning Policies

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

Foreword

Land use planning seeks to balance the competing demands on land to support the community's environmental, social and economic interests. To achieve this, it applies foresight, strategic thinking and prioritized action to spatially arrange land use and development to avoid conflict and, from a temporal perspective, it applies this approach in the consideration, protection and allocation of land to accommodate the needs of future generations.

The Tasmanian Planning Policies (TPPs) are a planning instrument made under Part 2A of the *Land Use Planning and Approvals Act 1993* (the Act) that provide consistent, high-level planning policy direction that will guide planning outcomes delivered through Regional Land Use Strategies (RLUS) and the Tasmanian Planning Scheme (TPS). The Act also requires consideration of the TPPs during the declaration and assessment of major projects.

Section 12B of the Act sets out the broad range of matters that a TPP may relate, including:

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

The policy content is delivered through seven TPPs that address broad land use planning topics including: Settlement, Environmental Values, Environmental Hazards, Sustainable Economic Development, Physical Infrastructure, Cultural Heritage and Planning Processes.

The Foreword and Implementation, Table of Contents, headings, footnote and the Principles and Policy Context section of each TPP are not intended to have statutory application. They have been included to assist users' understanding of the TPPs, their relationship to the Act and how they are intended to be implemented to guide both the planning system and planning outcomes. They are a guide only and should be read in conjunction with the Act.

Implementation

There is no order or hierarchy associated with the application of the TPPs. It is intended that, where the Act requires consideration of the TPPs, the TPPs should be considered in their entirety with all relevant strategies applying equally.

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

The TPPs provide a section to include implementation guidelines. Where none are specified, the section is retained to allow future provisions to be included if required.

Implementation guidelines that are provided in the TPPs form part of the TPPs, and therefore there is a statutory requirement for the policy content to be implemented in the manner specified. Implementation guidelines are provided only where it is considered necessary to specify how particular strategies are to be implemented to achieve the desired policy outcome.

Those strategies that do not have implementation guidelines are considered to contain enough detail in the strategy to guide how it is intended to be applied. These strategies can be implemented in multiple ways, allowing different local and regional circumstances to be considered in the context of competing social, environmental and economic interests.

The effectiveness of the TPPs will be monitored, and to ensure the policy outcomes are responsive to changing circumstances, reviews will be undertaken every five years in accordance with section 121 of the Act.

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1.0 Settlement

1.0.1 Principles and Policy context

In Tasmania and around the world, the majority of people live in settlements. The quality of our settlements contributes to our quality of life. Settlements that contain diverse uses, are well planned, serviced, accessible and environmentally attractive stimulates economic growth and community resilience and wellbeing.

Land use planning shapes the existing and future form and function of our settlements. It considers the competing demands on land and aims to balance these demands to spatially arrange land use and development to avoid conflict. Urban environments are highly susceptible to land use conflict due to the interaction of environmental, social and economic forces that create complex spatial relations. Land use planning considers these spatial relations, and in doing so promotes the allocation, co-ordination and efficient use of land to provide for the needs of the existing and future generations.

With the guidance of the TPPs, the planning system will determine how and where growth will occur. The Settlement TPP requires that sufficient land is allocated to meet the community's needs for housing, including social and affordable housing, commerce, recreation, open space and community facilities and is appropriately serviced by social and physical infrastructure. It also supports the planning system to deliver future development in a coordinated, cost effective and environmentally responsible way.

Settlement patterns have a direct impact on infrastructure and service requirements and outcomes. Where possible, use and development should align with and maximise the use of existing infrastructure and services.

The policy prioritises a settlement pattern that locates people where they have access to employment, social infrastructure and transport networks to improve connectivity and liveability of settlements. It emphasises the delivery of social and affordable housing and recognises that these types of housing are essential to improve social and economic resilience. The Settlement TPP acknowledges that designing functional, sustainable and engaging spaces contribute to social inclusion and strengthen connections with place and our cultural identity. The combination of these factors supports healthy communities, attracting more people to live, visit and invest in our settlements.

To achieve these planning outcomes, the Settlement TPP is split into 5 separate policy areas that provide for liveable settlements, mechanisms for directing growth, policies relating to specific settlement types, housing diversity and availability and providing for well- designed built environment and public spaces.

1.0.2 Climate Change Statement

Because settlements concentrate populations and economic activities, they are also drivers of energy and resource consumption and contribute to climate change. Under a changing climate, Tasmania's terrestrial environments are projected to experience a rise in annual average temperatures, significant changes in seasonal and regional rainfall patterns and an increase in rainfall intensity.

In practice this means some of our settlements may experience increased likelihood of:

- localised flooding;
- inundation in coastal areas;
- potential for land slips;
- storm damage to property and infrastructure;
- bushfires in bushland near to settlements;
- social and economic disruption from extreme events;
- hot days and greater runs of hot days; and
- urban heat island effect in highly built-up areas.

Land use planning cannot prevent these events, however it can support measures that help address the causes and impacts of climate change.

While some of these matters are more specifically dealt with under other TPPs, from a settlement perspective many of the strategies to address these impacts also offer other benefits to the community and the environment. For example, strategies that promote networks of green spaces also increases rain-absorbing surfaces, allowing cities to better manage flooding from intense storms. Encouraging urban vegetation that provides shade allows urban environments to better tolerate extreme heat events and contributes to carbon storage in the urban landscape. Both these actions help to reduce the impact of climate change and, in doing so, create a more liveable environment.

Similarly, measures to consolidate settlements, make use of existing infrastructure, promote energy efficient design and improve access to public and active transport networks, while providing for efficient settlement patterns also reduces resource consumption and lowers emissions.

The impact of these predicted changes will not be felt evenly throughout the community. The more vulnerable in our community are likely to experience greater impacts, especially people that are older, have some pre-existing medical conditions, have lower levels of literacy and those on lower incomes or in housing stress.

While the planning system cannot solve these problems, there are strategies within the Settlement TPP that facilitates greater access to health, education and social and affordable housing that will support the vulnerable and build climate change resilience within the community.

1.1 Growth

1.1.1 Application

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

1.1.2 Objective

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

1.1.3 Strategies

1. Provide for at least a 15 year supply of land that is available, identified or allocated, for the community's existing and forecast demand for residential, commercial, industrial, recreational and community land to support the economic, social and environmental functioning of settlements.
2. Plan for growth that will:
 - a) prioritise and encourage infill development, consolidation, redevelopment, re-use and intensification of under-utilised land within existing settlements, prior to allocating land for growth outside existing settlements;
 - b) prioritise the development of land that maximises the use of available capacity within existing physical and social infrastructure networks and services;
 - c) avoid the development of land that is not well serviced by existing or planned physical and social infrastructure, or that are difficult or costly to service;
 - d) avoid the development of land at risk of natural hazards, that has high environmental or landscape value or are, or could have the potential to be used for, viable agricultural or extractive industry uses; and
 - e) integrate with existing transport systems.
3. Identify regional settlement hierarchies based on:
 - a) population projections and forecast demographic change;
 - b) the functional characteristics of the settlement and any specific role it plays in the State or Region;
 - c) the social, environmental and economic characteristics of the settlement;
 - d) the availability of goods and services, including social infrastructure, to support the needs of the community;
 - e) access to employment and training opportunities;
 - f) efficient and accessible transport systems; and
 - g) capacity and cost-efficient upgrading of physical infrastructure.

4. Prioritise growth of settlements that are within the higher tiers of the settlement hierarchy.
5. Actively address impediments to infill development, particularly in the major urban centres.
6. Require the preparation of structure plans that provide for the effective planning and management of land use and development within a settlement, or part of a settlement, that, as a minimum, considers:
 - a) the identified values, physical constraints and the strategic context of the location;
 - b) urban or settlement growth boundary;
 - c) movement networks, including street hierarchy and pedestrian and cycling paths for active transport modes;
 - d) location of land for the purpose of residential, commercial, open space, recreation and community use and development, the relationship between uses and their positioning to avoid land use conflict;
 - e) any staging or sequencing of development of land;
 - f) the use of existing infrastructure and services and the logical and efficient provision of additional infrastructure; and
 - g) impacts on broader physical and social infrastructure, including health and education facilities, strategic transport networks, public transport services, water and sewerage.
7. Create urban or settlement growth boundaries that clearly identifies the spatial extent of growth, including the allocation of a sufficient land to meet projected growth.
8. Proposed growth located outside an urban or settlement growth boundary must be strategically justified, based on:
 - a) projected population growth;
 - b) land supply and demand analysis (including infill and greenfield);
 - c) existing infrastructure networks and services;
 - d) supporting the regional settlement hierarchy; and
 - e) preventing the distortion of growth strategies in other settlements.
9. Identify the role and function of activity centres within settlements and provide for use and development that compliments and supports that role and function.
10. Encourage the concentration of commercial, administrative, major retail, entertainment and cultural use and development within activity centres that are highly accessible by public and active transport.
11. Prioritise the sustainable expansion, consolidation, redevelopment and intensification of existing activity centres prior to the development of new activity

centres, unless the existing activity centres are at capacity and growth is constrained.

12. Provide for and identify preferred development sequences in areas of growth to enable better coordination and more cost-effective planning and delivery of physical infrastructure.

1.1.4 Implementation Guidelines

Based on the regional settlement hierarchy, RLUSs are to identify settlements that require at least a 15 year supply of land to accommodate growth.

For identified settlements, the RLUS should provide a 20 year supply of land to maintain the 15 year minimum supply required by strategy 1 of section 1.1.3 of the TPPs. The 5 yearly review cycle of the RLUS should assist in maintaining the 15 year supply minimum.

Urban or settlement growth boundaries are to define the spatial extent of the 20 year land supply, considering infill, intensification and consolidation strategies, allocated to accommodate settlement growth that must be identified on a map within the RLUS.

1.2 Liveability

1.2.1 Application

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

1.2.2 Objective

To improve the liveability of settlements by promoting a pattern of development that improves access to housing, education, employment, recreation, nature, health and other services that support the wellbeing of the community.

1.2.3 Strategies

1. Promote the location of residential use and development in areas that are close to, or are well connected to, activity centres or secure and reliable employment sources.
2. Facilitate access to, and a diverse range of, employment opportunities in settlements by:
 - a) the provision of, and access to, safe and efficient public transport;
 - b) encouraging telecommunications infrastructure to support the ability to work remotely and access global markets; and
 - c) enabling businesses that promote local characteristics, resources and produce.

3. Provide for tertiary education and vocational training institutions in close proximity to, or highly accessible by, residential areas to support growth in the skilled workforce and increase opportunities for innovation, technology and research to support established and emerging industries.
4. Provide for a network of accessible and inviting open and green spaces close to and within residential areas and activity centres to encourage active lifestyles, connection with nature and social interaction.
5. Provide for connectivity within settlements, especially between residential areas, activity centres and open space networks, through a network of legible and accessible infrastructure dedicated to active transport modes, including end of trip facilities.
6. Provide integrated transport networks that allow people to move safely and efficiently between and within settlements utilising different transport modes, including public transport, cycling and walking, to reduce car dependency.
7. Support measures to mitigate the impacts of climate change on urban environments by encouraging urban forests, street plantings, garden roof tops (green roof), water sensitive urban design and integration of shade and water features into public spaces.
8. Improve neighbourhood amenity by managing incompatible use and development.
9. Provide for a range of cultural, recreational and community facilities that support wellbeing, social cohesion and cultural identity and understanding.
10. Protect and enhance those settlements, or part of settlements, that contain unique or distinctive local characteristics that contribute, or have the potential to contribute to, the community's identity and sense of place.
11. Facilitate place-making and recognise the contribution it makes to the local economy, environmental amenity and social wellbeing of the community.

1.2.4 Implementation Guidelines

None specified.

1.3 Social Infrastructure

1.3.1 Application

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

1.3.2 Objective

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

1.3.3 Strategies

1. Provide for a sufficient supply of land to support the community's existing and forecast demand for social infrastructure, including, but not limited to, schools, health care, libraries, social services and child and aged care.
2. Facilitate the co-location of suitable and compatible social infrastructure.
3. Maximise the use of existing well-located social infrastructure, including the re-use and multi-use of sites, to meet the changing needs of the community.
4. Integrate public and active transport networks with major social infrastructure.
5. Promote the location of social infrastructure in close proximity to, or highly accessible by, residential areas.
6. Facilitate the provision of services that support vulnerable or at risk people, including crisis accommodation, neighbourhood houses, youth-at-risk centres, women's shelters and men's shelters.
7. Protect major health and emergency services facilities (including associate airspace) from land use conflict by avoiding the encroachment or intensification of surrounding incompatible use and development.
8. Support the temporary or intermittent use of recreational, educational and community facilities for a range of cultural and creative activities that promote community participation and social inclusion.

1.3.4 Implementation Guidelines

None specified.

1.4 Settlement Types

1.4.1 Application

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

1.4.2 Objective

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

1.4.3 Strategies

1. Identify and strategically manage the peri-urban interface to protect environmental, landscape and agricultural values from urban encroachment and to protect life and property from the threat of natural hazards.

2. Promote the vibrancy and character of specific activity centres, hubs or inner-city locations that have good connectivity, housing choices and access to goods and services that support urban lifestyles, where the impacts associated with mixed use and higher density residential use can be managed.
3. Establish urban or settlement growth boundaries around coastal settlement to ensure that growth in coastal areas is directed to existing settlements areas and prevents linear development along the coast.
4. Facilitate the provision of social and physical infrastructure to support the seasonal fluctuations in populations experienced by coastal or other settlements that are characterised by holiday homes.
5. Identify and protect the key values and activities of rural towns and villages, and support use and development that enhances these values and activities.
6. Avoid allocating additional land for the purpose of rural residential use and development, unless:
 - a) the amount of land to be allocated is minimal and does not constitute a significant increase, or the existing pattern of development reflects rural residential type settlement;
 - b) the land is not within an urban growth boundary or settlement growth boundary;
 - c) the location of the land represents an incremental, strategic and natural progression of an existing rural residential type settlement;
 - d) the land is not strategically identified, or has the potential to be identified in the future, for development at urban densities;
 - e) growth opportunities maximise the efficiency of existing services and infrastructure;
 - f) agricultural land, cultural heritage values, landscape values, environmental values and land subject to natural hazards are avoided;
 - g) the potential for land use conflict with surrounding incompatible activities, such as extractive industries and agricultural production, is avoided; and
 - h) it contributes to providing for a mix of housing choices that attracts or retains a diverse population.

I.4.4 Implementation Guidelines

None specified.

1.5. Housing

1.5.1 Application

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

1.5.2 Objective

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

1.5.3 Strategies

1. Provide the timely supply of land for housing in locations that are, or can be, easily connected to, and integrated with, the range of services including infrastructure provision, access to community, health and education facilities, public transport, and employment, consistent with the policy outcomes that deliver liveable settlements.
2. Supply land, including infill, reuse and greenfield sites, for housing that meets the projected housing demand, which is to be based on the best available evidence, to improve housing availability and affordability.
3. Facilitate social and affordable housing to meet the needs of the community that is located close to services and public transport networks.
4. Plan and provide for a diverse range of quality housing types that meet the needs of the community by:
 - a) responding to demographic trends including changing household size and composition;
 - b) supporting the provision of well-designed social and affordable housing;
 - c) catering for the aging population, including facilitating aging in place and catering for different levels of dependency and transitioning between them;
 - d) catering for people requiring crisis accommodation;
 - e) considering the needs of people with disabilities, including the level of support and care required for different levels of dependent and independent living options; and
 - f) supporting co-living scenarios to help address housing availability and affordability.
5. Encourage higher density housing in locations that:
 - a) have been identified for urban consolidation;
 - b) are within close proximity to an activity centre;

- c) have good access to employment, services, open space and active and public transport networks;
- d) the potential impacts associated with increased residential density and land use conflict can be managed; and
- e) does not impact environmental values and is not constrained by topography and environmental hazards.

1.5.4 Implementation Guidelines

None specified.

1.6 Design

1.6.1 Application

Statewide

1.6.2 Objective

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

1.6.3 Strategies

1. Encourage the design and siting of buildings to positively contribute to:
 - a) the site and surrounds;
 - b) the wellbeing of the occupants;
 - c) the public realm;
 - d) neighbourhood amenity and safety;
 - e) incorporate energy efficient measures; and
 - f) safe access and egress for pedestrian, cyclists and vehicles.
2. Provide public places that are designed to connect with, and respond to, their natural and built environments, enhancing and integrating environmental values that contribute to a sense of place and cultural identity.
3. Encourage public places that are designed to promote:
 - a) equal access and opportunity and to cater for the various needs and abilities of the community; and
 - b) safety, social interaction and cultural activities, enabling a sense of wellbeing and belonging.

4. Respect the characteristics and identities of neighbourhoods, suburbs and precincts that have unique characteristics by supporting development that considers the existing and desired future character of the place.
5. Encourage the use of urban design principles that creates, or enhances, community identity, sense of place, liveability, social interaction and climate change resilience.
6. Support sustainable design practices that are energy and resource efficient, address temperature extremes and reduce carbon emissions, including:
 - a) reduce the urban heat island effect by promoting the greening of streets, buildings and open space with vegetation, preferably native species where appropriate;
 - b) implement sustainable water and energy solutions for climate change adaptation, including water sensitive urban design and renewable energy production;
 - c) promote consolidation of urban development;
 - d) integrate land use and transport; and
 - e) encourage active transport through the provision of safe and shaded rest areas with urban furniture, drinking fountains and similar amenity measures.
7. Promote subdivision design that considers the existing and future surrounding pattern of development and provides for connection and integration of street networks, pedestrian and bicycle paths and the efficient provision of services.
8. Promote subdivision design that provides a functional lot layout that:
 - a) supports the intended future use and development of the lot;
 - b) uses urban land efficiently;
 - c) promotes climatically responsive orientation of buildings;
 - d) allows passive surveillance of public spaces promoting community safety;
 - e) provides a convenient, efficient and safe road network;
 - f) supports efficient and effective public transport access;
 - g) provides safe active transport;
 - h) is responsive to topography, site constraints and environmental values and hazards; and
 - i) provide diverse lot sizes for residential use, in appropriate locations, that supports the future provision of diverse housing choices that meets the needs of the local community.

1.6.4 Implementation Guidelines

None specified

2.0 Environmental Values

2.0.1 Principles and Policy Context

Tasmania's natural environment is diverse, rich and unique. It provides the backdrop to our settlements, it is where we choose to engage in recreational pursuits and our connection with nature contributes to our quality of life, general wellbeing and how we identify as Tasmanians.

Land use planning seeks to recognise the functional, aesthetic and intrinsic value of the natural environment. It also acknowledges that by protecting these values it can support those sectors that rely on healthy ecosystems and intact landscapes to produce goods and services that stimulates our economy.

A significant proportion of Tasmania's environmental values are protected by mechanisms outside the planning system. Land use planning can play a strategic role in identifying and prioritising other environmental values and apply measures to protect them. In doing so, it can help address the broad scale, cumulative effects associated with land use and its impacts on environmental values.

The Environmental Values TPP seeks to protect environmental values by adopting, where relevant to the specific environmental value, the following principles:

1. identify environmental values and determine their significance;
2. avoid designating land, that contains significant environmental values, for land use and development that will detrimentally impact those values;
3. minimise the impact of land use and development on environmental values where avoidance is not possible or impracticable; and
4. where possible, apply offset where the impacts cannot be minimised.

These principles have been broadly applied to five categories of environmental values being:

- Biodiversity;
- Waterways, wetlands and estuaries;
- Geodiversity;
- Landscape values; and
- Coasts

While the primary outcome of the Environmental Values TPP is to establish the strategies by which the planning system can play its role in protecting and conserving Tasmania's environmental values, it also contributes to broadening the community's understanding and appreciation of natural systems which in turn promotes their health and resilience.

2.0.2 Climate change statement

Projected changes to Tasmania's future climate will have a variety of impacts on our environmental values. These include:

- significant changes in the amount of rainfall, including seasonal variation and spatial distribution;
- increased frequency and intensity of extreme weather events;
- increased average temperatures and longer runs of days at higher temperatures: and
- sea level rise

Future climatic conditions will impact the five categories within the Environmental Values TPP differently. These changes are unlikely to be linear and predictable, and the interactions between effects may introduce additional uncertainty.

Coastal environments are projected to experience sea level rise, ocean warming, increased frequency and intensity of marine heatwaves and storm events. The latter will accelerate coastal erosion in vulnerable areas, potentially threatening coastal habitats.

Waterways and wetlands may experience times of flooding or reduced flow rates. This may impact aquatic habitats and present issues for water security. Periods of either excessive high or low soil moisture may stress native flora and fauna.

Ecosystems may also be exposed to climatic conditions that they are not adapted, potentially disrupting ecological processes. Changed environmental conditions may also favour and potentially increase the spread of invasive plant and animal species. More frequent fires will also impact damage habitat, and while many of our native flora and fauna have adapted to fire, a significantly altered fire regime may also effect the abundance and distribution of species and the relationship between them.

Because there are many unknowns regarding climate change, the planning system needs to plan for both predicted scenarios and remain responsive to unforeseen circumstances. The Environmental Values TPP seeks to address this by:

- supporting early action against native habitat loss;
- promoting connectivity between vegetation to support viable ecological processes and build climate change resilience;
- considering the vulnerabilities of ecosystems and natural processes to the projected future climate and spatially applying parameters to identify, protect and prioritise communities at high risk; and
- enabling retreat pathways for ecosystems.

Land use planning can also support measures to reduce emissions. The Environmental Values TPP supports this by promoting the protection of biodiversity values and ecological services that maximise opportunities for carbon storage.

2.1 Biodiversity

2.1.1 Application

Statewide.

2.1.2 Objective

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

2.1.3 Strategies

1. Identify biodiversity values, appropriately rank the significance of those values and map their location.
2. Avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.
3. Prior to designating land for a particular purpose:
 - a) consider the biodiversity values of that land and the potential impacts of the range of future use and development will have on those values; and
 - b) determine if they are compatible and can be managed to avoid or minimise the impact on biodiversity values, especially high biodiversity values.
4. Provide for a level of restriction and regulation of use and development that will reflect its potential impact on, and be relative to, the biodiversity value.
5. Promote use and development to be located, designed and sited to avoid impacts on biodiversity values, and where avoidance cannot be achieved, or is not practicable, the impacts to biodiversity values will be minimised, or offset.
6. Promote and maintain connectivity between isolated and fragmented vegetation communities to support habitat corridors and promote viable ecological processes.
7. Land use planning is to minimise the spread and impact of environmental weeds.
8. Protect and enhance areas that provide biodiversity and ecological services that maximise opportunities for carbon storage.
9. Support early action against loss of native habitat as a result of climate change.
10. Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development that will increase the ability of species, ecological communities and ecosystems to adapt to climate changes.
11. Identify ecological communities that are most vulnerable to climate change and develop strategies that consider improving resilience, mitigating impacts, planning retreat and facilitating adaptation to support their long-term survival.
12. Identify and enable retreat pathways for endangered ecosystems in coastal zones.

13. Support land managers or regulators of land within the Tasmanian Reserve Estate to manage that land in accordance with approved management plans and specific reserve objectives.

2.1.4 Implementation Guidelines

None specified.

2.2 Waterways, Wetlands and Estuaries

2.2.1 Application

Statewide

2.2.2 Objective

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

2.2.3 Strategies

1. Identify and protect areas that support natural systems within waterways, wetlands and estuaries, including their terrestrial verges and groundwater recharge areas.
2. Avoid designating land in, or around, waterways, wetlands and estuaries for use and development that has the potential to cause point source or diffuse pollution and would require considerable disturbance of riparian or foreshore vegetation and soil, unless the use and development:
 - a) relies specifically on being located within close proximity to aquatic environments;
 - b) is for flood mitigation measures; or
 - c) has considerable social, economic and environmental benefits; and can demonstrate that the risk of environmental harm can be managed.
3. Protect and conserve waterways by retaining, creating or improving vegetated riparian zones to maintain their natural drainage function and minimise unnatural or accelerated erosion of stream banks while providing riparian habitat corridors and protecting landscape values.
4. Use and development located on land in, or around, waterways, wetlands and estuaries will:
 - a) minimise the clearance of native vegetation;
 - b) promote the retention and restoration of, and linkages between, terrestrial and aquatic habitats;

- c) protect the natural form and process of the landform assemblage, including aquatic areas;
 - d) avoid land disturbance, soil erosion and changes in sediment loads within the water;
 - e) not significantly increase the rate and quantity of stormwater or pollutants entering the water; and
 - f) be designed and sited to maintain or enhance significant views and landscape values.
- 5. Support the collaboration and coordination of catchment management across the State and implement integrated catchment management that considers the downstream impacts of land use and development on water quantity and quality, and freshwater, coastal and marine environments.
 - 6. Protect and manage the ecological health and environmental values of surface and groundwater to prevent water quality degradation due to point source pollution, diffuse land use impacts or chemical reactions such as acidification.
 - 7. Provide for the availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.
 - 8. Promote and encourage the efficient and effective use of water resources.

2.2.4 Implementation Guidelines

None specified.

2.3 Geodiversity

2.3.1 Application

Statewide.

2.3.2 Objective

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

2.3.3 Strategies

- I. Identify and map land containing high conservation value geodiversity and avoid designating land for use and development that will impact those values, including through the modification of natural processes and functions that prevents geological, geomorphological or soil features from evolving naturally.

2. Promote the protection of high conservation value geodiversity by avoiding, or if not practicable minimising, the impacts of land use and development on the feature and the natural processes and functions that support the feature's evolution.
3. Encourage integrated management of geodiversity and biodiversity to enhance efficient function of ecological processes.
4. Protect places and sites of geological, palaeontological or other scientific importance, including rock formations and fossil sites from human induced impacts.
5. Protect geological features, such as peat, that provide opportunities for carbon storage.

2.3.4 Implementation Guidelines

None specified.

2.4 Landscape Values

2.4.1 Application

Statewide.

2.4.2 Objective

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

2.4.3 Strategies

1. Identify and map the extent of significant cultural, ecological, geological and aesthetic landscapes, scenic areas and scenic corridors and determine their specific features and values.
2. Protect significant landscapes, scenic areas and scenic corridors by recognising their individual scenic values and develop measures to ensure that use and development respects, and is sensitive to, the character and quality of those scenic values.
3. Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development:
 - a) relies specifically on being located within significant landscape;
 - b) has considerable social, economic and environmental benefits; and
 - c) includes specific measure to minimise the impact on significant landscapes.
4. Promote the retention and natural revegetation of degraded sites that will contribute to the overall improvement of the scenic quality of a significant

landscape, scenic area or scenic corridor, where vegetation cover is an element of the scenic quality.

2.4.4 Implementation Guidelines

None specified.

2.5 Coasts

2.5.1 Application

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

2.5.2 Objective

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

2.5.3 Strategies

1. Protect natural coastal processes and coastal landforms from use and development that will prevent natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise, unless engineering or remediation works are required to protect land, property, infrastructure and human life.
2. Strengthen the resilience of coastal processes to climate change by reducing threats and protecting the natural coastal environment, such as wetlands, estuaries, marine-protected areas, sand dunes, cliff tops, beaches, native vegetation, and other important habitats.
3. Identify coastal areas that can support the sustainable use and development of recreation, tourism, boating infrastructure (jetty wharfs), marine industries, ports and other land use that explicitly rely on a coastal location while minimising the impacts on coastal values.
4. Support the location of use and development on the coast that:
 - a) promotes the maintenance of biodiversity, ecological functions, natural coastal processes and coastal resources; and
 - b) complements or enhances the coastal environment in terms of its landscape, amenity and cultural values.

2.5.4 Implementation Guidelines

None specified.

3.0 Environmental Hazards

3.0.1 Principles and Policy Context

Environmental hazards are a natural part of the Tasmanian landscape. Significant environmental hazard events, or natural disasters, have the potential to impact people, property, infrastructure, the economy and the natural environment.

Traditionally governments have focussed attention on emergency response and recovery from natural disasters and typically overlooked mitigation strategies. As a result of enquiries into natural disasters in recent decades, governments are focussing more attention on building community resilience and capacity to prepare for environmental hazards and include regulatory measures to reduce their associated impact. Environmental hazard management and policy is now delivered through a range of institutions at a range of scales, from international to local.

Land use planning is one of the tools available to government to help reduce the impact of environmental hazards. From a strategic perspective, land use planning can identify land that is subject to hazards and avoid zoning that land for incompatible purposes thereby directing inappropriate development away from high-risk areas. Regulation through statutory planning provisions can ensure specific developments incorporate hazard protection or mitigation measures, such as adequate water supply for firefighting in a bushfire-prone area, to reduce the risk of harm caused by environmental hazards. It can also support the necessary emergency responses and community recovery from events by facilitating the provision of emergency and community infrastructure.

While the planning system has a role to play, it is also limited in what it can achieve. It cannot apply retrospectively to address planning decisions that were made under former planning regimes but it can provide for current and future land use planning decisions to respond to risks.

Planning is one component of an integrated system that operates in conjunction with others to reduce the risks arising from natural disasters from occurring and reduce the risk of harm caused by these events. For example, The *Mineral Resources Development Act 1995* regulates the management of landslip hazards and controls are imposed under the *Building Act 2016*, *Building Regulations 2016* and associated Determinations issued by the Director of Building Control. The *Land Use Planning and Approvals Act 1993* provides guidance on addressing issues relating to natural and environmental hazards including public health, public safety or other prescribed circumstances. Also, the *Environmental Management and Pollution Control Act 1994* include provisions to protect and enhance the quality of the environment to prevent any adverse impact and maintain environmental quality.

The Environmental Hazards TPP seeks to consider hazards early in the planning system which will assist in protecting life and property, reducing the financial and emotional cost to the community and decreasing the burden for emergency management caused by environmental hazards. To achieve this, the TPPs apply the following set of principles to drive the planning policy response to environmental hazards:

- prioritise the protection of human life;
- support disaster resilience of communities;
- identify and map the environmental hazard;
- avoid designating land for incompatible use or development in hazard prone areas;
- use and development, including intensification of existing use and development, does not increase the risk of environmental hazards or the harm caused by environmental hazards;
- hazard mitigation measures are to be applied to use and development exposed to unacceptable levels of hazard risk to reduce that risk to a tolerable level;
- hazard mitigation measures must consider the impacts on other identified values; and
- regulation of use and development in areas subject to environmental hazards will reflect the level of exposure to the risk of harm caused by the environmental hazard.

3.0.2 Climate change statement

Significant changes in seasonal and regional rainfall patterns, an increase in rainfall intensity and associated flooding, higher average and more extreme temperatures, and longer, more intense fire seasons will impact the frequency and intensity of hazard events.

Tasmania's coastal zone is projected to be impacted by rising sea levels and an increase in the frequency and intensity of storm events. This will exacerbate the impacts from coastal hazards such as coastal erosion and inundation.

The Tasmanian Government has developed sea level rise planning allowances for all coastal municipalities, and statewide mapping of natural hazards including, coastal erosion and inundation, and bushfire risk.

These measures demonstrate how land use planning can contribute to climate resilience, enable adaptation to the risks from a changing climate, minimise risks from natural hazards to settlements and built form, and support the health and safety of communities in the long-term.

By managing the risks from a changing climate and building a climate-resilient economy, the economic and ecological impacts from extreme weather events can be reduced, and impacted communities can recover faster.

With advancements in GIS and greater access to evidence-based data relating to future climate change scenarios, land use planning, through the guidance of the Environmental Hazards TTP, can:

- identify and map risks from natural hazards and avoid locating incompatible use and development in areas subject to risk;
- strategically consider how risks are best managed;

- apply climate change adaptation responses through statutory provisions; and
- consider protective works.

3.1 Bushfire

3.1.1 Application

Statewide.

3.1.2 Objective

To prioritise the protection of human life and to support the resilience of settlements and communities by reducing the potential impacts of bushfire on life, property and infrastructure.

3.1.3 Strategies

1. Identify and map land that is exposed to bushfire hazards.
2. The protection of human life from harm caused by bushfire will be considered and prioritised at every stage of the planning process.
3. Avoid designating land for purposes that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks.
4. Where it is not practical to avoid bushfire hazards, use and development is to:
 - a) identify the risk of harm to human life, property and infrastructure caused by bushfire;
 - b) incorporate bushfire protection measures that manage the identified risk and reduce it to within a tolerable level; and
 - c) provide a higher level of risk mitigation for uses deemed particularly vulnerable or hazardous.
5. Support the efficient and safe intervention of firefighting personnel and emergency evacuation.
6. Facilitate the provision of firefighting infrastructure and support emergency services and the community to prevent, respond and recover from bushfire events.
7. Avoid future use and development that will increase the exposure to bushfire risks for existing use and development, especially uses deemed to be particularly vulnerable or hazardous.
8. When designating land for particular purposes and considering use and development in areas subject to bushfire hazards:
 - a) consider the impacts of implementing future bushfire protection measures on environmental values and the cost to the community associated with defending properties from bushfire; and

- b) avoid locations that require bushfire hazard management to be undertaken on land external to the site where that land is publicly owned and managed for conservation purposes.
- 9. Allow the implementation of bushfire protection measures that are carried out in accordance with an endorsed plan, including hazard reduction burns.
- 10. Identify and plan for the potential impacts of future bushfire conditions as a result of climate change based on the best available scientific evidence.

3.1.4 Implementation Guidelines

None specified.

3.2 Landslip

3.2.1 Application

Statewide.

3.2.2 Objective

To reduce the risk to people, property and the environment from the adverse impacts of landslip hazards.

3.2.3 Strategies

- 1. Identify and map susceptibility to landslip hazards, including consideration of the impacts of predicted climate change induced increased rainfall and sea level rise on landslip hazards.
- 2. Use and development on land at risk of landslip, including the provision of utilities, is of a type, scale and in a location that avoids triggering or exacerbating the risk of landslip.
- 3. Avoid designating land that is more susceptible to landslip hazards for purposes that have the potential to expose people and property to landslip hazard where it does not achieve and maintain a level of tolerable risk from landslip.
- 4. Avoid designating land for use and development that involves significant soil disturbance, major construction or adding significant quantities of water to soil on land that is identified as being prone to landslip hazards, unless hazard reduction or protection measures can be applied to demonstrate that the risk of harm to people and property associated with the landslip hazard is tolerable.
- 5. Promote use and development that maintains or enhances the protective function of landforms and vegetation that can mitigate risks associated with landslip hazards.

6. Ensure the risk to human life and property resulting from use and development on land that is more susceptible to landslip hazards is identified and addressed through hazard reduction or protection measures that reduce the level to a tolerable risk.

3.2.4 Implementation Guidelines

None specified.

3.3 Flooding

3.3.1 Application

Statewide.

3.3.2 Objective

To minimise the impact of flood hazards that have the potential to cause harm to human life, property and infrastructure and to reduce the cost to the community as a result of flood events.

3.3.3 Strategies

1. Identify and map land that is subject to flooding based, as a minimum, on land inundated by the 1% Annual Exceedance Probability (AEP), or an alternative as determined by the State Government in response to climate change.
2. Avoid designating land for purposes that provide for incompatible use and development to be located on land that exposes people, property and infrastructure to flood hazards that cannot achieve and maintain a level of tolerable risk from flood.
3. Consider and plan for the cumulative impacts of use and development on flooding behaviour.
4. Maintain a level of tolerable risk from flood by avoiding locating, or intensifying, incompatible use and development on land subject to flood hazards.
5. Avoid locating use and development on land subject to flood hazards, where a level of tolerable risk cannot be achieved and maintained, that involves:
 - a) the storage of hazardous materials that if impacted by flooding may result in the release of materials, increasing the risk to public health and the environment caused by the flood hazards;
 - b) activities where vulnerable people are gathered, who may not be able to respond, evacuate or protect themselves in the event of a flood; and
 - c) public infrastructure that is required to be functional to assist in the delivery of emergency responses during and in the recovery phase of a flood event.

6. Where incompatible use and development cannot avoid being located on land subject to flood hazards, hazard reduction and protection measures must be considered and, where appropriate, incorporated into the planning and ongoing functioning of the use and development to reduce the level of risk to people, property and infrastructure to a tolerable risk level.
7. Consider and support use and development that will assist in managing emergency responses and recovery to flood events including the provision of, and safe and efficient access to, evacuation centres, emergency accommodation and medical centres.
8. Support the development of flood mitigation infrastructure that has the capacity to lower the risk of flood hazards and provide greater protection to human life, property and infrastructure, if:
 - a) the flood hazard is not diverted to an area that will expose people, property and infrastructure to an increased risk of harm where a level of tolerable risk cannot be achieved and maintained;
 - b) the impact on environmental values are considered and minimised;
 - c) the cost to the community is considered and minimised; and
 - d) careful consideration is given to the appropriateness of intensifying the use and development of the area being protected to avoid exposing additional people, property and infrastructure to flood hazards, especially considering the unpredictability of climate change induced flood events.
9. Consider any upstream dam infrastructure when strategically planning land use to protect the impacts on human life, property, critical infrastructure and community assets as a result of potential dam failure.

3.3.4 Implementation Guidelines

None specified.

3.4 Coastal Hazards

3.4.1 Application

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

3.4.2 Objective

To minimise the risks associated with coastal erosion and coastal inundation caused by climate change induced sea level rise by incorporating avoidance, mitigation and adaptation strategies into land use planning.

3.4.3 Strategies

1. Identify and map land that is subject to coastal erosion and coastal inundation, based on a projected sea level rise of not less than 0.8 metres by 2100 or the latest adopted State Government sea level rise measurements, that considers the effects of coastal processes, geology, topography, storm surges and tides on the rate and extent of coastal erosion and coastal inundation.
2. Avoid designating land for purposes that provide for incompatible use and development to be located on land that exposes people, property and infrastructure to coastal hazards that cannot achieve and maintain a level of tolerable risk from coastal erosion or coastal inundation.
3. Avoid incompatible use and development of land subject to coastal erosion or coastal inundation where a level of tolerable risk cannot be achieved and maintained, or that is not feasible or desirable to be located elsewhere, unless the use and development is:
 - a) dependent on a coastal location;
 - b) temporary, readily locatable or able to be abandoned;
 - c) essential public infrastructure; or
 - d) minor redevelopment or intensification of an existing use involving a building or structure that cannot be relocated or abandoned.
4. Where incompatible use and development cannot avoid being located on land subject to coastal erosion or coastal inundation, hazard reduction and protection measures must be considered and, where appropriate, incorporated into the siting, design, construction and ongoing functioning of the use and development to reduce the level of risk to people, property and infrastructure to a level of tolerable risk.
5. Promote strategic responses for existing settlements that are at risk of being impacted by coastal erosion or coastal inundation by considering the effectiveness and the social, environmental and economic viability of one, or a combination, of the following strategic responses:
 - a) adaptation to changing conditions over time;
 - b) planned retreat; and
 - c) protective works.
6. Avoid use and development that will;
 - a) increase the rate of coastal erosion or coastal inundation; or
 - b) increase the risk of exposing existing people, property or infrastructure to coastal erosion or coastal inundation, especially vulnerable and hazardous uses.
7. Encourage coastal defences that work with natural processes to protect assets or mitigate coastal erosion and coastal inundation risks where possible.

8. Facilitate the provision of engineered coastal defences to protect community assets from coastal inundation and coastal erosion, where the social, environmental and economic considerations are included in the planning and decision-making process.

3.4.4 Implementation Guidelines

None specified.

3.5 Contaminated Air and Land

3.5.1 Application

Statewide.

3.5.2 Objective

To consider the impacts of past, present and future land use and development that has involved, or is proposed to involve, potentially contaminating activities, and to minimise the risk of harm to human health, property and the environment arising from exposure, or potential exposure, to contaminants or nuisances caused by those activities.

3.5.3 Strategies

1. Identify and map land that has been used, or is being used, or has been affected by use and development involving potentially contaminating activities.
2. Avoid allowing incompatible use or development on contaminated or potentially contaminated sites, unless remediation works, protection measures and a site assessment demonstrates the land is suitable for the future intended use and development.
3. Avoid land use conflict by applying and maintaining appropriate separation between potentially contaminating activities and incompatible use.

3.5.4 Implementation Guidelines

None specified.

4.0 Sustainable Economic Development

4.0.1 Principles and Policy Context

The Sustainable Economic Development TPP focuses on identifying and supporting our economic advantages, to deliver economic growth in a socially and environmentally responsible way.

Tasmania's natural resources underpin our economic prosperity. Our fertile soils, mild climate and reliable rainfall provide opportunities in the agricultural sector while our pristine air quality unique landscapes and ecological diversity attract visitors from around the world. Our proximity to Antarctica and the Southern Ocean provides advantages to attract research, accessing and servicing opportunities. Our world-class wind, deep hydro storages and 100% renewable-energy status provide opportunities to attract industry looking for clean energy and have been identified as a key economic and emissions reduction driver both for Tasmania and Australia.

While our geographic location has advantages, it also presents some economic challenges. Being the only island state of an island nation, Tasmania's isolation from mainland Australia and the rest of the world puts us at an economic disadvantage in an era of globalisation and globalised economies. Our physical distance from the northern hemisphere and Asian markets adds to complexities for maintaining competitive in trading commodities and accessing markets. In addition, our ageing population is likely to present future economic challenges through a decline in the skilled workforce.

While the planning system alone cannot drive the State's sustainable economic growth, it still has an important role to play. We will remain geographically isolated but we can plan for and support the provision of digital infrastructure, to ensure our businesses have access to online global markets. Planning for ports and strategic transport networks can improve efficiency in physically accessing global markets. It can also facilitate infrastructure development in areas best aligned with environmental, social and economic values, provide for strategic co-location of new infrastructure with existing infrastructure and promote circular economies.

Similarly, planning cannot prevent the declining workforce. However, it can support the creation of liveable cities that encourage migration and the retention of our young adults. It can also support the establishment of higher education institutions that are easily accessible, which also helps increase the skilled workforce.

The Sustainable Economic Development TPP supports economic activity through the planning system by embedding the following principles:

- allocating sufficient land in appropriate locations to support various economic activities;
- protecting allocated land from incompatible use and development;

- supporting the efficient use of infrastructure and coordinated delivery of new infrastructure, including digital infrastructure;
- identifying and supporting emerging and innovative industries;
- promoting diversification to strengthen the resilience of the economy; and
- protecting the resources and values that are relied on for sustainable economic development.

The Sustainable Economic Development TPP provides initiatives to guide economic growth in our agriculture, tourism, renewable energy, industry, extractive industries, business and commercial and research and innovation industries. It provides for flexibility in responding to new opportunities and changing economic conditions, supporting a diverse and more resilient economy.

4.0.2 Climate change statement

Tasmania's economy is likely to face challenges as a result of the predicted effects of climate change however, we also have some significant advantages. Our greenhouse gas emissions profile is unique among Australian jurisdictions, due to a high proportion of renewable energy generation and high levels of carbon sequestration from the State's managed forest estate

Each economic sector in the Sustainable Economic Development TPP will be impacted differently by climate change and will need to respond to issues as they emerge. For example, the agricultural sector will need to reconsider traditional crops and favour those that respond better to warmer conditions. Areas that may have been ideal for low chill varieties of fruit may need to consider trials and progressive replacement of orchards. Primary production is also at risk from increased storm damage, unpredictable rainfall and more extreme high temperature events.

While it is difficult to predict the range and extent of the potential impact climate change will have across all economic sectors, land use planning can play a strategic role in facilitating economic resilience and help to address the impacts and causes of climate change.

The Sustainable Economic Development TPP addresses these issues by:

- protecting agricultural resources and promoting diversification within the industry which will help the industry respond to changing climatic and economic conditions;
- promoting efficient use and consolidation of land, infrastructure and transport networks to reduce emissions;
- supporting innovation and research opportunities to diversify and contribute to a more resilient economy; and
- supporting opportunities for greater economic self-sufficiency and circular economies to help reduce the impact of unexpected, external forces on the economy.

4.1 Agriculture

4.1.1 Application

Statewide.

4.1.2 Objective

To promote a diverse and highly productive agricultural sector by protecting agriculture land and the resources on which agriculture depends, while supporting the long-term viability and growth of the agricultural sector.

4.1.3 Strategies

1. Identify agricultural land, and potential agricultural land, and apply contemporary land capability classification mapping systems, that includes access to irrigation water as a criteria of land capability, that identifies and maps the capability of land to sustain long term agricultural uses as a criteria, including under forecast climate change scenarios.
2. Protect land with agricultural capabilities by designating it specifically for agricultural use and development or for purposes that prevent the permanent loss or conversion of the land's agricultural potential.
3. Allow compatible land uses to operate on agricultural land, where they do not cause unreasonable fettering or fragmentation and minimises the sterilisation of agricultural land.
4. Protect land with significant agricultural capabilities, and agricultural land within irrigation districts, by affording them the highest level of protection from fettering, fragmentation or conversion to non-agricultural uses.
5. Prevent fettering of agricultural land by considering the impacts of agricultural uses on surrounding future use and development to prevent land use conflict and protect the productivity and viability of agricultural uses.
6. Protect the viability of agricultural uses by preventing the fragmentation of agricultural land.
7. Protect agricultural land by avoiding the permanent conversion of agricultural land to non-agricultural land uses unless:
 - a) the scale of the conversion or sterilisation is minor in terms of the overall agricultural operation of the site;
 - b) the conversion contributes to the viability of the agricultural use on the site; and
 - c) the proposed use will not cause land use conflict, fetter or impact the viability of the surrounding agricultural uses.

8. Support diversification and value-adding of the primary industries sector by supporting effective agricultural production and processing, innovation in rural industries and farm-related retailing and agritourism that is ancillary to the principal use, to enable sustainable growth of the sector and strengthen its ability to adapt to climate change, natural disasters and market challenges.
9. Allow residential use where it is part of, or supports, an agricultural use, such as workers' accommodation, where it does not unreasonably fetter, fragment or convert agricultural land uses.
10. 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.
11. Facilitate the provision and protection of infrastructure that supports the diversification and improved productivity of the primary industries sector.
12. Protect the viability of upstream dam infrastructure when strategically planning land use and development.

4.1.4 Implementation Guidelines

None Specified.

4.2 Extractive Industry

4.2.1 Application

Statewide.

4.2.2 Objective

To identify and protect existing and potential extractive industry resources, and supporting infrastructure, to facilitate economic growth and support efficient infrastructure and urban development.

4.2.3 Strategies

1. Identify and protect key resource areas and deposits, including areas of known mineral resources and strategically important construction materials, such as sand.
2. Protect existing extractive industries from encroachment by residential and other incompatible use.
3. Support the long-term viability of existing operations and access to future mineral resources.
4. Enable the provision and protection of supporting infrastructure for extractive and related resource industries so that access can be facilitated and maintained.

5. Support future mineral extraction on land available for mineral exploration by, prior to designating the land for a purpose that removes the ability of that land to be used and developed for mineral extraction, consideration of the following:
 - a) the nature and scale of the mineral resource;
 - b) the viability of extracting the mineral resource; and
 - c) the social, economic and environmental benefits of the mineral resource compared to that of the alternative land use.
6. Plan for and encourage the use of suitable mineral resources that can provide for a viable resource supply to be extracted consistent with relevant planning policies, considering:
 - a) the benefits to the community;
 - b) the provision of energy and infrastructure;
 - c) access to a skilled workforce;
 - d) risks to public health and safety are managed to within acceptable levels; and
 - e) environmental impacts are minimal.
7. Facilitate the provision of housing and services to support mining employees and their families in remote settlements.

4.2.4 Implementation Guidelines

None specified

4.3 Tourism

4.3.1 Application

Statewide.

4.3.2 Objective

To promote the sustainable development of the State's tourism industry.

4.3.3 Strategies

- 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:
 - a) visitor demand and forecast trends of visitation across the State;
 - b) existing supply of tourism product, services and infrastructure;

- c) appropriateness of the scale and nature of the tourism use;
 - d) the impact on the environmental, landscape, intrinsic and local character values of the place;
 - e) the use and development being displaced;
 - f) alignment with and promotion of the Tasmanian brand;
 - g) alignment with regional destination plans supporting the visitor economy;
 - h) the contribution to the local, regional and State economy; and
 - i) integration with the local community.
2. Promote tourism use and development that protects, is compatible with and builds on the assets and qualities of the events, activities and attractions underpinning them.
 3. Ensure visitor accommodation does not significantly impact the supply of housing for the local community.
 4. Support unique, diverse and innovative tourism experiences that support the Tasmanian brand.
 5. Facilitate the provision of infrastructure, housing and services, where appropriate, to support tourism and hospitality employees, to meet the demand for, and support the growth of, sustainable tourism use and development.
 6. Identify and protect attributes that attract and enhance tourism experience.
 7. Prevent the cumulative impacts of tourism use and development from unreasonably detracting from how the local community engages and identifies with their local surrounds.
 8. Promote growth and investment in recreational, art and cultural activities that attracts tourism growth and supports the local community's access to these facilities.
 9. Promote the integration of tourism infrastructure into activity centres to support and reinforce the economic function of activity centres.

4.3.4 Implementation Guidelines

None specified.

4.4 Renewable Energy

4.4.1 Application

Statewide.

4.4.2 Objective

To promote renewable energy use and development to support economic and employment opportunities and strengthen the State's economy, while also supporting emissions reduction.

4.4.3 Strategies

1. Identify renewable resource areas to prioritise the location of renewable energy use and development within areas that have been strategically identified for future renewable energy use and development taking into consideration:
 - a) the quality of the energy resource;
 - b) economic and social value;
 - c) investor interest; and
 - d) environmental, cultural heritage and land-use constraints.
2. Identify and plan for supporting transmission infrastructure required to connect renewable resource areas to the existing network, taking into consideration the ancillary infrastructure that may be required to provide for a reliable and secure network.
3. Recognise the quality and diversity of Tasmania's renewable energy resources and the role it can play in limiting greenhouse gas emissions and supporting the transition to national low carbon economy through existing and future interconnection to Tasmania.
4. Facilitate local, neighbourhood and specific site renewable energy generation, including the potential use of green hydrogen, to help diversify the local economy, improve sustainability outcomes and build resilience and diversification around energy supply.
5. Support infrastructure enabling distributed energy resources.
6. Facilitate the provision of housing, including temporary housing, required to accommodate workers, particularly during the construction phase, to support the development of renewable generation sources within regional areas.

4.4.4 Implementation Guidelines

None specified.

4.5 Industry

4.5.1 Application

Statewide.

4.5.2 Objective

To protect industrial land, facilitate sustainable industrial use and development and ensure there is sufficient availability of suitable industrial land to meet the existing and future needs of Tasmania.

4.5.3 Strategies

1. Identify and allocate land within urban growth boundaries that is suitable for industrial use and development, considering:
 - a) analysis of industrial activities and land supply at a regional or metropolitan level, including existing available land, potential for growth within, or adjacent to, existing centres, and the nature of current and future industrial activities;
 - b) topography and physical site constraints;
 - c) compatibility of surrounding land use;
 - d) provision of adequate buffer areas to separate incompatible uses;
 - e) access to workforce;
 - f) supply chain relationships, including freight patterns, and proximity to existing freight networks, including high productivity and key local freight roads;
 - g) the ability to and cost of, servicing with physical infrastructure; and
 - h) avoidance of environmental hazards and environmental values.
2. Provide for at least a 15 year supply of industrial land, that is located within urban growth boundaries, that is based on projected demand to meet the economic needs of Tasmania.
3. Enable industrial use and development, outside urban growth boundaries, where:
 - a) the use is resource dependent, including, but not limited to, abattoir, onshore marine farm or sawmill, and required to be located with the resource to provide for more sustainable outcomes;
 - b) high impact industrial use warrants separation from settlements;
 - c) the land has formerly been developed and is no longer being used to its full capacity, such as a brownfield site, and is proposed to be re-purposed for industrial use and development; or

- d) the land is identified as being strategically located, such as having access to supporting infrastructure or freight routes and has State or regional industrial importance; and
 - e) environmental hazards and the impact on environmental values are avoided or can be appropriately managed.
- 4. Protect existing and future industrial land from encroachment by incompatible use and development.
- 5. Where appropriate, protect land surrounding industrial estates by designating it for a compatible land use that does not prejudice the future availability of that land for industrial use and development.
- 6. Encourage the co-location of similar industrial uses within existing or future strategic industrial precincts.

4.5.4 Implementation Guidelines

None specified.

4.6 Business and Commercial

4.6.1 Application

Statewide.

4.6.2 Objective

To promote business and commercial activities at a scale and intensity suited to the location to support diverse economic and employment opportunities and strengthen the State's economy.

4.6.3 Strategies

1. Identify and allocate a sufficient supply of land within existing settlements or areas identified for future growth of settlements, to provide for commercial and business use and development based on existing and projected demands, considering:
 - a) the nature and scale of the catchment being serviced;
 - b) consumer demand and demographic forecast;
 - c) efficient use of existing infrastructure;
 - d) accessibility to existing transport networks and services;
 - e) access to employees;
 - f) activity centre hierarchy; and
 - g) regional settlement hierarchy.

2. Identify an activity centre hierarchy that is based on the scale, role, function and accessibility of activity centres.
3. Support the activity centre hierarchy by promoting complimentary use and development to strengthen efficiencies within activity centres and avoid unnecessary competition between activity centres.
4. Encourage the intensification and growth in, and around, higher order activity centres that are highly accessible and which promote the efficient use of infrastructure and services.
5. Support the redevelopment of commercial and business use and development in existing activity centres prior to considering the establishment of new activity centres, unless it is a natural progression of the existing activity centre and is highly accessible to its catchment of users.
6. Avoid locating activity centres outside urban or settlement growth boundaries.
7. Support home-based businesses where the impact does not cause an unreasonable loss of residential amenity to the surrounding area.
8. Provide for small scale commercial or business opportunities in residential and industrial areas that meets the needs of local residents or workers, is conveniently located and, in the case of residential land, does not cause an unreasonable loss of residential amenity.
9. Support mixed use, including residential uses, in activity centres that are highly accessible and where the potential for land use conflict can be managed.

4.5.4 Implementation Guidelines

None specified

4.7 Innovation and Research

4.7.1 Application

Statewide.

4.7.2 Objective

To promote innovation and research, and the institutions and infrastructure that drives learning and prepares a skilled workforce, that will support existing and emerging opportunities and contribute to a diverse and resilient economy.

4.7.3 Strategies

1. Support the provision and expansion of logistics and digital infrastructure to promote the information and communications technologies (ICT) industry that

provides opportunities to drive learning, productivity, innovation and access to online global markets.

2. Support accessible and well-connected tertiary education and training institutions that fosters innovation and career diversity while supporting the existing and emerging needs of the State's employment sectors.
3. Promote existing and emerging innovation and research opportunities, especially those that promote Tasmania's assets, facilitates diversification of our economy, makes use of our geographical location and furthers our brand values, by providing planning mechanisms that are adaptive and flexible to respond competitively to opportunities as they arise.
4. Provide for precinct planning that allows for collaborations between industry, science, research and education institutions to be co-located to facilitate and promote learning, on the job training, collaboration and shared access to resources.
5. Support opportunities for greater economic self-sufficiency, diversification and circular economies to help reduce the impacts of external forces on the State economy.

4.7.4 Implementation Guidelines

None specified.

5.0 Physical Infrastructure

5.0.1 Principles and Policy Context

Tasmania has extensive physical infrastructure networks, across transport, water and sewerage, energy and telecommunications. These networks underpin a wide range of social, environmental and economic outcomes for the State, including population growth, sanitation, job creation, productivity improvements, efficient market access and community connectivity.

Physical infrastructure assets have a long-life span and are expensive to provide and maintain. Maximising the outcomes of these assets requires long-term planning and a sound evidence base. Physical infrastructure planning must consider the many factors influencing why, where and when infrastructure is provided, for example, demographics, economics, climate, and technological change and how the infrastructure is currently or likely to be used.

Land use planning has a direct impact on infrastructure efficiency, safety and performance. It is important that use and development aligns with the function and capacity of existing infrastructure, protects key assets from encroachment by incompatible use and protects current and future infrastructure corridors.

Economies of scale are critical to infrastructure delivery. Where possible, land use planning frameworks should facilitate the consolidation of use and development in locations close to key and existing infrastructure and services.

Land use planning should be flexible in responding to changes in community preferences, technology and demand affecting the type of infrastructure required and how it is used.

5.0.2 Climate change statement

The projected changes to the State's climate can affect the lifespan and viability of infrastructure networks and assets.

Older infrastructure was typically designed before climate change was accepted and understood. Greater extremes and longer periods of higher temperatures, and more violent weather events, will impact the capacity of these older systems. Combined with wear and tear over time and changes in technology, many forms of infrastructure will need to be adapted, or replaced.

Climate-resilient infrastructure refers to how well infrastructure networks and assets continue to function while under greater stress, including the ability to withstand, and recover from, natural hazards made worse by climate change. The TPPs can promote climate-resilient infrastructure by:

- minimising the need for future adaptation by considering the best available climate science to inform decision-making early in the planning process;
- identifying and mapping current and projected areas subject to hazards, such as coastal erosion and inundation, flooding and bushfire;

- strengthening the framework for identifying appropriate location of land use and development; and
- inclusion of risk mitigation measures.

The Physical Infrastructure TPP supports the provision of well-planned and well-designed infrastructure that can reduce emissions and take advantage of emerging opportunities in a low-emissions future by:

- enabling the sustainable development of existing and emerging low-emissions technologies (for example: renewable energy generation and renewable hydrogen), and ensuring development is planned for in an appropriate manner;
- protecting the efficiency and functioning of freight routes and strategic transport networks;
- Supporting integration of infrastructure providers' strategic planning into land use planning strategy and decision making;
- supporting the uptake of low and zero emissions vehicles¹ by enabling the siting of charging and refuelling infrastructure in developments and the public domain; and
- better sharing of road space to support increased uptake of more sustainable transport modes.

5.1 Provision of Services

5.1.1 Application

Statewide.

5.1.2 Objective

To promote the efficient, effective, sustainable and safe delivery of services including reticulated water and sewerage, stormwater management, electricity, gas, telecommunications and recycling and waste management.

5.1.3 Strategies

- I. Identify, allocate and protect a sufficient amount of appropriately located land to accommodate infrastructure that will provide for the existing and future service needs of the community.

¹ Low emissions vehicles include plug-in hybrid electric vehicles, battery electric vehicles, and hydrogen fuel cell electric vehicles.

2. Identify whether existing infrastructure has the capacity to deliver services to accommodate growth and prioritise designating land use for the purpose of making efficient use of that available capacity.
3. Where there is no infrastructure, available infrastructure capacity or non-infrastructure solution, promote the most logical and cost-effective solution to deliver services to growth areas.
4. Support the installation and/or upgrading of infrastructure to deliver services that meet the future long-term needs of the community.
5. Facilitate developer contributions to service new use and development to be transparent, fair and reasonable, providing for equity between users.
6. Provide an integrated approach to the planning and engineering design of new subdivision and subsequent use and development, promoting the coordinated and efficient provision of infrastructure.
7. Provide for reticulated sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
8. Provide for reticulated electricity supply at the time of subdivision or ensure lots created by the subdivision are capable of accommodating an alternative source of power adequate for the future use and development of the land.
9. Protect significant existing and future water, gas, electricity, sewerage, drainage and telecommunications infrastructure assets and waste disposal and resource recovery facilities, sites and infrastructure corridors from sensitive and incompatible use and development encroaching those assets, facilities, sites or corridors.
10. Encourage the siting, design, management and rehabilitation of waste disposal facilities to prevent or minimise contamination of groundwater and surface waters, litter, odour, dust and noise.
11. Facilitate access to a variety of recycling stations to encourage community participation in recycling and waste reduction.
12. Support the provision of contemporary telecommunications and information technology that are widely accessible and meet the needs of business, industry, public infrastructure and domestic users.
13. Where appropriate, support the co-location of infrastructure to service use and development.

5.1.4 Implementation Guidelines

None specified.

5.2 Energy Infrastructure

5.2.1 Application

Statewide.

5.2.2 Objective

To protect electricity infrastructure, including infrastructure to support energy efficiency and renewable energy and provide for a safe, secure and reliable energy system to meet the needs of the community, businesses and industry.

5.2.3 Strategies

1. Protect existing energy infrastructure corridors and ancillary facilities from conflicting and incompatible land use and development.
2. Plan for and facilitate energy-related use and development (including ancillary facilities) in appropriate locations.
3. Support infrastructure required for distributed energy resources including rooftop solar, battery storage, at home electric vehicle chargers.
4. Contribute to improved energy efficiency through urban design and urban settlement pattern, and support for the use of alternative transport modes.

5.2.4 Implementation Guidelines

None specified.

5.3 Roads

5.3.1 Application

Statewide.

5.3.2 Objective

To plan, manage and maintain an integrated road network that supports efficiency, connectivity, travel reliability and safety.

5.3.3 Strategies

1. Identify and protect the following key road corridors from encroachment by incompatible land use and development:

- a) Burnie to Hobart transport corridor, Tasmania's premier passenger and freight corridor, facilitating the movement of high volumes of people and heavy freight between major ports, intermodal hubs, population and industrial centres;
 - b) Key urban passenger transport corridors; and
 - c) Last mile urban freight routes.
2. Identify and protect future road corridors.
3. Recognise the role of Tasmania's regional road network in providing connectivity and access between regional and rural communities, major production and processing centres and tourism destinations.
4. Support heavy vehicle access that is responsive to industry needs and appropriate to the use and function of a road.
5. Provide for new and upgraded road infrastructure on key urban and local corridors to allocate space for electricity infrastructure, public transport, walking and cycling modes.
6. Provide for land use planning frameworks and decisions to support, and be informed by, road investment programs.
7. Support the targeted expansion and improvement of the urban road network based on future use, safety, and in response to strategic urban growth corridors.
8. Provide for road networks to be protected from incompatible use and development.
9. Minimise the environmental, heritage and social impacts associated with new and upgraded transport infrastructure and services.

5.3.4 Implementation Guidelines

None specified.

5.4 Transport Modes

5.4.1 Application

Generally applied statewide, with a focus on urban areas.

5.4.2 Objective

To support a safe, reliable, efficient and accessible passenger transport system that provides people with modal choice and is well integrated with land use.

5.4.3 Strategies

1. Support integrated land use and infrastructure and network planning that increases mode choice to access employment, essential services and community participation.
2. Promote medium to high density development and mixed use in proximity to high frequency passenger transport corridors.
3. Integrate land use with existing and planned passenger transport infrastructure and services.
4. Identify and protect key sites required to support the expansion of public transport services and modes.
5. Provide an active transport network within key urban areas that is integrated across State and local government networks, and which includes dedicated infrastructure, appropriate signage, and end of trip facilities.
6. Encourage public transport corridors to be supported by active transport networks and bus stops that are safe, accessible and provide for better passenger amenity.
7. Provide for subdivision design that:
 - a) supports efficient and effective public transport access;
 - b) encourages walking and cycling, with the provision of appropriate and direct site-through links; and
 - c) considers the subsequent, and surrounding, use and development, promoting the coordinated and efficient provision of passenger transport systems.
8. Locate developments that attract high numbers of people within existing activity centres, in areas adjacent to major urban public transport corridors or in areas that support the logical extension of existing public transport services.
9. Support the targeted expansion and improvement of public transport services, and supporting infrastructure, based on travel demand, including latent demand, and in support of strategic urban growth corridors.
10. Encourage land use planning frameworks that can support and adapt to changing passenger transport needs, modal options, and technologies.
11. Recognise carparking as a key travel demand management measure, and appropriately manage carparking provision to support a modal shift.
12. Provide infrastructure to support the use of electric vehicles, including a public network of high-quality EV charging stations, and the inclusion of 'electric vehicle ready' carparking as part of new residential and commercial developments.

5.4.4 Implementation Guidelines

None specified.

5.5 Ports and Strategic Transport Networks

5.5.1 Application

Statewide.

5.5.2 Objective

To recognise and protect Tasmania's strategic freight system, including key freight networks, ports, intermodal hubs and industrial estates.

5.5.3 Strategies

1. Identify and protect existing and future freight infrastructure, industrial and distribution centres.
2. Promote use and development at and adjacent to the Burnie, Devonport, Launceston and Hobart ports, and the Brighton Transport Hub, that is compatible with proximity to a major port and reinforces the role of these ports as freight and logistics hubs.
3. Recognise the regional ports at Grassy, Lady Barron and Cape Barren as critical links in the freight supply chains of the Bass Strait Islands.
4. Protect key freight corridors and assets from encroachment by inappropriate land use and development.
5. Protect major airports by applying appropriate buffers that prevent the encroachment of incompatible use and development.
6. Support major airports by designating adjacent land to accommodate complementary use and development.
7. Locate industrial, freight and intermodal developments in areas with good access to existing, high-volume freight networks.
8. Protect the Burnie to Hobart freight corridor as Tasmania's premier land transport network for both road and rail.
9. Encourage land use planning frameworks that can support and adapt to a changing freight system, including changes to freight volumes and demand, and emerging technologies.
10. Provide appropriate zoning for major freight generating activities to support on-site operational efficiency.
11. Identify and safeguard locations along key freight corridors for heavy vehicle rest areas.
12. Recognise the strategic value of non-operational rail corridors.

5.5.4 Implementation Guidelines

None specified.

6.0 Cultural Heritage

6.0.1 Principles and Policy Context

Tasmania's cultural heritage is diverse and unique. It provides valuable insight into the lives of past generations and contributes to our identity and connection with place.

The Cultural Heritage TPP addresses Aboriginal Cultural Heritage values and non-Indigenous cultural heritage values. The land use planning response to Aboriginal and non-Indigenous cultural heritage differs to reflect the different ways these values are found in the landscape, recorded and managed. It also acknowledges the distinctive relationship and understanding Aboriginal people have of their heritage and aspirations for its conservation.

A core practical difference remains that non-Indigenous cultural heritage tends to be visible and known, and thus easily identifiable pre-emptively for protection, whereas much Aboriginal Cultural Heritage is often not formally identified until rediscovered, commonly in the course of development preparation.

Land use planning should acknowledge and respect the Tasmanian Aboriginal people as being the custodians of their living and enduring cultural heritage, seeking to improve its protection and where possible supporting ongoing Aboriginal Cultural Heritage practices. In the past the main or only emphasis has been on identifying Aboriginal Cultural Heritage at the development stage. The Cultural Heritage TPP seeks to rectify this by encouraging Aboriginal Cultural Heritage to be considered more strategically when land is being designated for particular use and development.

Tasmania also has a rich source of non-Indigenous cultural heritage which is represented in certain buildings, parts of buildings, places, precincts and landscapes. Often the best-preserved historical suburbs and towns are the places that attract us to visit, work and live.

The non-Indigenous component of the Cultural Heritage TPP addresses only local non-Indigenous cultural heritage values, as sites with State heritage significance are listed on the Tasmanian Heritage Register and are protected under the *Historic Cultural Heritage Act 1995*.

The underlying principle of the Cultural Heritage TPP is to promote early consideration of cultural heritage values in land use planning to manage and protect these values more efficiently and effectively.

6.0.1 Climate Change Statement

Tasmania's cultural heritage sites are located in a range of settings across the State. Like other aspects of our natural and built environments, they will be impacted by climate change.

Climate change will impact environmental processes which may affect the cultural heritage values of a site. For example, archaeological sites may be compromised because of changes in

soil chemistry. Changes in the water table can affect older buildings and structures, and new pest species may threaten structures constructed with organic material.

This is in addition to the better understood threats of flooding, fire and heatwave. Increased thermal stress can accelerate the deterioration process, and increased periods under water threaten structural integrity. Some sites may be permanently lost due to sea level rise.

The management of cultural heritage sites requires consideration and response to the projected changes to Tasmania's environments. Management responses require site-specific approaches and a good understanding of the projected risks from natural hazards for a given location. Other components of the TPPs support this, particularly the Environmental Hazards TPP.

While it is premature to accurately predict what, and how, cultural heritage sites might be impacted by climate change and therefore propose specific strategies to protect them, land use planning in general has a role to play by:

- providing spatial identification of cultural sites, and projected risks from natural hazards;
- ensuring the projected impacts of climate change on cultural heritage sites and practises is considered early in the planning process; and
- supporting processes to protect significant cultural heritage sites and practises.

6.1 Aboriginal Cultural Heritage

6.1.1 Application

Statewide.

6.1.2 Objective

Support the protection and Aboriginal custodianship of Aboriginal Cultural Heritage including places, objects and practices.

6.1.3 Strategies

- I. Land use planning is to:
 - a) recognise, respect and accept that Tasmanian Aboriginal people are the custodians of their cultural heritage;
 - b) acknowledge that Aboriginal Cultural Heritage is living and enduring;
 - c) promote the protection of Aboriginal Cultural Heritage; and
 - d) support the protection and connection of Tasmanian Aboriginal people with country and the continuity of their practices and traditions.

2. Support the investigation of land for the presence of Aboriginal Cultural Heritage places and objects where that land is proposed to be designated for use and development that could potentially damage any identified places or objects.
3. Avoid designating land for incompatible land use and development where investigations identify, or it is known that there are, or highly likely to be, places or objects of Aboriginal Cultural Heritage.
4. Avoid use and development that has the potential to impact Aboriginal Cultural Heritage places or objects unless clear plans, agreed by the Tasmanian Aboriginal people, demonstrate remediation measures to limit the impact on the Aboriginal Cultural Heritage place or object.
5. Support Tasmanian Aboriginal people to identify, manage and, where appropriate, continue to use and culturally identify with, places of Aboriginal Cultural Heritage.

6.1.4 Implementation Guidelines

None specified.

6.2 Non-Indigenous Cultural Heritage

6.2.1 Application

Statewide

6.2.2 Objective

To support the identification and conservation of significant non-Indigenous local cultural heritage buildings, part of buildings, infrastructure (for example bridges), places, precincts and landscapes and consider design responses that preserves cultural heritage values while allowing for appropriate adaptive reuse.

6.2.3 Strategies

1. Identify land that has potential archaeological local cultural heritage value and avoid designating it for incompatible use and development that would damage the archaeological values until the significance of those values can be established and appropriately managed.
2. Identify buildings, part of buildings, places, infrastructure, precincts and landscapes that contain significant non-Indigenous local cultural heritage values, describe the significance of those values and promote access to this information to ensure identified values are considered early in strategic and statutory planning processes.
3. Provide for the protection, and encourage the restoration, of identified buildings, part of buildings, infrastructure, places, precincts and landscapes that contain significant non-Indigenous local cultural heritage value.

4. Encourage appropriate development and adaptive reuse of buildings, part of buildings, infrastructure, places, precincts and landscapes of significant non-Indigenous local cultural heritage value by promoting innovative and complimentary design responses that conserves, restores and retains cultural heritage values.
5. Support the retention of appropriate surrounding settings and site context that contributes to the significance of the non-indigenous local cultural heritage values of buildings, part of buildings, infrastructure, places, precincts and landscapes.

6.2.4 Implementation Guidelines

None specified.

7.0 Planning Processes

7.0.1 Principles and Policy Context

The Planning Processes TPP seeks to ensure that best practice, contemporary planning processes are adopted and applied in the planning system.

The *Land Use Planning and Approvals Act 1993* (the Act) is the primary legislation controlling most of land use planning in Tasmania. It establishes the framework for the development, assessment and implementation of various statutory instruments.

As such, the TPPs are subordinate to the provisions in the Act and cannot modify the planning processes that it specifies.

The planning system also relies on processes that either sit outside the Act, or are less explicit in the Act. For example, these processes include the preparation of local plans such as settlement strategies, structure plans and precinct plans that potentially inform RLUSs and LPSs. The Planning Processes TPP can support improved processes at this level of planning.

A fundamental element of land use planning is to understand the needs, expectations and values of the community. To obtain this information planners must engage with the community. At its best, meaningful engagement in planning allows the community to discuss issues, share experiences, expand their understanding, develop empathy with competing stakeholders and help find collaborative solutions that can be expressed through strategic and statutory planning processes.

However, not all people within the community share the same needs, expectations and values. The role of planning is to fairly and transparently evaluate these competing demands to deliver outcomes in the best interest of the broader community, balancing social, environmental and economic considerations. Strategically planning land use and development lowers the risk and likelihood of land use conflict by giving a structured process to handle disagreement, providing for the more sustainable use of land and resources

To achieve this, land use planning considers a variety of opinions and complex arguments to reach a mediated outcome. In trying to address concerns and to ensure desired outcomes are achieved, planning has been criticised for over regulation and 'red tape'. The Planning Processes TPP seeks to acknowledge the issue and responds by including strategies that seek to align the degree of regulation to the scale of the impact caused by the use and development.

7.0.2 Climate change statement

Resilience is the capacity to maintain function in the face of disturbance. Land use planning is a mechanism with considerable potential to improve social, economic and environmental resilience to climate change.

The scale of the transition facing the Tasmanian community is large. The impacts of climate change will not be evenly distributed amongst the community with the vulnerable being disproportionately affected. Planning processes that are collaborative, consultative, evidence based and responsive to change are essential for navigating an unpredictable future and taking care of the more vulnerable within the community.

Land use planning also plays a significant role in mitigating and adapting to climate change. Robust planning processes are required to achieve these responses. The Planning Processes TPP promotes consultation, strategic considerations of issues and collaborations between jurisdictions, and in doing so increases the capacity of the community to understand, respond and build resilience to climate change.

7.1 Consultation

7.1.1 Application

Statewide.

7.1.2 Objective

To improve and promote community consultation processes to ensure the community's needs, expectations and values are identified and considered in land use planning.

7.1.3 Strategies

1. Facilitate the community's understanding of the planning system, land use planning issues and how they might be impacted, to encourage meaningful community consultation in land use planning.
2. Promote community consultation that is fair, inclusive, respectful and genuine, allowing people to express themselves freely and strengthening their confidence in participating in land use planning.
3. Support consultation processes, and the outcomes generated from them, that are informative and transparent.
4. Acknowledge that planning outcomes, derived through consultation processes, involves compromise and trade-offs that balance the community's social, economic and environmental interests.

7.1.4 Implementation Guidelines

None specified.

7.2 Strategic Planning

7.2.1 Application

Statewide.

7.2.2 Objective

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

7.2.3 Strategies

1. Avoid allowing use and development where the implications of that use and development on the environment, now and into the future, is not fully known or understood.
2. Promote the identification, establishment and implementation of long-term land use planning priorities, that are environmentally sound, to strengthen inter-generational equity, allowing future generations to have access to the resources they need.
3. Strengthen the use of scientific-based evidence to make informed decisions about land use planning.
4. Promote the integration and coordination of land use planning with population strategies and social and physical infrastructure planning.
5. Promote collaboration and coordination between, and within, Commonwealth, State and local government to deliver integrated, efficient and effective planning outcomes.
6. Facilitate coordinated approaches between public and private investment to achieve common planning goals.
7. Adopt and implement best practice governance structures to provide strategic and innovative leadership within communities that will effectively inform land use planning.
8. Promote the regular review of land use strategies so that they remain current, adaptive and responsive to planning issues as they arise.

7.2.4 Implementation Guidelines

None specified.

7.3 Regulation

7.3.1 Application

Statewide.

7.3.2 Objective

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

7.3.3 Strategies

1. Allow use and development that has little or no impact to proceed without requiring planning approval.
2. Reduce planning regulation to the amount necessary to reflect, manage and be proportionate to, the level of impact caused by the use and development.
3. Support the maintenance of regulatory consistency unless there is a demonstrated need that warrants deviation from that consistency.
4. Encourage mechanisms that allow for timely adjustments in planning regulation for responses to, and recovery from, situations including, but not limited to, pandemic, climate change and emergency events.
5. Facilitate the coordination and rationalisation of regulation where there is consistency between planning and other jurisdictions.

7.3.4 Implementation Guidelines

None specified.

GLOSSARY

Active transport – means physical activity undertaken as a means of transport and includes travel by foot, bicycle and other non-motorised vehicles,

Activity centre – means a place that provides a focus for retail, commercial, services, employment, and social interaction in cities and towns.

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

AIDR – Australian Institute for Disaster Resilience.

Agricultural land – means all land that is in agricultural use, or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

Agricultural use – means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animal, excluding domestic animals and pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.

Agritourism – means a tourism-related experience that connects agricultural or aquaculture products, people or places with visitors on a farm, including marine farms.

Amenity – means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place of building harmonious, pleasant or enjoyable.

Assisted housing – means housing provided by an organisation for higher needs tenants or residents, including those with physical or intellectual disabilities, and may include associated support services.

Brownfield site – means underutilised, vacant or derelict former industrial or commercial land typically located in an urban environment and often characterised by contamination

Circular economy – means a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products as long as possible.²

Coastal protection work – means structure or works aimed at protecting land, property and human life from adverse impacts caused by erosion or inundation in the coastal zone.

² <https://www.europarl.europa.eu/news/en/headlines/economy/20151201STO05603/circular-economy-definition-importance-and-benefits>

Coastal Zone - means as described in section 5 of the State Coastal Policy Validation Act 2003.

Communal residence – means use of land for a building to accommodate persons who are unrelated to one another and who share some parts of the building such as a boarding house, residential college and residential care facility.

Community – means a social group with a commonality of association and generally defined by location, shared experience, or function and with a number of things in common, such as culture, heritage, language, ethnicity, pastimes, occupation, or workplace. (AIDR 2019)

Distributed energy resources – means consumer-owned devices that, as individual units, can generate or store electricity or have the 'smarts' to actively manage energy demand. This includes small-scale embedded generation such as residential and commercial rooftop photovoltaic systems (less than 100 kilowatts [kW]), non-scheduled generation (NSG, up to 30 megawatts [MW]), distributed battery storage, virtual power plant and electric vehicles.

Electricity Infrastructure - means anything used for, or in connection with, the generation, transmission or distribution of electricity including, but not limited to –

- (a) electricity generating plant; and
- (b) structures and equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation; and
- (c) powerlines; and
- (d) substations for converting, transforming or controlling electricity; and
- (e) equipment for metering, monitoring or controlling electricity;

Geodiversity – means 'the range (or diversity) of geological (bedrock), geomorphological (landforms) and soil features, assemblages, systems and processes'.³

Groundwater - means any water contained in or occurring in a geological formation.

Land – means as defined by the Act.

Liveability – means the degree to which a place is suitable or good for living in.

Physical infrastructure – means the basic physical structures required for an economy to function and survive, transportation networks, water supply, sewers, stormwater, waste disposal systems, power and telecommunications.

³ SHARPLES, C., 1995a: Geoconservation in forest management - principles and procedures; Tasforests, Vol. 7, p. 37 - 50, Forestry Tasmania, Hobart, Dec. 1995.
(<https://nre.tas.gov.au/Documents/geoconservation.pdf>)

Place-making – means a collaborative process that strengthens the connection between people and the places they share, to shape the public realm in order to promote community identity and maximise shared values and aspirations.

Potentially contaminating activities – means an activity listed in Table C14.2 [of the Tasmanian Planning Scheme] as a potentially contaminating activity that is not directly associated with and subservient to Residential [Use Class].

Resilience – means the ability of a system, community or society exposed to hazards to resist, absorb, accommodate, adapt to, transform and recover from the effect of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and function through risk management. (UNDRR 2017)

Sense of place – means the felt or meaningful character of a place that makes it distinctive as a place⁴.

Sensitive use – means a residential use or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school.

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

Social housing – means both housing provided by the government (public housing) and non-government organisations (community housing) with below-market rent prices.

Social infrastructure - 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 justice and public safety provisions, as well as arts, culture and recreational facilities.⁵

Tolerable risk – means the lowest level of likely risk from the relevant hazard:

- a) to secure the benefits of a use or development in a relevant hazard area; and
- b) which can be managed through:
 - i. routine regulatory measures; or
 - ii. by specific hazard management measures for the intended life of each use or development.

⁴ Malpas, J., 2018. Place and Experience: a philosophical topography, Routledge, New York

⁵ <https://www.statedevelopment.qld.gov.au/industry/infrastructure/infrastructure-planning-and-policy/social-infrastructure>

Submission - Cradle Coast Authority

Draft Tasmanian Planning Policies

The Cradle Coast Authority commends the Government for their work on developing the draft Tasmanian Planning Policies and is pleased to have the opportunity to make this submission to contribute to their development.

We fully support the aspiration of the Tasmanian Planning Policies (TPPs) to embed important principles into our Regional Land Use Strategies and other strategic plans. It creates a compass that will help guide the development of these important plans to ensure their implementation supports all Tasmanians to meet their needs, thrive and face the challenges of the future.

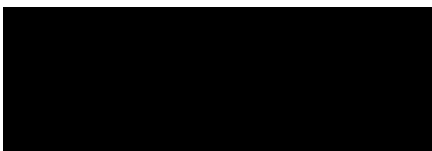
We recognize the aspirations embedded in the TPPs will present some challenges when it comes to applying them to plans and strategies. However, this should not deter the State Planning office. We are facing pressing challenges associated with climate change, resource depletion, an aging community and a greater incidence of chronic diseases. Planning and the design of the built environment play an essential role in addressing these challenges. The existing planning system, despite the best endeavours of its many authors is not equipped to address these challenges. If we do not face them now the costs they impose on us in terms of lives diminished by economic disruption, the burden of disease and personal tragedy will be much greater in the future.

In our view the question should not be how can we afford to implement these principles but instead how can we afford not to.

In order to assist in the easy consideration of our suggested changes, contribute to the work already been done and respect the findings of the previous consultation we have embedded our suggested amendments within the structure and text of the draft TPPs. These are highlighted in bold in the attached document and the rationale for these changes is explained through the corresponding comments. We hope you find this helpful.

The Cradle Coast Authority thanks the Tasmanian Government for considering our submission in response to the draft Tasmanian Planning Policies, and we look forward to participating in the process as the TPPs move towards adoption. We would be pleased to answer any inquiries about our submission.

Yours sincerely



Sheree Vertigan AM

Chief Executive Officer

Submission by Cradle Coast Authority on the draft Tasmanian Planning Policies October 2022

Please note that our proposed changes are highlighted in this document and their rationale is provided in the corresponding comments.

We would like to apologise if the formatting may not appear the same in this document as in the draft Tasmanian Planning Policies. These formatting differences do not form part of our suggestions but have come about because of technical difficulties converting the document from pdf to word format.

Foreword

Land use planning seeks to balance the competing demands on land to support the community's environmental, social and economic interests. To achieve this, it applies foresight, strategic thinking, and prioritized action to spatially arrange land use and development to avoid conflict and, from a temporal perspective, it applies this approach in the consideration, protection and allocation of land to accommodate the needs of future generations.

The Tasmanian Planning Policies (TPPs) are a planning instrument made under Part 2A of the *Land Use Planning and Approvals Act 1993* (the Act) that provide consistent, high-level planning policy direction that will guide planning outcomes delivered through Regional Land Use Strategies (RLUS) and the Tasmanian Planning Scheme (TPS). The Act also requires consideration of the TPPs during the declaration and assessment of major projects.

Section 12B of the Act sets out the broad range of matters that a TPP may relate, including:

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

The policy content is delivered through seven TPPs that address broad land use planning topics including: Settlement, Environmental Values, Environmental Hazards, Sustainable Economic Development, Physical Infrastructure, Cultural Heritage and Planning Processes.

The Foreword and Implementation, Table of Contents, headings, footnote and the Principles and Policy Context section of each TPP are not intended to have statutory application. They have been included to assist users' understanding of the TPPs, their relationship to the Act and how they are intended to be implemented to guide both the planning system and planning outcomes. They are a guide only and should be read in conjunction with the Act.

Implementation

There is no order or hierarchy associated with the application of the TPPs. It is intended that, where the Act requires consideration of the TPPs, the TPPs should be considered in their entirety with all relevant strategies applying equally.

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

The TPPs provide a section to include implementation guidelines. Where none are specified, the section is retained to allow future provisions to be included if required.

Implementation guidelines that are provided in the TPPs form part of the TPPs, and therefore there is a statutory requirement for the policy content to be implemented in the manner specified. Implementation guidelines are provided only where it is considered necessary to specify how particular strategies are to be implemented to achieve the desired policy outcome.

Those strategies that do not have implementation guidelines are considered to contain enough detail in the strategy to guide how it is intended to be applied. These strategies can be implemented in multiple ways, allowing different local and regional circumstances to be considered in the context of competing social, environmental and economic interests.

The effectiveness of the TPPs will be monitored, and to ensure the policy outcomes are responsive to changing circumstances, reviews will be undertaken every five years in accordance with section 12I of the Act.

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1.0 Settlement

1.0.1 Principles and Policy context

In Tasmania and around the world, the majority of people live in settlements. The quality of our settlements contributes to our quality of life. Settlements that contain diverse uses, are well planned, serviced, accessible and environmentally attractive stimulates economic growth and community resilience and wellbeing.

Land use planning shapes the existing and future form and function of our settlements. It considers the competing demands on land and aims to balance these demands to spatially arrange land use and development to avoid conflict. Urban environments are highly susceptible to land use conflict due to the interaction of environmental, social and economic forces that create complex spatial relations. Land use planning considers these spatial relations, and in doing so promotes the allocation, co-ordination, and efficient use of land to provide for the needs of the existing and future generations.

With the guidance of the TPPs, the planning system will determine how and where growth will occur. The Settlement TPP requires that sufficient land is allocated to meet the community's needs for housing, including social and affordable housing, commerce, recreation, open space, and community facilities and is appropriately serviced by social and physical infrastructure. It also supports the planning system to deliver future development in a coordinated, cost effective and environmentally responsible way.

Settlement patterns have a direct impact on infrastructure and service requirements and outcomes. Where possible, use and development should align with and maximise the use of existing infrastructure and services.

The policy prioritises a settlement pattern that locates people where they have access to employment, social infrastructure and transport networks to improve connectivity and liveability of settlements. It emphasises the delivery of social and affordable housing and recognises that these types of housing are essential to improve social and economic resilience. The Settlement TPP acknowledges that designing functional, sustainable and engaging spaces contribute to social inclusion and strengthen connections with place and our cultural identity and in doing so support health and wellbeing.

The combination of these factors supports healthy communities, attracting more people to live, visit and invest in our settlements. To achieve these planning outcomes, the Settlement TPP is split into 5 separate policy areas that provide for liveable settlements, mechanisms for directing growth, policies relating to specific settlement types, housing diversity and availability and providing for well- designed built environment and public spaces.

1.0.2 Climate Change Statement

Because settlements concentrate populations and economic activities, they are also drivers of energy and resource consumption and contribute to climate change. Under a changing climate, Tasmania's terrestrial environments are projected to experience a rise in annual average temperatures, significant changes in seasonal and regional rainfall patterns and an increase in rainfall intensity.

In practice this means some of our settlements may experience increased likelihood of:

- localised flooding;
- inundation in coastal areas;
- potential for land slips;
- storm damage to property and infrastructure;
- bushfires in bushland near to settlements;
- social and economic disruption from extreme events;
- hot days and greater runs of hot days;
- urban heat island effect in highly built-up areas; and,
- Erosion of valued landscape qualities with changes in rainfall and temperature stressing vegetation, diminishing some habitat ranges and extending those of some pests.

Land use planning cannot prevent these events, however it can support measures that help address the causes and impacts of climate change.

While some of these matters are more specifically dealt with under other TPPs, from a settlement perspective many of the strategies to address these impacts also offer other benefits to the community and the environment. For example, strategies that promote networks of green spaces also increases rain-absorbing surfaces, allowing cities to better manage flooding from intense storms. Encouraging urban vegetation that provides shade allows urban environments to better tolerate extreme heat events and contributes to carbon storage in the urban landscape. Both these actions help to reduce the impact of climate change and, in doing so, create a more liveable environment.

Similarly, measures to consolidate settlements, make use of existing infrastructure, promote energy efficient design and improve access to public and active transport networks, while providing for efficient settlement patterns also reduces resource consumption and lowers emissions.

The impact of these predicted changes will not be felt evenly throughout the community. The more vulnerable in our community are likely to experience greater impacts, especially people that are older, have some pre-existing medical conditions, have lower levels of literacy and those on lower incomes or in housing stress.

While the planning system cannot solve these problems, there are strategies within the Settlement TPP that facilitates greater access to health, education and social and affordable housing that will support the vulnerable and build climate change resilience within the community.

1 Growth

1.1.1 Application

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

1.1.2 Objective

To plan for settlement growth that allocates land to meet the existing and future needs of the community and to deliver a sustainable pattern of development and provides a degree of flexibility to accommodate changing circumstances.

1.1.3 Strategies

1. Provide for at least a 15 year supply of land that is available, identified or allocated, for the community's existing and forecast demand for residential, commercial, industrial, recreational and community land to support the economic, social and environmental functioning of settlements.
2. Plan for growth that will:
 - a) prioritise and encourage infill development, consolidation, redevelopment, re-use and intensification of under-utilised land within existing settlements, prior to allocating land for growth outside existing settlements;
 - b) prioritise the development of land that maximises the use of available capacity within existing physical and social infrastructure networks and services;
 - c) avoid the development of land that is not well serviced by existing or planned physical and social infrastructure, or that are difficult or costly to service;
 - d) avoid the development of land at risk of natural hazards, that has high environmental or landscape value or are, or could have the potential to be used for, viable agricultural or extractive industry uses; and
 - e) integrate with existing transport systems prioritising active transport .
3. Identify regional settlement hierarchies based on:
 - a) population projections and forecast demographic change;
 - b) the functional characteristics of the settlement and any specific role it plays in the State or Region;
 - c) the social, environmental and economic characteristics of the settlement;
 - d) the availability of goods and services, including social infrastructure, to support the needs of the community;
 - e) access to employment and training opportunities;

- f) efficient and accessible transport systems; and
- g) capacity and cost-efficient upgrading of physical infrastructure.
- 4. Prioritise growth of settlements that are within the higher tiers of the settlement hierarchy.
- 5. Actively address impediments to infill development, particularly in the major urban centres.
- 6. Require the preparation of structure plans that provide for the effective planning and management of land use and development within a settlement, or part of a settlement, that, as a minimum, considers:
 - a) the identified values, physical constraints and the strategic context of the location;
 - b) urban or settlement growth boundary;
 - c) movement networks, including street hierarchy and pedestrian and cycling paths for active transport modes;
 - d) location of land for the purpose of residential, commercial, open space, recreation and community use and development, the relationship between uses and their positioning to avoid land use conflict;
 - e) any staging or sequencing of development of land;
 - f) the use of existing infrastructure and services and the logical and efficient provision of additional infrastructure; and
 - g) impacts on broader physical and social infrastructure, including health and education facilities, strategic transport networks, public transport services, water and sewerage.
 - h) the likely lived experience of the inhabitants of the proposed developments and whether or not it facilitates them to meet their needs.
- 7. Create urban or settlement growth boundaries that clearly identifies the spatial extent of growth, including the allocation of a sufficient land to meet projected growth.
- 8. Proposed growth located outside an urban or settlement growth boundary must be strategically justified, based upon:
 - a) projected population growth;
 - b) land supply and demand analysis (including infill and greenfield);
 - c) existing infrastructure networks and services;
 - d) supporting the regional settlement hierarchy; and
 - e) preventing the distortion of growth strategies in other settlements.
 - f) site analysis
- 9. Identify the role and function of activity centres within settlements and provide for use and development that compliments and supports that role and function.

10. Encourage the concentration of commercial, administrative, major retail, entertainment and cultural use and development within activity centres that are highly accessible by public and active transport.
11. Prioritise the sustainable expansion, consolidation, redevelopment and intensification of existing activity centres prior to the development of new activity centres, unless the existing activity centres are at capacity and growth is constrained.
12. Provide for and identify preferred development sequences in areas of growth to enable better coordination and more cost-effective planning and delivery of physical infrastructure.

1.1.4 Implementation Guidelines

Based on the regional settlement hierarchy, RLUSs are to identify settlements that require at least a 15 year supply of land to accommodate growth.

For identified settlements, the RLUS should provide a 20-year supply of land to maintain the 15 year minimum supply required by strategy 1 of section 1.1.3 of the TPPs. The 5 yearly review cycle of the RLUS should assist in maintaining the 15-year supply minimum.

Urban or settlement growth boundaries are to define the spatial extent of the 20-year land supply, considering infill, intensification and consolidation strategies, allocated to accommodate settlement growth that must be identified on a map within the RLUS.

1.2 Liveability

1.2.1 Application

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

1.2.2 Objective

To improve the liveability of settlements by promoting a pattern of development that improves access to housing, education, employment, recreation, nature, health and other services that support the wellbeing of the community.

1.2.3 Strategies

1. Promote the location of residential use and development in areas that are close to, or are well connected to, activity centres or secure and reliable employment sources.
2. Facilitate access to, and a diverse range of, employment opportunities in settlements by:
 - a) the provision of, and access to, safe and efficient public transport;
 - b) encouraging telecommunications infrastructure to support the ability to work remotely and access global markets; and
 - c) enabling businesses that can capitalize on local qualities and promote local characteristics, resources and produce.

3. Provide for tertiary education and vocational training institutions in close proximity to, or highly accessible by, residential areas to support growth in the skilled workforce and increase opportunities for innovation, technology and research to support established and emerging industries.
4. Provide for a network of accessible, **interlinked** and inviting open and green spaces close to and within residential areas and activity centres to encourage active lifestyles connection with nature, **support habitat value and hydrological health** and social interaction.
5. Provide for connectivity within **and where possible between** settlements, especially between residential areas, activity centres and open space networks, through a network of legible and accessible infrastructure dedicated to active transport modes, including end of trip facilities.
6. Provide integrated transport networks that allow people to move safely and efficiently between and within settlements utilising different transport modes, including public transport, cycling and walking, to reduce car dependency.
7. Support measures to mitigate the impacts of climate change on urban environments by encouraging urban forests, street plantings, garden roof tops (green roof), water sensitive urban design and integration of shade and water features into public spaces.
8. Improve neighbourhood amenity by managing incompatible use and development
9. Provide for a range of cultural, recreational and community facilities that support wellbeing, social cohesion and cultural identity and understanding.
10. Protect and enhance those settlements, or part of settlements, that contain unique or distinctive local characteristics that contribute, or have the potential to contribute to, the community's identity and sense of place.
11. Facilitate place-making and recognise the contribution it makes to the local economy, environmental amenity and social wellbeing of the community.

1.2.4 Implementation Guidelines

None specified.

1.3 Social Infrastructure

1.3.1 Application

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

1.3.2 Objective

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

1.3.3 Strategies

1. Provide for a sufficient supply of land to support the community's existing and forecast demand for social infrastructure, including, but not limited to, open spaces, schools, health care, libraries, social services and child and aged care.
2. Facilitate the co-location of suitable and compatible social infrastructure.
3. Maximise the use of existing well-located social infrastructure, including the re-use and multi-use of sites, to meet the changing needs of the community.
4. Integrate public and active transport networks with major social infrastructure.
5. Promote the location of social infrastructure in close proximity to, or highly accessible by, residential areas.
6. Facilitate the provision of services that support vulnerable or at risk people, including crisis accommodation, neighbourhood houses, youth-at-risk centres, women's shelters and men's shelters.
7. Protect major health and emergency services facilities (including associate airspace) from land use conflict by avoiding the encroachment or intensification of surrounding incompatible use and development.
8. Support the temporary or intermittent use of recreational, educational and community facilities for a range of cultural and creative activities that promote community participation and social inclusion.
9. Design streets to support their values as settings for incidental social interactions.

1.3.4 Implementation Guidelines

None specified.

1.4 Settlement Types

1.4.1 Application

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

1.4.2 Objective

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

1.4.3 Strategies

1. Identify and strategically manage the peri-urban interface to protect environmental, landscape and agricultural values from urban encroachment and to protect life and property from the threat of natural hazards and protect the amenity of adjoining residential areas.
2. Promote the vibrancy and character of specific activity centres, hubs or inner-city locations that have good connectivity, housing choices and access to goods and services that support urban lifestyles, where the impacts associated with mixed use and higher density residential use can be managed.
3. Establish urban or settlement growth boundaries around coastal settlement to ensure that growth in coastal areas is directed to existing settlements areas and prevents linear development along the coast.
4. Facilitate the provision of social and physical infrastructure to support the seasonal fluctuations in populations experienced by coastal or other settlements that are characterised by holiday homes.
5. Identify and protect the key values and activities of rural towns and villages, and support use and development that enhances these values and activities.
6. Avoid allocating additional land for the purpose of rural residential use and development, unless:
 - a) the amount of land to be allocated is minimal and does not constitute a significant increase, or the existing pattern of development reflects rural residential type settlement;
 - b) the land is not within an urban growth boundary or settlement growth boundary;
 - c) the location of the land represents an incremental, strategic and natural progression of an existing rural residential type settlement;
 - d) the land is not strategically identified, or has the potential to be identified in the future, for development at urban densities;
 - e) growth opportunities maximise the efficiency of existing services and infrastructure;
 - f) agricultural land, cultural heritage values, landscape values, environmental values and land subject to natural hazards are avoided;
 - g) the potential for land use conflict with surrounding incompatible activities, such as extractive industries and agricultural production, is avoided; and
 - h) it contributes to providing for a mix of housing choices that attracts or retains a diverse population.

1.4.4 Implementation Guidelines

None specified.

1.5. Housing

1.5.1 Application

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

1.5.2 Objective

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

1.5.3 Strategies

1. Provide the timely supply of land for housing in locations that are, or can be, easily connected to, and integrated with, the range of services including infrastructure provision, access to community, health and education facilities, public transport, and employment, consistent with the policy outcomes that deliver liveable settlements.
2. Supply land, including infill, reuse and greenfield sites, for housing that meets the projected housing demand, which is appropriately located for the type of housing required, to be based on the best available evidence, to improve housing availability and affordability.
3. Facilitate social and affordable housing to meet the needs of the community that is located close to services and public transport networks.
4. Plan and provide for a diverse range of quality housing types that meet the needs of the community by:
 - a) responding to demographic trends including changing household size and composition;
 - b) supporting the provision of well-designed social and affordable housing;
 - c) catering for the aging population, including facilitating aging in place and catering for different levels of dependency and transitioning between them;
 - d) catering for people requiring crisis accommodation;
 - e) considering the needs of people with disabilities, including the level of support and care required for different levels of dependent and independent living options; and
 - f) supporting co-living scenarios to help address housing availability and affordability.
5. Encourage higher density housing in locations that:
 - a) have been identified for urban consolidation;
 - b) are within close proximity to an activity centre;

- c) have good access to employment, services, open space and active and public transport networks;
- d) the potential impacts associated with increased residential density and land use conflict can be managed; and
- e) does not adversely impact environmental values on site or downstream and is not constrained by topography and environmental hazards.

1.5.4 Implementation Guidelines

None specified.

1.6 Design

1.6.1 Application

Statewide

1.6.2 Objective

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

1.6.3 Strategies

1. Encourage the design and siting of buildings to positively contribute to:

- a) the site and surrounds;
- b) the wellbeing of the occupants;
- c) the usability, appeal, comfort, resilience of the public realm;
- d) neighbourhood amenity and safety;
- e) The identity and character of the region;
- f) incorporate energy efficient measures; and
- g) safe access and egress for pedestrian, cyclists and vehicles.

2. Provide public places that are designed to connect with, and respond to, their natural and built environments, enhancing and integrating environmental values that contribute to a sense of place and cultural identity.

3. Encourage Require public places that are designed to promote:

- a) equal access and opportunity and to cater for the various needs and abilities of the community; and
- b) safety, social interaction and cultural activities, enabling a sense of wellbeing and belonging.

4. Respect the characteristics and identities of neighbourhoods, suburbs and precincts that have unique characteristics by supporting development that considers the existing and desired future character of the place.
5. Encourage the use of urban design principles that creates, or enhances, community identity, sense of place, liveability, social interaction and climate change resilience.
6. Support sustainable design practices that are energy and resource efficient, address temperature extremes and reduce carbon emissions, including:
 - a) reduce the urban heat island effect by promoting the greening of streets, buildings and open space with vegetation, preferably native species where appropriate;
 - b) implement sustainable water and energy solutions for climate change adaptation, including water sensitive urban design and renewable energy production;
 - c) promote consolidation of urban development;
 - d) integrate land use and transport; and
 - e) encourage active transport through the provision of safe and shaded rest areas with urban furniture, drinking fountains and similar amenity measures.
7. Promote subdivision design that considers the existing and future surrounding pattern of development and provides for connection and integration of street networks, pedestrian and bicycle paths and the efficient provision of services.
8. Promote subdivision design that provides a functional lot layout that:
 - a) supports the intended future use and development of the lot;
 - b) uses urban land efficiently;
 - c) promotes climatically responsive orientation of buildings and open spaces;
 - d) allows passive surveillance of public spaces promoting community safety;
 - e) provides a convenient, efficient and safe road network;
 - f) supports efficient and effective public transport access;
 - g) provides safe, legible, convenient and direct active transport;
 - h) is responsive to topography, site constraints and environmental values and hazards; and
 - i) provide diverse lot sizes for residential use, in appropriate locations, that supports the future provision of diverse housing choices that meets the needs of the local community.

1.6.4 Implementation Guidelines
None specified

2.0 Environmental Values

2.0.1 Principles and Policy Context

Tasmania's natural environment is diverse, rich and unique. It provides the backdrop to our settlements, it is where we choose to engage in recreational pursuits and our connection with nature contributes to our quality of life, general wellbeing and how we identify as Tasmanians.

Land use planning seeks to recognise the functional, aesthetic and intrinsic value of the natural environment. It also acknowledges that by protecting these values it can support those sectors that rely on healthy ecosystems and intact landscapes to produce goods and services that stimulates our economy.

A significant proportion of Tasmania's environmental values are protected by mechanisms outside the planning system. Land use planning can play a strategic role in identifying and prioritising other environmental values and apply measures to protect them. In doing so, it can help address the broad scale, cumulative effects associated with land use and its impacts on environmental values.

The Environmental Values TPP seeks to protect environmental values by adopting, where relevant to the specific environmental value, the following principles:

1. identify environmental values and determine their significance;
2. avoid designating land, that contains significant environmental values, for land use and development that will detrimentally impact those values;
3. minimise the impact of land use and development on environmental values where avoidance is not possible or impracticable; and
4. where possible, apply offset where the impacts cannot be minimised.

These principles have been broadly applied to five categories of environmental values being:

- Biodiversity;
- Waterways, wetlands and estuaries;
- Geodiversity;
- Landscape values; and
- Coasts

While the primary outcome of the Environmental Values TPP is to establish the strategies by which the planning system can play its role in protecting and conserving Tasmania's environmental values, it also contributes to broadening the community's understanding and appreciation of natural systems which in turn promotes their health and resilience.

2.0.2 Climate change statement

Projected changes to Tasmania's future climate will have a variety of impacts on our environmental values. These include:

- significant changes in the amount of rainfall, including seasonal variation and spatial distribution;
- increased frequency and intensity of extreme weather events;
- increased average temperatures and longer runs of days at higher temperatures;
- and
- sea level rise

Future climatic conditions will impact the five categories within the Environmental Values TPP differently. These changes are unlikely to be linear and predictable, and the interactions between effects may introduce additional uncertainty.

Coastal environments are projected to experience sea level rise, ocean warming, increased frequency and intensity of marine heatwaves and storm events. The latter will accelerate coastal erosion in vulnerable areas, potentially threatening coastal habitats.

Waterways and wetlands may experience times of flooding or reduced flow rates. This may impact aquatic habitats and present issues for water security. Periods of either excessive high or low soil moisture may stress native flora and fauna.

Ecosystems may also be exposed to climatic conditions that they are not adapted, potentially disrupting ecological processes. Changed environmental conditions may also favour and potentially increase the spread of invasive plant and animal species. More frequent fires will also impact damage habitat, and while many of our native flora and fauna have adapted to fire, a significantly altered fire regime may also effect the abundance and distribution of species and the relationship between them.

Because there are many unknowns regarding climate change, the planning system needs to plan for both predicted scenarios and remain responsive to unforeseen circumstances. The Environmental Values TPP seeks to address this by:

- supporting early action against native habitat loss;
- promoting connectivity between vegetation to support viable ecological processes and build climate change resilience;
- considering the vulnerabilities of ecosystems and natural processes to the projected future climate and spatially applying parameters to identify, protect and prioritise communities at high risk; and
- enabling retreat pathways for ecosystems.

Land use planning can also support measures to reduce emissions. The Environmental Values TPP supports this by promoting the protection of biodiversity values and ecological services that maximise opportunities for carbon storage.

2.1 Biodiversity

2.1.1 Application

Statewide.

2.1.2 Objective

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

2.1.3 Strategies

1. Identify biodiversity values, appropriately rank the significance of those values and map their location.
2. Avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.
3. Prior to designating land for a particular purpose:
 - a) consider the biodiversity values of that land and the potential impacts of the range of future use and development will have on those values; and
 - b) determine if they are compatible and can be managed to avoid or minimise the impact on biodiversity values, especially high biodiversity values.
4. Provide for a level of restriction and regulation of use and development that will reflect its potential impact on, and be relative to, the biodiversity value.
5. Promote use and development to be located, designed and sited to avoid impacts on biodiversity values, and where avoidance cannot be achieved, or is not practicable, the impacts to biodiversity values will be minimised, or offset.
6. Promote and maintain connectivity between isolated and fragmented vegetation communities to support habitat corridors and promote viable ecological processes.
7. Land use planning is to minimise the spread and impact of environmental weeds.
8. Protect and enhance areas that provide biodiversity and ecological services that maximise opportunities for carbon storage.
9. Support early action against loss of native habitat as a result of climate change.
10. Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development that will increase the ability of species, ecological communities and ecosystems to adapt to climate changes.
11. Identify ecological communities that are most vulnerable to climate change and develop strategies that consider improving resilience, mitigating

impacts, planning retreat and facilitating adaptation to support their long-term survival.

12. Identify and enable retreat pathways for endangered ecosystems in coastal zones.

13. Support land managers or regulators of land within the Tasmanian Reserve Estate to manage that land in accordance with approved management plans and specific reserve objectives.

2.1.4 Implementation Guidelines

None specified.

2.2 Waterways, Wetlands and Estuaries

2.2.1 Application

Statewide

2.2.2 Objective

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

2.2.3 Strategies

1. Identify and protect areas that support natural systems within waterways, wetlands and estuaries, including their terrestrial verges and groundwater recharge areas.

2. Avoid designating land in, or around, waterways, wetlands and estuaries for use and development that has the potential to cause point source or diffuse pollution and would require considerable disturbance of riparian or foreshore vegetation and soil, unless the use and development:

- a) relies specifically on being located within close proximity to aquatic environments;
- b) is for flood mitigation measures; or
- c) has considerable social, economic and environmental benefits; and can demonstrate that the risk of environmental harm can be managed.

3. Protect and conserve waterways by retaining, creating or improving vegetated riparian zones to maintain their natural drainage function and minimise unnatural or accelerated erosion of stream banks while providing riparian habitat corridors and protecting landscape values.

4. Use and development located on land in, or around, waterways, wetlands and estuaries will:

- a) minimise the clearance of native vegetation;

- b) promote the retention and restoration of, and linkages between, terrestrial and aquatic habitats;

- c) protect the natural form and process of the landform assemblage, including aquatic areas;
 - d) avoid land disturbance, soil erosion and changes in sediment loads within the water;
 - e) not significantly increase the rate and quantity of stormwater or pollutants entering the water; and
 - f) be designed and sited to maintain or enhance significant views and landscape values.
5. Support the collaboration and coordination of catchment management across the State and implement integrated catchment management that considers the downstream impacts of land use and development on water quantity and quality, and freshwater, coastal and marine environments.
 6. Protect and manage the ecological health and environmental values of surface and groundwater to prevent water quality degradation due to point source pollution, diffuse land use impacts or chemical reactions such as acidification.
 7. Provide for the availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.
 8. Promote and encourage the efficient and effective use of water resources.

2.2.4 Implementation Guidelines

None specified.

2.3 Geodiversity

2.3.1 Application

Statewide.

2.3.2 Objective

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

2.3.3 Strategies

1. Identify and map land containing high conservation value geodiversity and avoid designating land for use and development that will impact those values, including through the modification of natural processes and functions that prevents geological, geomorphological or soil features from evolving naturally.

2. Promote the protection of high conservation value geodiversity by avoiding, or if not practicable minimising, the impacts of land use and development on the feature and the natural processes and functions that support the feature's evolution.
3. Encourage integrated management of geodiversity and biodiversity to enhance efficient function of ecological processes.
4. Protect places and sites of geological, palaeontological or other scientific importance, including rock formations and fossil sites from human induced impacts.
5. Protect geological features, such as peat, that provide opportunities for carbon storage.

2.3.4 Implementation Guidelines

None specified.

2.4 Landscape Values

2.4.1 Application

Statewide.

2.4.2 Objective

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

2.4.3 Strategies

1. Identify and map the extent of significant cultural, ecological, geological and aesthetic landscapes, scenic areas and scenic corridors and determine their specific features and values.
2. Protect significant landscapes, scenic areas and scenic corridors by recognising their individual scenic values and develop measures to ensure that use and development respects, and is sensitive to, the character and quality of those scenic values.
3. Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development:
 - a) relies specifically on being located within significant landscape;
 - b) has considerable social, economic and environmental benefits; and
 - c) includes specific measure to minimise the impact on significant landscapes.

4. Promote the retention and natural revegetation of degraded sites that will contribute to the overall improvement of the scenic quality of a significant landscape, scenic area or scenic corridor, where vegetation cover is an element of the scenic quality.

2.4.4 Implementation Guidelines

None specified.

2.5 Coasts

2.5.1 Application

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

2.5.2 Objective

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

2.5.3 Strategies

1. Protect natural coastal processes and coastal landforms from use and development that will prevent natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise, unless engineering or remediation works are required to protect land, property, infrastructure and human life.
2. Strengthen the resilience of coastal processes to climate change by reducing threats and protecting the natural coastal environment, such as wetlands, estuaries, marine- protected areas, sand dunes, cliff tops, beaches, native vegetation, and other important habitats.
3. Identify coastal areas that can support the sustainable use and development of recreation, tourism, boating infrastructure (jetty wharfs), marine industries, ports and other land use that explicitly rely on a coastal location while minimising the impacts on coastal values.
4. Support the location of use and development on the coast that:
 - a) promotes the maintenance of biodiversity, ecological functions, natural coastal processes and coastal resources; and
 - b) complements or enhances the coastal environment in terms of its landscape, amenity and cultural values.

2.5.4 Implementation Guidelines

None specified.

3.0 Environmental Hazards

3.0.1 Principles and Policy Context

Environmental hazards are a natural part of the Tasmanian landscape. Significant environmental hazard events, or natural disasters, have the potential to impact people, property, infrastructure, the economy and the natural environment.

Traditionally governments have focussed attention on emergency response and recovery from natural disasters and typically overlooked mitigation strategies. As a result of enquiries into natural disasters in recent decades, governments are focussing more attention on building community resilience and capacity to prepare for environmental hazards and include regulatory measures to reduce their associated impact. Environmental hazard management and policy is now delivered through a range of institutions at a range of scales, from international to local.

Land use planning is one of the tools available to government to help reduce the impact of environmental hazards. From a strategic perspective, land use planning can identify land that is subject to hazards and avoid zoning that land for incompatible purposes thereby directing inappropriate development away from high-risk areas. Regulation through statutory planning provisions can ensure specific developments incorporate hazard protection or mitigation measures, such as adequate water supply for firefighting in a bushfire-prone area, to reduce the risk of harm caused by environmental hazards. It can also support the necessary emergency responses and community recovery from events by facilitating the provision of emergency and community infrastructure.

While the planning system has a role to play, it is also limited in what it can achieve. It cannot apply retrospectively to address planning decisions that were made under former planning regimes but it can provide for current and future land use planning decisions to respond to risks.

Planning is one component of an integrated system that operates in conjunction with others to reduce the risks arising from natural disasters from occurring and reduce the risk of harm cause by these events. For example, The *Mineral Resources Development Act 1995* regulates the management of landslip hazards and controls are imposed under the *Building Act 2016*, *Building Regulations 2016* and associated Determinations issued by the Director of Building Control. The *Land Use Planning and Approvals Act 1993* provides guidance on addressing issues relating to natural and environmental hazards including public health, public safety or other prescribed circumstances. Also, the *Environmental Management and Pollution Control Act 1994* include provisions to protect and enhance the quality of the environment to prevent any adverse impact and maintain environmental quality.

The Environmental Hazards TPP seeks to consider hazards early in the planning system which will assist in protecting life and property, reducing the financial and emotional cost to the community and decreasing the burden for emergency management caused by environmental hazards. To achieve this, the TPPs apply

the following set of principles to drive the planning policy response to environmental hazards:

- prioritise the protection of human life;
- support disaster resilience of communities;
- identify and map the environmental hazard;
- avoid designating land for incompatible use or development in hazard prone areas;
- use and development, including intensification of existing use and development, does not increase the risk of environmental hazards or the harm caused by environmental hazards;
- hazard mitigation measures are to be applied to use and development exposed to unacceptable levels of hazard risk to reduce that risk to a tolerable level;
- hazard mitigation measures must consider the impacts on other identified values;
and
- regulation of use and development in areas subject to environmental hazards will reflect the level of exposure to the risk of harm caused by the environmental hazard.

3.0.2 Climate change statement

Significant changes in seasonal and regional rainfall patterns, an increase in rainfall intensity and associated flooding, higher average and more extreme temperatures, and longer, more intense fire seasons will impact the frequency and intensity of hazard events.

Tasmania's coastal zone is projected to be impacted by rising sea levels and an increase in the frequency and intensity of storm events. This will exacerbate the impacts from coastal hazards such as coastal erosion and inundation.

The Tasmanian Government has developed sea level rise planning allowances for all coastal municipalities, and statewide mapping of natural hazards including, coastal erosion and inundation, and bushfire risk.

These measures demonstrate how land use planning can contribute to climate resilience, enable adaptation to the risks from a changing climate, minimise risks from natural hazards to settlements and built form, and support the health and safety of communities in the long-term.

By managing the risks from a changing climate and building a climate-resilient economy, the economic and ecological impacts from extreme weather events can be reduced, and impacted communities can recover faster.

With advancements in GIS and greater access to evidence-based data relating to future climate change scenarios, land use planning, through the guidance of the Environmental Hazards TTP, can:

- identify and map risks from natural hazards and avoid locating incompatible use and development in areas subject to risk;
- strategically consider how risks are best managed;
- apply climate change adaptation responses through statutory provisions; and
- consider protective works.

3.1 Bushfire

3.1.1 Application

Statewide.

3.1.2 Objective

To prioritise the protection of human life and to support the resilience of settlements and communities by reducing the potential impacts of bushfire on life, property and infrastructure.

3.1.3 Strategies

1. Identify and map land that is exposed to bushfire hazards.
2. The protection of human life from harm caused by bushfire will be considered and prioritised at every stage of the planning process.
3. Avoid designating land for purposes that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks.
4. Where it is not practical to avoid bushfire hazards, use and development is to:
 - a) identify the risk of harm to human life, property and infrastructure caused by bushfire;
 - b) incorporate bushfire protection measures that manage the identified risk and reduce it to within a tolerable level; and
 - c) provide a higher level of risk mitigation for uses deemed particularly vulnerable or hazardous.
5. Support the efficient and safe intervention of firefighting personnel and emergency evacuation.
6. Facilitate the provision of firefighting infrastructure and support emergency services and the community to prevent, respond and recover from bushfire events.
7. Avoid future use and development that will increase the exposure to bushfire risks for existing use and development, especially uses deemed to be particularly vulnerable or hazardous.
8. When designating land for particular purposes and considering use and development in areas subject to bushfire hazards:
 - a) consider the impacts of implementing future bushfire protection measures on environmental values and the cost to the community associated with defending properties from bushfire; and

- b) avoid locations that require bushfire hazard management to be undertaken on land external to the site where that land is publicly owned and managed for conservation purposes.
- 9. Allow the implementation of bushfire protection measures that are carried out in accordance with an endorsed plan, including hazard reduction burns.
- 10. Identify and plan for the potential impacts of future bushfire conditions as a result of climate change based on the best available scientific evidence.

3.1.4 Implementation Guidelines

None specified.

3.2 Landslip

3.2.1 Application

Statewide.

3.2.2 Objective

To reduce the risk to people, property and the environment from the adverse impacts of landslip hazards.

3.2.3 Strategies

- 1. Identify and map susceptibility to landslip hazards, including consideration of the impacts of predicted climate change induced increased rainfall and sea level rise on landslip hazards.
- 2. Use and development on land at risk of landslip, including the provision of utilities, is of a type, scale and in a location that avoids triggering or exacerbating the risk of landslip.
- 3. Avoid designating land that is more susceptible to landslip hazards for purposes that have the potential to expose people and property to landslip hazard where it does not achieve and maintain a level of tolerable risk from landslip.
- 4. Avoid designating land for use and development that involves significant soil disturbance, major construction or adding significant quantities of water to soil on land that is identified as being prone to landslip hazards, unless hazard reduction or protection measures can be applied to demonstrate that the risk of harm to people and property associated with the landslip hazard is tolerable.
- 5. Promote use and development that maintains or enhances the protective function of landforms and vegetation that can mitigate risks associated with landslip hazards.

6. Ensure the risk to human life and property resulting from use and development on land that is more susceptible to landslip hazards is identified and addressed through hazard reduction or protection measures that reduce the level to a tolerable risk.

3.2.4 Implementation Guidelines

None specified.

3.3 Flooding

3.3.1 Application

Statewide.

3.3.2 Objective

To minimise the impact of flood hazards that have the potential to cause harm to human life, property and infrastructure and to reduce the cost to the community as a result of flood events.

3.3.3 Strategies

1. Identify and map land that is subject to flooding based, as a minimum, on land inundated by the 1% Annual Exceedance Probability (AEP), or an alternative as determined by the State Government in response to climate change.
2. Avoid designating land for purposes that provide for incompatible use and development to be located on land that exposes people, property and infrastructure to flood hazards that cannot achieve and maintain a level of tolerable risk from flood.
3. Consider and plan for the cumulative impacts of use and development on flooding behaviour.
4. Maintain a level of tolerable risk from flood by applying Water Sensitive Urban Design principles in development and avoiding locating, or intensifying, incompatible use and development on land subject to flood hazards.
5. Avoid locating use and development on land subject to flood hazards, where a level of tolerable risk cannot be achieved and maintained, that involves:
 - a) the storage of hazardous materials that if impacted by flooding may result in the release of materials, increasing the risk to public health and the environment caused by the flood hazards;

- b) activities where vulnerable people are gathered, who may not be able to respond, evacuate or protect themselves in the event of a flood; and
 - c) public infrastructure that is required to be functional to assist in the delivery of emergency responses during and in the recovery phase of a flood event.
6. Where incompatible use and development cannot avoid being located on land subject to flood hazards, hazard reduction and protection measures must be considered and, where appropriate, incorporated into the planning and ongoing functioning of the use and development to reduce the level of risk to people, property and infrastructure to a tolerable risk level.
 7. Consider and support use and development that will assist in managing emergency responses and recovery to flood events including the provision of, and safe and efficient access to, evacuation centres, emergency accommodation and medical centres.
 8. Support the development of flood mitigation infrastructure that has the capacity to lower the risk of flood hazards and provide greater protection to human life, property and infrastructure, if:
 - a) the flood hazard is not diverted to an area that will expose people, property and infrastructure to an increased risk of harm where a level of tolerable risk cannot be achieved and maintained;
 - b) the impact on environmental values are considered and minimised;
 - c) the cost to the community is considered and minimised; and
 - d) careful consideration is given to the appropriateness of intensifying the use and development of the area being protected to avoid exposing additional people, property and infrastructure to flood hazards, especially considering the unpredictability of climate change induced flood events.
 9. Consider any upstream dam infrastructure or other water retention/detention techniques when strategically planning land use to protect the impacts on human life, property, critical infrastructure and community assets as a result of potential dam failure.
 10. Apply water sensitive urban design techniques that achieves co benefits in terms of irrigation and supporting the resilience and long term viability of local landscapes

3.3.4 Implementation Guidelines

None specified.

3.4 Coastal Hazards

3.4.1 Application

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

3.4.2 Objective

To minimise the risks associated with coastal erosion and coastal inundation caused by climate change induced sea level rise by incorporating avoidance, mitigation and adaptation strategies into land use planning.

3.4.3 Strategies

1. Identify and map land that is subject to coastal erosion and coastal inundation, based on a projected sea level rise of not less than 0.8 metres by 2100 or the latest adopted State Government sea level rise measurements, that considers the effects of coastal processes, geology, topography, storm surges and tides on the rate and extent of coastal erosion and coastal inundation.
2. Avoid designating land for purposes that provide for incompatible use and development to be located on land that exposes people, property and infrastructure to coastal hazards that cannot achieve and maintain a level of tolerable risk from coastal erosion or coastal inundation.
3. Avoid incompatible use and development of land subject to coastal erosion or coastal inundation where a level of tolerable risk cannot be achieved and maintained, or that is not feasible or desirable to be located elsewhere, unless the use and development is:
 - a) dependent on a coastal location;
 - b) temporary, readily locatable or able to be abandoned;
 - c) essential public infrastructure; or
 - d) minor redevelopment or intensification of an existing use involving a building or structure that cannot be relocated or abandoned.
4. Where incompatible use and development cannot avoid being located on land subject to coastal erosion or coastal inundation, hazard reduction and protection measures must be considered and, where appropriate, incorporated into the siting, design, construction and ongoing functioning of the use and development to reduce the level of risk to people, property and infrastructure to a level of tolerable risk.
5. Promote strategic responses for existing settlements that are at risk of being impacted by coastal erosion or coastal inundation by considering the effectiveness and the social, environmental and economic viability of one, or a combination, of the following strategic responses:
 - a) adaptation to changing conditions over time;
 - b) planned retreat; and
 - c) protective works.
6. Avoid use and development that will:
 - a) increase the rate of coastal erosion or coastal inundation; or
 - b) increase the risk of exposing existing people, property or infrastructure to coastal erosion or coastal inundation, especially vulnerable and hazardous uses.
7. Encourage coastal defences that work with natural processes to protect assets or mitigate coastal erosion and coastal inundation risks where possible.

8. Facilitate the provision of engineered coastal defences to protect community assets from coastal inundation and coastal erosion, where the social, environmental and economic considerations are included in the planning and decision-making process.

3.4.4 Implementation Guidelines

None specified.

3.5 Contaminated Air and Land

3.5.1 Application

Statewide.

3.5.2 Objective

To consider the impacts of past, present and future land use and development that has involved, or is proposed to involve, potentially contaminating activities, and to minimise the risk of harm to human health, property and the environment arising from exposure, or potential exposure, to contaminants or nuisances caused by those activities.

3.5.3 Strategies

1. Identify and map land that has been used, or is being used, or has been affected by use and development involving potentially contaminating activities
2. Avoid allowing incompatible use or development on contaminated or potentially contaminated sites, unless remediation works, protection measures and a site assessment demonstrates the land is suitable for the future intended use and development.
3. Avoid land use conflict by applying and maintaining appropriate separation between potentially contaminating activities and incompatible use.

3.5.4 Implementation Guidelines

None specified.

4.0 Sustainable Economic Development

4.0.1 Principles and Policy Context

The Sustainable Economic Development TPP focuses on identifying and supporting our economic advantages, to deliver economic growth in a socially and environmentally responsible way.

Tasmania's natural resources underpin our economic prosperity. Our fertile soils, mild climate and reliable rainfall provide opportunities in the agricultural sector while our pristine air quality unique landscapes and ecological diversity attract visitors from around the world. Our proximity to Antarctica and the Southern Ocean provides advantages to attract research, accessing and servicing opportunities. Our world-class wind, deep hydro storages and 100% renewable-energy status provide opportunities to attract industry looking for clean energy and have been identified as a key economic and emissions reduction driver both for Tasmania and Australia. Our landscape values and lifestyle are attractive to many of the talented and creative people whom are essential drivers for growth in many emerging sectors of the economy.

While our geographic location has advantages, it also presents some economic challenges. Being the only island state of an island nation, Tasmania's isolation from mainland Australia and the rest of the world puts us at an economic disadvantage in an era of globalisation and globalised economies. Our physical distance from the northern hemisphere and Asian markets adds to complexities for maintaining competitive in trading commodities and accessing markets. In addition, our ageing population is likely to present future economic challenges through a decline in the skilled workforce.

While the planning system alone cannot drive the State's sustainable economic growth, it still has an important role to play. We will remain geographically isolated but we can plan for and support the provision of digital infrastructure, to ensure our businesses have access to online global markets. Planning for ports and strategic transport networks can improve efficiency in physically accessing global markets. It can also facilitate infrastructure development in areas best aligned with environmental, social and economic values, provide for strategic co-location of new infrastructure with existing infrastructure and promote circular economies.

Similarly, planning cannot prevent the declining workforce. However, it can support the creation of liveable cities that encourage migration and the retention of our young adults. It can also support the establishment of higher education institutions that are easily accessible, which also helps increase the skilled workforce.

The Sustainable Economic Development TPP supports economic activity through the planning system by embedding the following principles:

- allocating sufficient land in appropriate locations to support various economic activities;

- protecting allocated land from incompatible use and development;
- supporting the efficient use of infrastructure and coordinated delivery of new infrastructure, including digital infrastructure;
- identifying and supporting emerging and innovative industries;
- promoting diversification to strengthen the resilience of the economy; and
- protecting the resources and values that are relied on for sustainable economic development.

The Sustainable Economic Development TPP provides initiatives to guide economic growth in our agriculture, tourism, renewable energy, industry, extractive industries, business and commercial and research and innovation industries. It provides for flexibility in responding to new opportunities and changing economic conditions, supporting a diverse and more resilient economy.

4.0.2 Climate change statement

Tasmania's economy is likely to face challenges as a result of the predicted effects of climate change however, we also have some significant advantages. Our greenhouse gas emissions profile is unique among Australian jurisdictions, due to a high proportion of renewable energy generation and high levels of carbon sequestration from the State's managed forest estate

Each economic sector in the Sustainable Economic Development TPP will be impacted differently by climate change and will need to respond to issues as they emerge. For example, the agricultural sector will need to reconsider traditional crops and favour those that respond better to warmer conditions. Areas that may have been ideal for low chill varieties of fruit may need to consider trials and progressive replacement of orchards. Primary production is also at risk from increased storm damage, unpredictable rainfall and more extreme high temperature events.

While it is difficult to predict the range and extent of the potential impact climate change will have across all economic sectors, land use planning can play a strategic role in facilitating economic resilience and help to address the impacts and causes of climate change.

The Sustainable Economic Development TPP addresses these issues by:

- protecting agricultural resources and promoting diversification within the industry which will help the industry respond to changing climatic and economic conditions;
- promoting efficient use and consolidation of land, infrastructure and transport networks to reduce emissions;
- supporting innovation and research opportunities to diversify and contribute to a more resilient economy; and
- supporting opportunities for greater economic self-sufficiency and circular economies to help reduce the impact of unexpected, external forces on the economy.

4.1 Agriculture

4.1.1

Application

Statewide.

4.1.2

Objective

To promote a diverse and highly productive agricultural sector by protecting agriculture land and the resources on which agriculture depends, while supporting the long-term viability and growth of the agricultural sector.

4.1.3

Strategies

1. Identify agricultural land, and potential agricultural land, and apply contemporary land capability classification mapping systems, that includes access to irrigation water as a criteria of land capability, that identifies and maps the capability of land to sustain long term agricultural uses as a criteria, including under forecast climate change scenarios.
2. Protect land with agricultural capabilities by designating it specifically for agricultural use and development or for purposes that prevent the permanent loss or conversion of the land's agricultural potential.
3. Allow compatible land uses to operate on agricultural land, where they do not cause unreasonable fettering or fragmentation and minimises the sterilisation of agricultural land.
4. Protect land with significant agricultural capabilities, and agricultural land within irrigation districts, by affording them the highest level of protection from fettering, fragmentation or conversion to non-agricultural uses.
5. Prevent fettering of agricultural land by considering the impacts of agricultural uses on surrounding future use and development to prevent land use conflict and protect the productivity and viability of agricultural uses.
6. Protect the viability of agricultural uses by preventing the fragmentation of agricultural land.
7. Protect agricultural land by avoiding the permanent conversion of agricultural land to non-agricultural land uses unless:
 - a) the scale of the conversion or sterilisation is minor in terms of the overall agricultural operation of the site;
 - b) the conversion contributes to the viability of the agricultural use on the site; and
 - c) the proposed use will not cause land use conflict, fetter or impact the viability of the surrounding agricultural uses.

8. Support diversification and value-adding of the primary industries sector by supporting effective agricultural production and processing, innovation in rural industries and farm-related retailing and agritourism that is ancillary to the principal use, to enable sustainable growth of the sector and strengthen its ability to adapt to climate change, natural disasters and market challenges.
9. Allow residential use where it is part of, or supports, an agricultural use, such as workers' accommodation, where it does not unreasonably fetter, fragment or convert agricultural land uses.
10. 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.
11. Facilitate the provision and protection of infrastructure that supports the diversification and improved productivity of the primary industries sector.
12. Protect the viability of upstream dam infrastructure when strategically planning land use and development.

4.1.4 Implementation Guidelines

None Specified.

4.2 Extractive Industry

4.2.1 Application

Statewide.

4.2.2 Objective

To identify and protect existing and potential extractive industry resources, and supporting infrastructure, to facilitate economic growth and support efficient infrastructure and urban development.

4.2.3 Strategies

1. Identify and protect key resource areas and deposits, including areas of known mineral resources and strategically important construction materials, such as sand.
2. Protect existing extractive industries from encroachment by residential and other incompatible use.
3. Support the long-term viability of existing operations and access to future mineral resources.

4. Enable the provision and protection of supporting infrastructure for extractive and related resource industries so that access can be facilitated and maintained.
5. Support future mineral extraction on land available for mineral exploration by, prior to designating the land for a purpose that removes the ability of that land to be used and developed for mineral extraction, consideration of the following:
 - a) the nature and scale of the mineral resource;
 - b) the viability of extracting the mineral resource; and
 - c) the social, economic and environmental benefits of the mineral resource compared to that of the alternative land use.
6. Plan for and encourage the use of suitable mineral resources that can provide for a viable resource supply to be extracted consistent with relevant planning policies, considering:
 - a) the benefits to the community;
 - b) the provision of energy and infrastructure;
 - c) access to a skilled workforce;
 - d) risks to public health and safety are managed to within acceptable levels;and
 - e) environmental impacts are minimal.
7. Facilitate the provision of housing and services to support mining employees and their families in remote settlements.

4.2.4 Implementation Guidelines

None specified

4.3 Tourism

4.3.1 Application

Statewide.

4.3.2 Objective

To promote the sustainable development of the State's tourism industry.

4.3.3 Strategies

1. 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:

- a) visitor demand and forecast trends of visitation across the State;
- b) existing supply of tourism product, services and infrastructure;

- c) appropriateness of the scale and nature of the tourism use;
 - d) the impact on the environmental, landscape, intrinsic and local character values of the place;
 - e) the use and development being displaced;
 - f) alignment with and promotion of the Tasmanian brand;
 - g) alignment with regional destination plans supporting the visitor economy;
 - h) the contribution to the local, regional and State economy; and
 - i) integration with the local community.
2. Promote tourism use and development that protects, is compatible with and builds on the assets and qualities of the events, activities and attractions underpinning them.
 3. Ensure visitor accommodation does not significantly impact the supply of housing for the local community.
 4. Support unique, diverse and innovative tourism experiences that support the Tasmanian brand.
 5. Facilitate the provision of infrastructure, housing and services, where appropriate, to support tourism and hospitality employees, to meet the demand for, and support the growth of, sustainable tourism use and development.
 6. Identify and protect attributes that attract and enhance tourism experience.
 7. Prevent the cumulative impacts of tourism use and development from unreasonably detracting from how the local community engages and identifies with their local surrounds.
 8. Promote growth and investment in recreational, art and cultural activities that attracts tourism growth and supports the local community's access to these facilities.
 9. Promote the integration of tourism infrastructure into activity centres to support and reinforce the economic function of activity centres and minimise impacts on more sensitive areas.

4.3.4 Implementation Guidelines

None specified.

4.4 Renewable Energy

4.4.1 Application

Statewide.

4.4.2 Objective

To promote renewable energy use and development to support economic and employment opportunities and strengthen the State's economy, while also supporting emissions reduction.

4.4.3 Strategies

1. Identify renewable resource areas to prioritise the location of renewable energy use and development within areas that have been strategically identified for future renewable energy use and development taking into consideration:
 - a) the quality of the energy resource;
 - b) economic and social value;
 - c) investor interest; and
 - d) environmental, cultural heritage and land-use constraints.
2. Identify and plan for supporting transmission infrastructure required to connect renewable resource areas to the existing network, taking into consideration the ancillary infrastructure that may be required to provide for a reliable and secure network.
3. Recognise the quality and diversity of Tasmania's renewable energy resources and the role it can play in limiting greenhouse gas emissions and supporting the transition to national low carbon economy through existing and future interconnection to Tasmania.
4. Facilitate local, neighbourhood and specific site renewable energy generation, including the potential use of green hydrogen, to help diversify the local economy, improve sustainability outcomes and build resilience and diversification around energy supply.
5. Support infrastructure enabling distributed energy resources.
6. Facilitate the provision of housing, including temporary housing, required to accommodate workers, particularly during the construction phase, to support the development of renewable generation sources within regional areas.

4.4.4 Implementation Guidelines

None specified.

4.5 Industry

4.5.1 Application

Statewide.

4.5.2 Objective

To protect industrial land, facilitate sustainable industrial use and development and ensure there is sufficient availability of suitable industrial land to meet the existing and future needs of Tasmania.

4.5.3 Strategies

1. Identify and allocate land within urban growth boundaries that is suitable for industrial use and development, considering:
 - a) analysis of industrial activities and land supply at a regional or metropolitan level, including existing available land, potential for growth within, or adjacent to, existing centres, and the nature of current and future industrial activities;
 - b) topography and physical site constraints;
 - c) compatibility of surrounding land use;
 - d) provision of adequate buffer areas to separate incompatible uses;
 - e) access to workforce;
 - f) supply chain relationships, including freight patterns, and proximity to existing freight networks, including high productivity and key local freight roads;
 - g) the ability to and cost of, servicing with physical infrastructure;
 - h) avoidance of environmental hazards and environmental values. and
 - j) retention and enhancement of environmental and social qualities that support the development of high tech, research and development sector industries that minimise environmental impacts and capitalize on our intrinsic assets.
2. Provide for at least a 15 year supply of industrial land, that is located within urban growth boundaries, that is based on projected demand to meet the economic needs of Tasmania.
3. Enable industrial use and development, outside urban growth boundaries, where:
 - a) the use is resource dependent, including, but not limited to, abattoir, onshore marine farm or sawmill, and required to be located with the resource to provide for more sustainable outcomes;
 - b) high impact industrial use warrants separation from settlements;

- c) the land has formerly been developed and is no longer being used to its full capacity, such as a brownfield site, and is proposed to be re-purposed for industrial use and development; or
 - d) the land is identified as being strategically located, such as having access to supporting infrastructure or freight routes and has State or regional industrial importance; and
 - e) environmental hazards and the impact on environmental values are avoided or can be appropriately managed.
- 4. Protect existing and future industrial land from encroachment by incompatible use and development.
 - 5. Where appropriate, protect land surrounding industrial estates by designating it for a compatible land use that does not prejudice the future availability of that land for industrial use and development.
 - 6. Encourage the co-location of similar industrial uses within existing or future strategic industrial precincts.

4.5.4 Implementation Guidelines

None specified.

4.6 Business and Commercial

4.6.1 Application

Statewide.

4.6.2 Objective

To promote business and commercial activities at a scale and intensity suited to the location to support diverse economic and employment opportunities and strengthen the State's economy.

4.6.3 Strategies

1. Identify and allocate a sufficient supply of land within existing settlements or areas identified for future growth of settlements, to provide for commercial and business use and development based on existing and projected demands, considering:

- a) the nature and scale of the catchment being serviced;
- b) consumer demand and demographic forecast;
- c) efficient use of existing infrastructure;
- d) accessibility to existing transport networks and services;
- e) access to employees;
- f) activity centre hierarchy; and
- g) regional settlement hierarchy.

2. Identify an activity centre hierarchy that is based on the scale, role, function and accessibility of activity centres.

3. Support the activity centre hierarchy by promoting complimentary use and development to strengthen efficiencies within activity centres and avoid unnecessary competition between activity centres.

4. Encourage the intensification and growth in, and around, higher order activity centres that are highly accessible and which promote the efficient use of infrastructure and services.

5. Support the redevelopment of commercial and business use and development in existing activity centres prior to considering the establishment of new activity centres, unless it is a natural progression of the existing activity centre and is highly accessible to its catchment of users.

6. Avoid locating activity centres outside urban or settlement growth boundaries.

7. Support home-based businesses where the impact does not cause an unreasonable loss of residential amenity to the surrounding area.

8. Provide for small scale commercial or business opportunities in residential and industrial areas that meets the needs of local residents or workers, is conveniently located and, in the case of residential land, does not cause an unreasonable loss of residential amenity.

9. Support mixed use, including residential uses, in activity centres that are highly accessible, support multi-purpose trips, and where the potential for land use conflict can be managed.

4.5.4 Implementation Guidelines

None specified

4.7 Innovation and Research

4.7.1 Application

Statewide.

4.7.2 Objective

To promote innovation and research, and the institutions and infrastructure that drives learning and prepares a skilled workforce, that **capitalize on our landscape values and enviable lifestyle, that** will support existing and emerging opportunities and contribute to a diverse and resilient economy.

4.7.3 Strategies

1. Support the provision and expansion of logistics and digital infrastructure to promote the information and communications technologies (ICT) industry that provides opportunities to drive learning, productivity, innovation and access to online global markets.
2. Support accessible and well-connected tertiary education and training institutions that fosters innovation and career diversity while supporting the existing and emerging needs of the State's employment sectors.
3. Promote existing and emerging innovation and research opportunities, especially those that promote Tasmania's assets, facilitates diversification of our economy, makes use of our geographical location and furthers our brand values, by providing planning mechanisms that are adaptive and flexible to respond competitively to opportunities as they arise.
4. Provide for precinct planning that allows for collaborations between industry, science, research and education institutions to be co-located to facilitate and promote learning, on the job training, collaboration and shared access to resources.
5. Support opportunities for greater economic self-sufficiency, diversification and circular economies to help reduce the impacts of external forces on the State economy.
- 6 **Support high amenity working and living environments that are critical to attracting key people in many emerging industries.**

4.7.4 Implementation Guidelines

None specified.

5.0 Physical Infrastructure

5.0.1 Principles and Policy Context

Tasmania has extensive physical infrastructure networks, across transport, water and sewerage, energy and telecommunications. These networks underpin a wide range of social, environmental and economic outcomes for the State, including population growth, sanitation, job creation, productivity improvements, efficient market access and community connectivity.

Physical infrastructure assets have a long-life span and are expensive to provide and maintain. Maximising the outcomes of these assets requires long-term planning and a sound evidence base. Physical infrastructure planning must consider the many factors influencing why, where and when infrastructure is provided, for example, demographics, economics, climate, and technological change and how the infrastructure is currently or likely to be used.

Land use planning has a direct impact on infrastructure efficiency, safety and performance. It is important that use and development aligns with the function and capacity of existing infrastructure, protects key assets from encroachment by incompatible use and protects current and future infrastructure corridors.

Economies of scale are critical to infrastructure delivery. Where possible, land use planning frameworks should facilitate the consolidation of use and development in locations close to key and existing infrastructure and services.

Land use planning should be flexible in responding to changes in community preferences, technology and demand affecting the type of infrastructure required and how it is used.

5.0.2 Climate change statement

The projected changes to the State's climate can affect the lifespan and viability of infrastructure networks and assets.

Older infrastructure was typically designed before climate change was accepted and understood. Greater extremes and longer periods of higher temperatures, and more violent weather events, will impact the capacity of these older systems. Combined with wear and tear over time and changes in technology, many forms of infrastructure will need to be adapted, or replaced.

Climate-resilient infrastructure refers to how well infrastructure networks and assets continue to function while under greater stress, including the ability to withstand, and recover from, natural hazards made worse by climate change. The TPPs can promote climate-resilient infrastructure by:

- adopting 'green infrastructure' based on harnessing natural processes wherever possible as opposed to the traditional grey infrastructure that relied primarily on engineered solutions to deal with stormwater.

- minimising the need for future adaptation by considering the best available climate science to inform decision-making early in the planning process;
- identifying and mapping current and projected areas subject to hazards, such as coastal erosion and inundation, flooding and bushfire;
- strengthening the framework for identifying appropriate location of land use and development; and
- inclusion of risk mitigation measures.

The Physical Infrastructure TPP supports the provision of well-planned and well-designed infrastructure that can reduce emissions and take advantage of emerging opportunities in a low- emissions future by:

- enabling the sustainable development of existing and emerging low-emissions technologies (for example: renewable energy generation and renewable hydrogen), and ensuring development is planned for in an appropriate manner;
- protecting the efficiency and functioning of freight routes and strategic transport networks;
- Supporting integration of infrastructure providers' strategic planning into land use planning strategy and decision making;
- supporting the uptake of low and zero emissions vehicles¹ by enabling the siting of charging and refuelling infrastructure in developments and the public domain; and
- better sharing of road space to support increased uptake of more sustainable transport modes.

5.1 Provision of Services

5.1.1 Application

Statewide.

5.1.2 Objective

To promote the efficient, effective, sustainable and safe delivery of services including reticulated water and sewerage, stormwater management, electricity, gas, telecommunications and recycling and waste management.

5.1.3 Strategies

1. Identify, allocate and protect a sufficient amount of appropriately located land to accommodate infrastructure that will provide for the existing and future service needs of the community.

¹ Low emissions vehicles include plug-in hybrid electric vehicles, battery electric vehicles, and hydrogen fuel cell electric vehicles.

2. Identify whether existing infrastructure has the capacity to deliver services to accommodate growth and prioritise designating land use for the purpose of making efficient use of that available capacity.
3. Where there is no infrastructure, available infrastructure capacity or non-infrastructure solution, promote the most logical and cost-effective solution to deliver services to growth areas.
4. Support the installation and/or upgrading of infrastructure to deliver services that meet the future long-term needs of the community.
5. Facilitate developer contributions to service new use and development to be transparent, fair and reasonable, providing for equity between users.
6. Provide an integrated approach to the planning and engineering design of new subdivision and subsequent use and development, promoting the coordinated and efficient provision of infrastructure.
7. Provide for reticulated sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
8. Provide for reticulated electricity supply at the time of subdivision or ensure lots created by the subdivision are capable of accommodating an alternative source of power adequate for the future use and development of the land.
9. Protect significant existing and future water, gas, electricity, sewerage, drainage and telecommunications infrastructure assets and waste disposal and resource recovery facilities, sites and infrastructure corridors from sensitive and incompatible use and development encroaching those assets, facilities, sites or corridors.
10. Encourage the siting, design, management and rehabilitation of waste disposal facilities to prevent or minimise contamination of groundwater and surface waters, litter, odour, dust and noise.
11. Facilitate access to a variety of recycling stations to encourage community participation in recycling and waste reduction.
12. Support the provision of contemporary telecommunications and information technology that are widely accessible and meet the needs of business, industry, public infrastructure and domestic users.
13. Where appropriate, support the co-location of infrastructure to service use and development.
14. Increase reliance on green rather than conventional grey infrastructure.
15. Provide an integrated approach to stormwater infrastructure to achieve co-benefits in terms of ecological function, landscape maintenance and long term viability

5.1.4 Implementation Guidelines

None specified.

5.2 Energy Infrastructure

5.2.1 Application

Statewide.

5.2.2 Objective

To protect electricity infrastructure, including infrastructure to support energy efficiency and renewable energy and provide for a safe, secure and reliable energy system to meet the needs of the community, businesses and industry.

5.2.3 Strategies

1. Protect existing energy infrastructure corridors and ancillary facilities from conflicting and incompatible land use and development.
2. Plan for and facilitate energy-related use and development (including ancillary facilities) in appropriate locations.
3. Support infrastructure required for distributed energy resources including rooftop solar, battery storage, at home electric vehicle chargers.
4. Contribute to improved energy efficiency through urban design and urban settlement pattern, and support for the use of alternative transport modes.

5.2.4 Implementation Guidelines

None specified.

5.3 Roads

5.3.1 Application

Statewide.

5.3.2 Objective

To plan, manage and maintain an integrated road network that supports efficiency, connectivity, travel reliability and safety.

5.3.3 Strategies

1. Identify and protect the following key road corridors from encroachment by incompatible land use and development:

- a) Burnie to Hobart transport corridor, Tasmania's premier passenger and freight corridor, facilitating the movement of high volumes of people and heavy freight between major ports, intermodal hubs, population and industrial centres;
 - b) Key urban passenger transport corridors; and
 - c) Last mile urban freight routes.
2. Identify and protect future road corridors.
 3. Recognise the role of Tasmania's regional road network in providing connectivity and access between regional and rural communities, major production and processing centres and tourism destinations.
 4. Support heavy vehicle access that is responsive to industry needs and appropriate to the use and function of a road.
 5. Provide for new and upgraded road infrastructure on key urban and local corridors to allocate space for electricity infrastructure, public transport, walking and cycling modes.
 6. Provide for land use planning frameworks and decisions to support, and be informed by, road investment programs.
 7. Support the targeted expansion and improvement of the urban road network based on future use, safety, and in response to strategic urban growth corridors.
 8. Provide for road networks to be protected from incompatible use and development.
 9. Minimise the environmental, heritage and social impacts associated with new and upgraded transport infrastructure and services.
 10. Design local roads to support incidental social interaction, sustainable drainage and irrigation of street landscape and active transport.

5.3.4 Implementation Guidelines

None specified.

5.4 Transport Modes

5.4.1 Application

Generally applied statewide, with a focus on urban areas.

5.4.2 Objective

To support a safe, reliable, efficient and accessible passenger transport system that provides people with modal choice and is well integrated with land use.

5.4.3 Strategies

1. Support integrated land use and infrastructure and network planning that increases mode choice to access employment, essential services and community participation.
2. Promote medium to high density development and mixed use in proximity to high frequency passenger transport corridors stops..
3. Integrate land use with existing and planned passenger transport infrastructure and services.
4. Identify and protect key sites required to support the expansion of public transport services and modes.
5. Provide an active transport network within key urban areas that is direct, convenient, safe, offering high amenity, integrated across State and local government networks, and which includes dedicated infrastructure, appropriate signage, and end of trip facilities.
6. Encourage public transport corridors to be supported by active transport networks and bus stops that are safe, accessible and provide for better passenger amenity.
7. Provide for subdivision design that:
 - a) supports efficient and effective public transport access;
 - b) encourages walking and cycling, with the provision of appropriate, safe legible and direct site-through links; and
 - c) considers the subsequent, and surrounding, use and development, promoting the coordinated and efficient provision of passenger transport systems.
8. Locate developments that attract high numbers of people within existing activity centres, in areas adjacent to major urban public transport corridors or in areas that support the logical extension of existing public transport services.
9. Support the targeted expansion and improvement of public transport services, and supporting infrastructure, based on travel demand, including latent demand, and in support of strategic urban growth corridors.
10. Encourage land use planning frameworks that can support and adapt to changing passenger transport needs, modal options, and technologies.
11. Recognise carparking as a key travel demand management measure, and appropriately manage carparking provision to support a modal shift.
12. Provide infrastructure to support the use of electric vehicles, including a public network of high-quality EV charging stations, and the inclusion of 'electric vehicle ready' carparking as part of new residential and commercial developments.

5.4.4 Implementation Guidelines

None specified.

5.5 Ports and Strategic Transport Networks

5.5.1 Application

Statewide.

5.5.2 Objective

To recognise and protect Tasmania's strategic freight system, including key freight networks, ports, intermodal hubs and industrial estates.

5.5.3 Strategies

1. Identify and protect existing and future freight infrastructure, industrial and distribution centres.
2. Promote use and development at and adjacent to the Burnie, Devonport, Launceston and Hobart ports, and the Brighton Transport Hub, that is compatible with proximity to a major port and reinforces the role of these ports as freight and logistics hubs.
3. Recognise the regional ports at Grassy, Lady Barron and Cape Barren as critical links in the freight supply chains of the Bass Strait Islands.
4. Protect key freight corridors and assets from encroachment by inappropriate land use and development.
5. Protect major airports by applying appropriate buffers that prevent the encroachment of incompatible use and development.
6. Support major airports by designating adjacent land to accommodate complementary use and development.
7. Locate industrial, freight and intermodal developments in areas with good access to existing, high-volume freight networks.
8. Protect the Burnie to Hobart freight corridor as Tasmania's premier land transport network for both road and rail.
9. Encourage land use planning frameworks that can support and adapt to a changing freight system, including changes to freight volumes and demand, and emerging technologies.
10. Provide appropriate zoning for major freight generating activities to support on-site operational efficiency.
11. Identify and safeguard locations along key freight corridors for heavy vehicle rest areas.
12. Recognise the strategic value of non-operational rail corridors.

5.5.4 Implementation Guidelines

None specified.

6.0 Cultural Heritage

6.0.1 Principles and Policy Context

Tasmania's cultural heritage is diverse and unique. It provides valuable insight into the lives of past generations and contributes to our identity and connection with place.

The Cultural Heritage TPP addresses Aboriginal Cultural Heritage values and non-Indigenous cultural heritage values. The land use planning response to Aboriginal and non-Indigenous cultural heritage differs to reflect the different ways these values are found in the landscape, recorded and managed. It also acknowledges the distinctive relationship and understanding Aboriginal people have of their heritage and aspirations for its conservation.

A core practical difference remains that non-Indigenous cultural heritage tends to be visible and known, and thus easily identifiable pre-emptively for protection, whereas much Aboriginal Cultural Heritage is often not formally identified until rediscovered, commonly in the course of development preparation.

Land use planning should acknowledge and respect the Tasmanian Aboriginal people as being the custodians of their living and enduring cultural heritage, seeking to improve its protection and where possible supporting ongoing Aboriginal Cultural Heritage practices. In the past the main or only emphasis has been on identifying Aboriginal Cultural Heritage at the development stage. The Cultural Heritage TPP seeks to rectify this by encouraging Aboriginal Cultural Heritage to be considered more strategically when land is being designated for particular use and development.

Tasmania also has a rich source of non-Indigenous cultural heritage which is represented in certain buildings, parts of buildings, places, precincts and landscapes. Often the best-preserved historical suburbs and towns are the places that attract us to visit, work and live.

The non-Indigenous component of the Cultural Heritage TPP addresses only local non-Indigenous cultural heritage values, as sites with State heritage significance are listed on the Tasmanian Heritage Register and are protected under the *Historic Cultural Heritage Act 1995*.

The underlying principle of the Cultural Heritage TPP is to promote early consideration of cultural heritage values in land use planning to manage and protect these values more efficiently and effectively.

6.0.1 Climate Change Statement

Tasmania's cultural heritage sites are located in a range of settings across the State. Like other aspects of our natural and built environments, they will be impacted by climate change.

Climate change will impact environmental processes which may affect the cultural heritage values of a site. For example, archaeological sites may be compromised because of changes in soil chemistry. Changes in the water table can affect older buildings and structures, and new pest species may threaten structures constructed with organic material.

This is in addition to the better understood threats of flooding, fire and heatwave. Increased thermal stress can accelerate the deterioration process, and increased periods under water threaten structural integrity. Some sites may be permanently lost due to sea level rise.

The management of cultural heritage sites requires consideration and response to the projected changes to Tasmania's environments. Management responses require site-specific approaches and a good understanding of the projected risks from natural hazards for a given location. Other components of the TPPs support this, particularly the Environmental Hazards TPP.

While it is premature to accurately predict what, and how, cultural heritage sites might be impacted by climate change and therefore propose specific strategies to protect them, land use planning in general has a role to play by:

- providing spatial identification of cultural sites, and projected risks from natural hazards;
- ensuring the projected impacts of climate change on cultural heritage sites and practises is considered early in the planning process; and
- supporting processes to protect significant cultural heritage sites and practises.

6.1 Aboriginal Cultural Heritage

6.1.1 Application

Statewide.

6.1.2 Objective

Support the protection and Aboriginal custodianship of Aboriginal Cultural Heritage including places, objects and practices.

6.1.3 Strategies

1. Land use planning is to:

- a) recognise, respect and accept that Tasmanian Aboriginal people are the custodians of their cultural heritage;
- b) acknowledge that Aboriginal Cultural Heritage is living and enduring;
- c) promote the protection of Aboriginal Cultural Heritage; and

d) support the protection and connection of Tasmanian Aboriginal people with country and the continuity of their practices and traditions.

2. Support the investigation of land for the presence of Aboriginal Cultural Heritage places and objects where that land is proposed to be designated for use and development that could potentially damage any identified places or objects.
3. Avoid designating land for incompatible land use and development where investigations identify, or it is known that there are, or highly likely to be, places or objects of Aboriginal Cultural Heritage.
4. Avoid use and development that has the potential to impact Aboriginal Cultural Heritage places or objects unless clear plans, agreed by the Tasmanian Aboriginal people, demonstrate remediation measures to limit the impact on the Aboriginal Cultural Heritage place or object.
5. Support Tasmanian Aboriginal people to identify, manage and, where appropriate, continue to use and culturally identify with, places of Aboriginal Cultural Heritage.

6.1.4 Implementation Guidelines

None specified.

6.2 Non-Indigenous Cultural Heritage

6.2.1 Application

Statewide

6.2.2 Objective

To support the identification and conservation of significant non-Indigenous local cultural heritage buildings, part of buildings, infrastructure (for example bridges), places, precincts and landscapes and consider design responses that preserves cultural heritage values while allowing for appropriate adaptive reuse.

6.2.3 Strategies

1. Identify land that has potential archaeological local cultural heritage value and avoid designating it for incompatible use and development that would damage the archaeological values until the significance of those values can be established and appropriately managed.
2. Identify buildings, part of buildings, places, infrastructure, precincts and landscapes that contain significant non-Indigenous local cultural heritage values, describe the significance of those values and promote access to this information to ensure identified values are considered early in strategic and statutory planning processes.

3. Provide for the protection, and encourage the restoration, of identified buildings, part of buildings, infrastructure, places, precincts and landscapes that contain significant non-Indigenous local cultural heritage value.

4. Encourage appropriate development and adaptive reuse of buildings, part of buildings, infrastructure, places, precincts and landscapes of significant non-Indigenous local cultural heritage value by promoting innovative and complimentary design responses that conserves, restores and retains cultural heritage values.

5. Support the retention of appropriate surrounding settings and site context that contributes to the significance of the non-indigenous local cultural heritage values of buildings, part of buildings, infrastructure, places, precincts and landscapes.

6.2.4 Implementation Guidelines

None specified.

7.0 Planning Processes

7.0.1 Principles and Policy Context

The Planning Processes TPP seeks to ensure that best practice, contemporary planning processes are adopted and applied in the planning system.

The *Land Use Planning and Approvals Act 1993* (the Act) is the primary legislation controlling most of land use planning in Tasmania. It establishes the framework for the development, assessment and implementation of various statutory instruments.

As such, the TPPs are subordinate to the provisions in the Act and cannot modify the planning processes that it specifies.

The planning system also relies on processes that either sit outside the Act, or are less explicit in the Act. For example, these processes include the preparation of local plans such as settlement strategies, structure plans and precinct plans that potentially inform RLUSs and LPSs. The Planning Processes TPP can support improved processes at this level of planning.

A fundamental element of land use planning is to understand the needs, expectations and values of the community. To obtain this information planners must engage with the community. At its best, meaningful engagement in planning allows the community to discuss issues, share experiences, expand their understanding, develop empathy with competing stakeholders and help find collaborative solutions that can be expressed through strategic and statutory planning processes.

However, not all people within the community share the same needs, expectations and values. The role of planning is to fairly and transparently evaluate these competing demands to deliver outcomes in the best interest of the broader community, balancing social, environmental and economic considerations. Strategically planning land use and development lowers the risk and likelihood of land use conflict by giving a structured process to handle disagreement, providing for the more sustainable use of land and resources

To achieve this, land use planning considers a variety of opinions and complex arguments to reach a mediated outcome. In trying to address concerns and to ensure desired outcomes are achieved, planning has been criticised for over regulation and 'red tape'. The Planning Processes TPP seeks to acknowledge the issue and responds by including strategies that seek to align the degree of regulation to the scale of the impact caused by the use and development.

7.0.2 Climate change statement

Resilience is the capacity to maintain function in the face of disturbance. Land use planning is a mechanism with considerable potential to improve social, economic and environmental resilience to climate change.

The scale of the transition facing the Tasmanian community is large. The impacts of climate change will not be evenly distributed amongst the community with the vulnerable being disproportionately affected. Planning processes that are collaborative, consultative, evidence based and responsive to change are essential for navigating an unpredictable future and taking care of the more vulnerable within the community.

Land use planning also plays a significant role in mitigating and adapting to climate change. Robust planning processes are required to achieve these responses. The Planning Processes TPP promotes consultation, strategic considerations of issues and collaborations between jurisdictions, and in doing so increases the capacity of the community to understand, respond and build resilience to climate change.

7.1 Consultation

7.1.1 Application

Statewide.

7.1.2 Objective

To improve and promote community consultation processes to ensure the community's needs, expectations and values are identified and considered in land use planning.

7.1.3 Strategies

1. Facilitate the community's understanding of the planning system, land use planning issues and how they might be impacted, to encourage meaningful community consultation in land use planning.
2. Promote community consultation that is fair, inclusive, respectful and genuine, allowing people to express themselves freely and strengthening their confidence in participating in land use planning.
3. Support consultation processes, and the outcomes generated from them, that are informative and transparent.
4. Acknowledge that planning outcomes, derived through consultation processes, involves compromise and trade-offs that balance the community's social, economic and environmental interests.

7.1.4 Implementation Guidelines

None specified.

7.2 Strategic Planning

7.2.1 Application

Statewide.

7.2.2 Objective

To encourage the strategic consideration of land use planning issues by promoting integrated and coordinated responses that balance competing social, economic, environmental and inter- generational interests to provide for the long-term sustainable use and development of land. To encourage an equitable distribution of amenity and environmental opportunities amongst all in the community.

7.2.3 Strategies

1. Avoid allowing use and development where the implications of that use and development on the environment, now and into the future, is not fully known or understood.
2. Promote the identification, establishment and implementation of long-term land use planning priorities, that are environmentally sound, to strengthen geographical and inter-generational equity, allowing all sections of the community and future generations to have access to the resources they need.
3. Strengthen the use of scientific-based evidence to make informed decisions about land use planning.
4. Promote the integration and coordination of land use planning with population strategies and social and physical infrastructure planning.
5. Promote collaboration and coordination between, and within, Commonwealth, State and local government to deliver integrated, efficient and effective planning outcomes.
6. Facilitate coordinated approaches between public and private investment to achieve common planning goals.
7. Adopt and implement best practice governance structures to provide strategic and innovative leadership within communities that will effectively inform land use planning.
8. Promote the regular review of land use strategies so that they remain current, adaptive and responsive to planning issues as they arise.

7.2.4 Implementation Guidelines

None specified.

7.3 Regulation

7.3.1 Application

Statewide.

7.3.2 Objective

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

7.3.3 Strategies

1. Allow use and development that has little or no impact to proceed without requiring planning approval.
2. Reduce planning regulation to the amount necessary to reflect, manage and be proportionate to, the level of impact caused by the use and development.
3. Support the maintenance of regulatory consistency unless there is a demonstrated need that warrants deviation from that consistency.
4. Encourage mechanisms that allow for timely adjustments in planning regulation for responses to, and recovery from, situations including, but not limited to, pandemic, climate change and emergency events.
5. Facilitate the coordination and rationalisation of regulation where there is consistency between planning and other jurisdictions.

7.3.4 Implementation Guidelines

None specified.

GLOSSARY

Active transport – means physical activity undertaken as a means of transport and includes travel by foot, bicycle and other non-motorised vehicles,

Activity centre – means a place that provides a focus for retail, commercial, services, employment, and social interaction in cities and towns.

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

AIDR – Australian Institute for Disaster Resilience.

Agricultural land – means all land that is in agricultural use, or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

Agricultural use – means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animal, excluding domestic animals and pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.

Agritourism – means a tourism-related experience that connects agricultural or aquaculture products, people or places with visitors on a farm, including marine farms.

Amenity – means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place of building harmonious, pleasant or enjoyable.

Assisted housing – means housing provided by an organisation for higher needs tenants or residents, including those with physical or intellectual disabilities, and may include associated support services.

Brownfield site – means underutilised, vacant or derelict former industrial or commercial land typically located in an urban environment and often characterised by contamination

Circular economy – means a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products as long as possible.²

Coastal protection work – means structure or works aimed at protecting land, property and human life from adverse impacts caused by erosion or inundation in the coastal zone.

2

<https://www.europarl.europa.eu/news/en/headlines/economy/20151201STO05603/circular-economy-definition- importance-and-benefits>

Coastal Zone - means as described in section 5 of the State Coastal Policy Validation Act 2003.

Communal residence – means use of land for a building to accommodate persons who are unrelated to one another and who share some parts of the building such as a boarding house, residential college and residential care facility.

Community – means a social group with a commonality of association and generally defined by location, shared experience, or function and with a number of things in common, such as culture, heritage, language, ethnicity, pastimes, occupation, or workplace. (AIDR 2019)

Distributed energy resources – means consumer-owned devices that, as individual units, can generate or store electricity or have the ‘smarts’ to actively manage energy demand. This includes small-scale embedded generation such as residential and commercial rooftop photovoltaic systems (less than 100 kilowatts [kW]), non-scheduled generation (NSG, up to 30 megawatts [MW]), distributed battery storage, virtual power plant and electric vehicles.

Electricity Infrastructure - means anything used for, or in connection with, the generation, transmission or distribution of electricity including, but not limited to –

- (a) electricity generating plant; and
- (b) structures and equipment to hold water, or to direct, monitor or control the flow of water, for the purposes of hydro-electric generation; and
- (c) powerlines; and
- (d) substations for converting, transforming or controlling electricity; and
- (e) equipment for metering, monitoring or controlling electricity;

Geodiversity – means ‘the range (or diversity) of geological (bedrock), geomorphological

(landforms) and soil features, assemblages, systems and processes’.³

Groundwater - means any water contained in or occurring in a geological formation.

Land – means as defined by the Act.

Liveability – means the degree to which a place is suitable or good for living in.

Physical infrastructure – means the basic physical structures required for an economy to function and survive, transportation networks, water supply, sewers, stormwater, waste disposal systems, power and telecommunications.

³ SHARPLES, C., 1995a: Geoconservation in forest management - principles and procedures; Tasforests, Vol. 7, p. 37 - 50, Forestry Tasmania, Hobart, Dec. 1995. (<https://nre.tas.gov.au/Documents/geoconservation.pdf>)

Place-making – means a collaborative process that strengthens the connection between people and the places they share, to shape the public realm in order to promote community identity and maximise shared values and aspirations.

Potentially contaminating activities – means an activity listed in Table C14.2 [of the Tasmanian Planning Scheme] as a potentially contaminating activity that is not directly associated with and subservient to Residential [Use Class].

Resilience – means the ability of a system, community or society exposed to hazards to resist, absorb, accommodate, adapt to, transform and recover from the effect of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and function through risk management. (UNDRR 2017)

Sense of place – means the felt or meaningful character of a place that makes it distinctive as a place⁴.

Sensitive use – means a residential use or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school.

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

Social housing – means both housing provided by the government (public housing) and non- government organisations (community housing) with below-market rent prices.

Social infrastructure - 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 justice and public safety provisions, as well as arts, culture and recreational facilities.⁵

Tolerable risk – means the lowest level of likely risk from the relevant hazard:

- a) to secure the benefits of a use or development in a relevant hazard area;
- and b) which can be managed through:
 - i. routine regulatory measures; or
 - ii. by specific hazard management measures for the intended life of each use or development.

⁴ Malpas, J., 2018. Place and Experience: a philosophical topography, Routledge,
New York

⁵ <https://www.statedevelopment.qld.gov.au/industry/infrastructure/infrastructure-planning-and-policy/social-infrastructure>

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01 November 2022

Department of Premier and Cabinet
State Planning Office
GPO Box 123,
HOBART TAS 7001.
yoursay.planning@dpac.tas.gov.au

Dear Department of Premier and Cabinet,

RE: Invitation to comment on the draft Tasmanian Planning Policies (TPPs)

Development Perspective:

- The concern with the Tasmanian Planning Policies (TPPs) has always been on the impact, in terms of timeline extension, on the reform process and in particular on the core provisions of the Statewide Planning Scheme the State Planning Provisions (SPPs).
- Planning reform is a significant driver of investment opportunities in Tasmania.
- The Tasmanian Planning Scheme is only operational when Local Government have their Local Provisions Schedule approved by the Tasmanian Planning Commission. Currently only around 15/29 councils are operating under the Tasmanian Planning Scheme.
- Five years has passed since it was possible for Councils to adopt the Tasmanian Planning Scheme, SPPs.
- The SPPs were developed on the advice of a Taskforce representing industry, community, government agencies and expert planners in the private sector. It is entirely appropriate that after five years those SPPs should be reviewed and changed as required on the basis of input from interested stakeholders.
- The review of the SPPs is currently underway but now will be 'extended' until the TPPs are 'made' – at earliest mid 2023 – and the SPPs are then reviewed (again) to align with the TPPs that will then inform any significant and strategic review of the Regional Land Use Strategies (RLUS).
- We are particularly concerned that this process will then set back the updating of the RLUS which, given the growth Tasmania has experienced (particularly over the past 5-6 years) are out of date and of course, planning scheme amendments require evidence from the RLUS to support presentations before the Tasmanian Planning Commission.

- The TPPs will further extend the roll-out of the Tasmanian Planning Scheme. It seems reasonable to suggest that that timeline will then extend until late 2024 at the earliest given the scope and scale of updating RLUSs re the TPPs, which is a long time for addressing the current and imminent challenges.

Red Tape Perspective:

1.5 Housing

- Section 1.5.3.4 should reference Workers Accommodation and be given weight alongside social and affordable housing.
- Whilst workers accommodation is specifically named up elsewhere in the report OCG contend it should be cited upfront in the housing section.
- Section 1.5.3.5 encourages higher density housing but it should specifically deal with height and lot coverage restrictions that are imposed by local councils at their discretion and work against higher density developments.

3.0 Environmental Hazards

- Section 3.0.1 states encourages the early consideration of environmental hazards in the planning system to protect people and reduce emotional and financial cost.
- It is recommended that a further objective should be to ensure environmental hazards are investigated thoroughly at the subdivision stage and not be duplicated at the development stage to avoid unnecessary cost and delay.
- Too often flood and bushfire mapping and mitigation measures are requested by councils when they received a Development Application (DA) and this is duplication of work that should and most likely already been done.
- If council believe the original data can no longer be relied upon then they should bare the cost of the work for the whole area not impose they cost on each person buying and developing the lots of land.
- Sections 3.1.3 bushfire, Section 3.2.3 landslip; Section 3.3.3 flooding, 3.4.3 coastal hazard, 3.3.5 air contamination all suggest mapping of the hazards.
- OCG contends those mapping exercises should occur at a State level not by local council to ensure consistency and reliability.
- These mapping exercises should then be relied upon by local councils and not duplicated by councils seeking the same information when a DA is lodged.

4.0 Sustainable Economic Development

- Section 4.0.1 recognition of the importance of workers accommodation to support economic development should be acknowledged in this section.
- Fully support the acknowledgement of workers accommodation elsewhere in this section including in agriculture 4.1, extractive industries 4.2 and tourism 4.3.

- However, OCG would recommend workers accommodation is needed in all sectors identified including Industry 4.5, Business and Commercial 4.6 and Innovation and Research 4.7.
- Section 4.1.3.8 is fully supported as it recognises the importance value adding to primary industries through farm related retailing and agritourism.
- Fully support section 4.5.2 to protect and facilitate land for industrial use as OCG believes the supply of industrial land is the next big land shortage crisis after affordable housing.

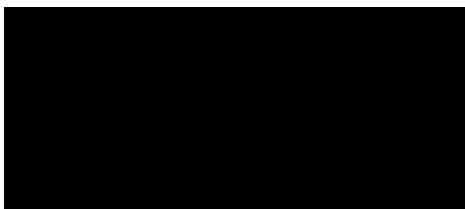
5.0 Physical Infrastructure

- Section 5.1.3.5 identifies the need to facilitate developer contributions to service new use and development to be transparent, fair and reasonable providing for equity between users.
- OCG fully supports this strategy but would go further to suggest that the paper should name up the “first mover disadvantage” and provide a strategy to ensure the first developer only pays for the infrastructure they need and are not cross subsidising gold plated infrastructure that is then used by subsequent developers without a fair contribution.
- The first mover disadvantage is causing developers to hold off on investing until someone else makes the first move. This a serious infrastructure issue that needs to be resolved.

Concluding remarks.

- The TPPs are used to set the guiding policies by which RLUS and the Tasmanian Planning Scheme are assessed.
- It is important the objectives and strategies of the TPPs are well considered and grounded in economic reality.
- The importance of providing sufficient land for future industrial use and provision of workers accommodation particularly in regional areas has been highlighted in the TPPs and is commended.

Yours sincerely



John Perry
Coordinator-General





Tasmania Fire Service

Office of the Chief Officer

Ref: A22/262254

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Via email: yoursay.planning@dpac.tas.gov.au

DRAFT TASMANIAN PLANNING POLICIES

I write in response to your letter dated 19 September 2022 inviting comment on the draft Tasmanian Planning Policies ('TPPs').

Tasmania Fire Service's primary interest in relation to the TPPs relates to the policy direction provided for bushfire and environmental hazards more broadly. We have provided comment on the key sections of interest.

3.0 Environmental Hazards

TFS supports the contextual statements and key principles provided in relation to environmental hazards in sections 3.0.1 and 3.0.2. Importantly, the stated principles are broadly aligned with those developed by the Australian Institute for Disaster Resilience (2020), which represent contemporary best practice.

3.1 Bushfire

3.1.2 Objective

To prioritise the protection of human life and to support the resilience of settlements and communities by reducing the potential impacts of bushfire on life, property and infrastructure.

Land use planning that is focused on prioritising safety and supporting resilience is consistent with national and state policies pertaining to natural hazard risk reduction. TFS accordingly supports the inclusion of this objective.

3.1.3 Strategies

1. *Identify and map land that is exposed to bushfire hazards.*

Identification of land that is exposed to natural hazards and associated regulatory controls is an important function of the planning system. It allows landowners, developers, and regulators to make informed decisions and supports compliance.

TFS and councils have worked to provide Bushfire-Prone Area overlays suitable for insertion to planning schemes for regulatory purposes. This mapping process results in approximately 98% of the land area of Tasmania being affected and this is a valuable flag for considering bushfire as a planning constraint. This mapping does not deal with varying levels of hazard that occur within the designated bushfire-prone area, although this may be a possible future advancement subject to appropriate methodologies being developed.

2. *The protection of human life from harm caused by bushfire will be considered and prioritised at every stage of the planning process.*

Bushfire risk mitigation is multifaceted and reliant on a combination of integrated measures. The earlier in the planning process that bushfire risk is considered, the more latitude exists to avoid or mitigate risk exposures. To this end, there has been an increased awareness and focus on strategic land use planning for bushfire risk across many Australian jurisdictions.

3. *Avoid designating land for purposes that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks.*

TFS supports risk avoidance as the preferred planning response where feasible alternatives exist or where a location has an unacceptable level of hazard exposure for a particular land use. Methodologies for evaluating bushfire risk at a strategic level will continue to evolve and will support future planning decisions. While there are limited objective risk quantification tools available, there are qualitative approaches which may be sufficient for strategic assessments.

4. *Where it is not practical to avoid bushfire hazards, use and development is to:*
 - a) *identify the risk of harm to human life, property and infrastructure caused by bushfire;*
 - b) *incorporate bushfire protection measures that manage the identified risk and reduce it to within a tolerable level; and*
 - c) *provide a higher level of risk mitigation for uses deemed particularly vulnerable or hazardous.*

It is acknowledged that risk avoidance is not always practicable. There are a range of social and economic factors that drive use and development and approximately 98% of the State's land area is within a designated bushfire-prone area. Use and development standards (in conjunction with building requirements) have an important role to play where bushfire hazards cannot reasonably be avoided.

Importantly, the strategy refers to 'tolerable risk' and recognises that certain activities warrant a higher degree of risk mitigation. These concepts will be fundamentally important to consider when developing and reviewing planning responses to bushfire

risk. It is noted that critical infrastructure and significant community investments have not always been provided with mitigation commensurate with the potential risk.

5. *Support the efficient and safe intervention of firefighting personnel and emergency evacuation.*

The spatial configuration of the built environment (including the location and design of firefighting infrastructure) directly influences the safety and efficiency of emergency intervention and evacuation. It is important that planning decisions are informed by consideration of this issue as they will have long-lasting and potentially significant implications for life and property. This is evident in existing settlement patterns that often present challenges for emergency intervention and additional risks to communities.

6. *Facilitate the provision of firefighting infrastructure and support emergency services and the community to prevent, respond and recover from bushfire events.*

Strategy 6 has some overlap with Strategy 5 but is broader in scope. It appears the reference to infrastructure may be already covered by Strategy 5. Further, it is considered appropriate to refer to the whole spectrum of prevention, preparedness, response and recovery. The inclusion of 'prepare' is relevant as land use planning can and does require consideration of bushfire emergency planning for certain activities. It is therefore recommended Strategy 6 be amended as follows:

~~Facilitate the provision of firefighting infrastructure and~~ Support emergency services and the community to prevent, prepare, respond, and recover from bushfire events.

7. *Avoid future use and development that will increase the exposure to bushfire risks for existing use and development, especially uses deemed to be particularly vulnerable or hazardous.*

Planning decisions can exacerbate existing unacceptable risk exposures (e.g. by allowing densification in highly exposed areas or in areas that are inadequately supported by water or access infrastructure). Conversely, planning decisions may also reduce risk to an existing community (e.g. by allowing for the removal of bushfire-prone vegetation or by providing an alternate public road access).

Whilst it is agreed that that risks should ideally always be reduced, this is unlikely to be possible in all situations. It is considered more appropriate to seek to avoid use and development that will result in *unacceptable* increases to bushfire risks.

It is recommended Strategy 7 be revised for clarity to read:

Consider the cumulative effects of planning decisions and avoid future use and development that will result in unacceptable increases ~~the exposure to bushfire risks for existing use and development especially uses deemed to be particularly vulnerable or hazardous.~~

8. *When designating land for particular purposes and considering use and development in areas subject to bushfire hazards:*

- a) *consider the impacts of implementing future bushfire protection measures on environmental values and the cost to the community associated with defending properties from bushfire; and*
- b) *avoid locations that require bushfire hazard management to be undertaken on land external to the site where that land is publicly owned and managed for conservation purposes.*

Use and development must satisfy a range of planning objectives. Whilst it is considered inappropriate to compromise bushfire protection on account of other objectives, it is appropriate to consider all relevant implications associated with bushfire protection as part of the planning process.

There is considerable pressure on private and public land holders to provide bushfire mitigation for the benefit of neighbouring developments. This is especially an issue where adjoining lands are managed for conflicting purposes, such as for conservation or for forestry. Avoiding these types of conflicts is considered an appropriate outcome of the land use planning process. These types of conflicts are not necessarily tenure-specific however and we therefore recommend amending paragraph (b) as follows:

- b) *avoid locations that require bushfire hazard management to be undertaken on land external to the site where that land is designated or used for conflicting purposes. ~~publicly owned and managed for conservation purposes.~~*

- 9. *Allow the implementation of bushfire protection measures that are carried out in accordance with an endorsed plan, including hazard reduction burns.*

Strategy 9 recognises that protection of life is paramount and supports the work conducted by government agencies to manage bushfire risks for the community's benefit. There are several programs seeking to reduce community risk by adoption of bushfire safe behaviours and implementation of mitigation measures.

- 10. *Identify and plan for the potential impacts of future bushfire conditions as a result of climate change based on the best available scientific evidence.*

Responding to climate change will be a key challenge for land use planning in the coming decades. It is appropriate that an adaptive approach is taken so that the land use planning response continues to evolve and improve. TFS strongly supports consideration of planning horizons and appropriate climate projections to support the Tasmanian Planning Policies.

The introduction of the TPPs will provide much needed policy direction on a broad range of planning objectives. In doing so, we anticipate they will be instrumental in guiding planning in a way that supports community resilience and sustainable use and development.

If you would like to discuss this matter further, please contact Tom O'Connor (Senior Planning & Assessment Officer) on [REDACTED]

Yours sincerely

[REDACTED]

Dermot Barry
CHIEF OFFICER

27 October 2022

References

Australian Institute for Disaster Resilience 2020, *Land Use Planning for Disaster Resilient Communities*, AIDR, Victoria, [aidr handbookcollection land-use-planning-for-disaster-resilient-communities_2020.pdf](#)

1 November 2022

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Doc. ID:

State Planning Office
Department of Premier and Cabinet
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Dear Sir/Madam

DRAFT TASMANIAN PLANNING POLICIES

Thank you for the opportunity to provide feedback on the draft Tasmanian Planning Policies (TPP).

We appreciate the significant progress that SPO staff have made on this important initiative. Our discussions with staff, as well as with peers in other Councils and across the planning profession, have raised many questions about the application of the TPPs and concerns about the possibility of unintended consequences.

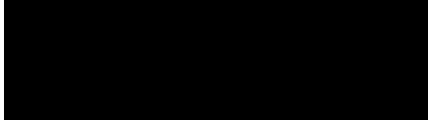
We believe much greater engagement is required, to provide Councils and other stakeholders with confidence in the draft TPPs.

The local government sector has become very adept at participating in workshops and meetings via video-conference, and we feel that this important improvement to Tasmania's land use planning system warrants significant investment in a series of professionally facilitated workshops, or a similar approach based on International Association For Public Participation Australasia (IAP2) principles.

The engagement should focus not only on the content of the TPPs, but also on their implementation, and include consideration of matters such as how Regional Land Use Strategies will reflect competing aspects of individual TPPs, the possibility of unintended consequences (e.g. TPPs being relied upon in legal processes), and the need for guidance documents or practice notes to accompany the TPPs.

Thanks again for the opportunity to provide feedback. Please don't hesitate to contact me if you have any further questions.

Yours sincerely



Daryl Connelly
DIRECTOR COMMUNITY SERVICES



Environmental
Defenders Office

**Submission in response to the Draft Tasmanian Planning
Policies**

1 November 2022

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record of achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

Environmental Defenders Office is a legal centre dedicated to protecting the environment.

www.edo.org.au

Submitted to:

State Planning Office
Department of Premier and Cabinet
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By email only: yoursay.planning@dpac.tas.gov.au

For further information, please contact:

Claire Bookless

Managing Lawyer – Tasmania
Environmental Defenders Office Ltd

[REDACTED]

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A Note on Language

EDO acknowledges that there is a legacy of writing about First Nations peoples without seeking guidance about terminology. In this submission, we have chosen to use the term “First Nations” to refer to Aboriginal and Torres Strait Islander peoples across Australia. We also acknowledge that where possible, specificity is more respectful. When referring to Tasmanian Aboriginal / palawa / pakana people in this submission we have used the term “Tasmanian Aboriginal”. We acknowledge that not all Aboriginal people may identify with these terms and that they may instead identify using other terms.

Acknowledgement of Country

The EDO recognises First Nations peoples as the Custodians of the land, seas, and rivers of Australia. We pay our respects to Aboriginal and Torres Strait Islander Elders past, present, and emerging, and aspire to learn from traditional knowledge and customs so that, together, we can protect our environment and cultural heritage through both Western and First Laws.

In providing these submissions, we pay our respects to First Nations across Australia and recognise that their Countries were never ceded and express our remorse for the deep suffering that has been endured by the First Nations of this country since colonisation.

Executive Summary

Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the Draft Tasmanian Planning Policies (**TPPs**) before they are submitted for consideration by the Tasmanian Planning Commission.

The TPPs will provide the overarching guidance and direction of both Regional Land Use Strategies (**RLUS**) and the Tasmanian Planning Scheme.¹ The TPPs may relate to the following:

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

We note the context of the TPPs is important to understanding the opportunity implementation of new TPPs represents.

The TPPs are proposed to be introduced at a time when:

- There have been numerous complex reforms to the *Land Use Planning and Approvals Act 1993* (Tas) (**LUPA Act**), which have had the effect of curtailing public participation in the Resource Management and Planning System (**RMPS**).
- There is a review of the State Planning Provisions (**SPPs**) underway. It is anticipated that any TPPs created will provide clear direction to the final form of any amendments to the SPPs under that review.

¹ LUPA Act, s 12B(1).

- There has been no State of Environment report published since 2009 to provide a clear indication of whether lutruwita/Tasmania's RMPS legislation regimes are achieving their objectives, including the maintenance of ecological processes and diversity.
- The Sixth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) has provided an urgent warning that time is running out to take action to halt runaway global heating and keep the world to the Paris Agreement target of 1.5° degrees Celsius (°C) above pre-industrial levels and that with "every additional increment of global warming, changes in extremes, continue to become larger", resulting in increased bushfire weather, floods, droughts, sea-level rise and heatwaves.²
- Biodiversity in Australia is facing increased pressures, with habitat loss, degradation and invasive species resulting in persistent and sometimes irreversible impacts in all areas of Australia (including lutruwita/ Tasmania). Many of these pressures are cumulative and compounding and may lead to ecosystem collapse. These pressures are expected to worsen³
- lutruwita/Tasmania's Aboriginal cultural heritage protection legislation remains woefully inadequate and provides no role for Tasmanian Aboriginal people to determine the management and protection of their cultural heritage.
- The UN General Assembly recognised the human right to a healthy environment on 28 July 2022.⁴ Australia voted in favour of the UN resolution, opening the door to domestic action.

EDO recently released its report *A Healthy Environment is a Human Right*.⁵ The report calls for Australian Commonwealth, state and territory governments to provide for and act consistently with the right to a healthy environment when exercising their functions under legislation that affects the environment and human health.⁶ While lutruwita/Tasmania is yet to implement the Tasmanian Law Reform Institute's recommendation to legislate a Charter of Human Rights,⁷ planning policy can play an important role in achieving environmental justice through the recognition of the human right to a healthy environment.⁸

² IPCC, *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, 2021) at B.2.2 and C.2.4 accessed at <https://www.ipcc.ch/report/ar6/wg1/#SPM>. See also the IPCC, *Sixth Assessment Report Regional Factsheet - Australasia*: https://www.ipcc.ch/report/ar6/wg1/downloads/factsheets/IPCC_AR6_WGI_Regional_Fact_Sheet_Australasia.pdf.

³ Commonwealth Department of Climate Change, Energy, Environment and Water, *State of Environment Report: Biodiversity* (Report, 2022), accessed at <https://soe.dcceew.gov.au/biodiversity/introduction>.

⁴ UN General Assembly, *The human right to a clean, healthy and sustainable environment*, UN Doc. A/RES/76/300 (28 July 2022).

⁵ EDO, *A Healthy Environment is a Human Right* (Report, August 2022).

⁶ See recommendations 1- 4 in EDO, *A Healthy Environment is a Human Right* (Report, August 2022).

⁷ Tasmanian Law Reform Institute (2007) *A Charter of Rights for Tasmania*, accessed at; https://www.utas.edu.au/_data/assets/pdf_file/0003/283728/Human_Rights_A4_Final_10_Oct_2007_revised.pdf

⁸ EDO explores the concept of environmental justice, and the importance of applying an environmental justice framework to environmental protection, in *Implementing effective independent Environmental*

Consistent with the UN recognition of the human right to a healthy environment and our report recommendations, EDO considers that TPPs and their implementation must seek to give effect to this human right, by making clear that every Tasmanian has a right to access to clean air, safe and sufficient water, healthy and sustainably produced food, and non-toxic environments for work, life and play. TPPs should also recognise the disproportionate impact of environmental harms – including harm from climate change, pollution, extractive industries, and natural disasters – are imposed on overburdened people and communities including First Nations Peoples. TPPs can create policy settings to ensure that these environmental harms are preferably avoided, or if they cannot be avoided, mitigated, and empower overburdened peoples and communities to exercise their right to a healthy environment.

Given their strategic importance and potential scope, it is vital that the TPPs adequately reflect and respond to the key issues facing lutruwita/ Tasmania in the context of twin extinction and climate crises. While it is pleasing that much of the feedback by EDO and other groups and individuals on the scope of the TPPs has been taken on board by the State Planning Office in the drafting of the TPPs, we consider that further work is required to meet the challenges we currently face.

The following submission responds to the draft TPPs, including the scope and structure of the TPPs. Given there will be further opportunities for such an analysis when the TPPs are exhibited for public comment by the Tasmanian Planning Commission, we have taken this opportunity to provide “high-level” comments to address key issues and strengthen and clarify the TPPs.

A **summary** of EDO’s key recommendations in response to the Draft TPPs is outlined below.

Recommendation 1: The draft TPPs, be significantly clarified and strengthened, and EDO’s recommendations on TPP topics and issues and implementation guidelines outlined in **Appendix 1** be adopted.

Recommendation 2: An overarching climate change TPP be created that links to statutory GHG emissions reduction targets, climate risk assessments, and sectorial plans, and provides clear guidance on how these are to be implemented through RLUS and the Tasmanian Planning Scheme.

Recommendation 3: All the TPPs need to explicitly incorporate clear and mandatory strategies around climate change adaptation and GHG mitigation and provide express implementation guidelines in line with legislated targets, climate risk assessments, and sectorial plans.

Recommendation 4: Replace the proposed “Sustainable Economic Development” TPP with a “Sustainable Development” TPP.

Recommendation 5: Ensure the issues covered by the Sustainable Development TPP align with the UN Sustainable Development Goals.

Protection Agencies in Australia: Best practice environmental governance for environmental justice (Report, January 2022).

1. General comments

EDO provides the following general comments in response to the draft TPP topics, with specific recommendations on each of the proposed TPP topics provided in **Appendix 1** to this submission.

EDO considers that the draft TPPs could be significantly strengthened and clarified by:

- (a) Providing recognition of Tasmanian's right to a clean and healthy environment throughout all the TPPs;
- (b) Better providing for the recognition and protection of Aboriginal cultural heritage values consistent with the United Nations Declaration on the Rights of Indigenous peoples, in the TPPs, including through:
 - i. the recognition of the values in Aboriginal cultural heritage in landscapes (not just sites and objects);
 - ii. the reflection in the TPPs strategies of Tasmanian Aboriginal people's ongoing connection to and reliance on Country and Sea Country;
 - iii. the provision of clear, mandatory strategies and implementation guidelines to spell out how the SPPs, Local Provisions Schedules (**LPSs**) and RLUSs will provide for Tasmanian Aboriginal custodianship of Aboriginal cultural heritage and decision-making concerning any impacts on this heritage.
- (c) Clearly linking all the TPPs to the objectives of the RMPS, and most particularly, the objectives concerning sustainable development and maintaining ecological processes and genetic diversity (this is discussed in further detail with respect to the Sustainable Economic Development TPP below).
- (d) Clarifying how the TPPs link to and support the objectives of existing State Policies. For example, the Environmental Values TPP relating to Waterways, Wetlands and Estuaries does not explicitly mention or link to the State Policy on Water Quality Management. In that State Policy, there are explicit requirements for consideration of Protected Environmental Values, Water Quality Objectives, the control of erosion and stormwater runoff from land disturbance, and best practice environmental management in planning schemes and related decision-making, yet these matters are not mentioned (or scarcely mentioned) in the TPPs. By failing to deal with these issues and by failing to provide strategies or implementation guidance consistent with the State Policy, this TPP arguably fails to comply with s12B(4) of the *Land Use Planning and Approvals Act 1993*. It also fails to provide for the human right to clean, safe and sufficient drinking, irrigation and recreational water.
- (e) Acknowledging that, typically, overburdened people and communities are the least able to participate in standard-form planning consultation processes, and that further support, such as resources in other languages, drop-in sessions (where planners meet face-to-face with communities), and strategic outreach to community groups or leaders may be required to ensure that these communities can meaningfully engage with land use planning.

- (f) Clarifying the drafting of many of the strategies in the TPPs to ensure they use plain English, are easily interpreted, and do not introduce multiple competing concepts at once. By way of example, the following non-exhaustive list of clauses lack clarity due to their drafting: in the Environmental Values TPP, clauses 2.1.3 (4), 2.1.3 (8), 2.1.3 (9), 2.1.3 (10), 2.1.3 (12), 2.2.3 (2); in the Sustainable Economic Development TPP clauses 4.2.3 (5), 4.2.3 (6), 4.4.3 (1), 4.4.3 (5); in the Physical Infrastructure TPP, clause 5.4.3 (11); in the Cultural Heritage TPP, clauses 6.0.1, 6.1.3 (4); and within the Planning Processes TPP, clauses 7.3.3 (3), 7.3.3 (5).
- (g) The provision of more definitions of key terms used in the TPPs in the glossary. Terms and phrases used in the TPPs without any clear meaning or definition include “regional settlement hierarchies”, “settlement hierarchy”, “structure plan”, “identified settlements”, “peri-urban”, “high biodiversity values”, “offset”, “reserve objectives”, “retreat pathways”, “viable ecological processes”, “early action”, “endangered ecosystems”, “significant landscapes”, “scenic areas”, “scenic corridors”, “identified values”, “apply climate change adaptation responses through statutory provisions”, “planned retreat”, “activity centre hierarchy”, “last mile”, “mode choice”, and “modal shift”.

Recommendation 1: The draft TPPs, be significantly clarified and strengthened, and EDO’s recommendations on TPP topics and issues and implementation guidelines outlined in **Appendix 1** be adopted.

1.1 Planning for climate change

As set out in EDO’s submission in response to Tasmanian Planning Policy Scoping Paper,⁹ anthropogenic climate change is having significant impacts in Australia and across the globe. Because of these impacts, Tasmania will experience higher average temperatures all year, sea level rise, increase in extreme rainfall events and flooding but a decrease in rainfall in spring and with the possibility of decreased rainfall in autumn and summer.¹⁰ Given these impacts, EDO considers it imperative that lutruwita/Tasmania via its land use planning instruments mitigates greenhouse gas (**GHG**) emissions and adapts.¹¹

Though EDO is supportive of the inclusion of climate change across all TPPs, EDO still considers the decision to only address climate change across relevant planning policies on different topics via a “climate change statement” instead of a standalone TPP to be inadequate given the severity of impacts climate change poses lutruwita/Tasmania. **It is strongly recommended that climate change should form a standalone TPP.**

In making this recommendation EDO relies on the following:

- (a) EDO previously submitted that while “the implementation of climate change considerations into each of the policies allows for climate-related factors to be considered in a broad range of areas, the failure to provide an overarching planning policy for climate change risks that an inconsistent approach may be taken in some policies to GHG mitigation and climate

⁹ EDO, *Submission in Response to Tasmanian Planning Policy Scoping Paper* (2021) 5.
https://www.justice.tas.gov.au/_data/assets/pdf_file/0007/640537/Tasmanian-Planning-Policies-Scoping-Paper-Submissions-61-80-reduced.pdf

¹⁰ Ibid.

¹¹ Ibid 6.

change adaptation. It also exacerbates the risk that potential synergies and conflicts between mitigation and adaptation goals, or indeed between these goals and other objectives of TPPs could be overlooked.”¹² EDO does not consider that the inclusion of the climate change statements in their current form addresses these issues. It remains the case that climate change statements act as standalone statements, without any overarching means of ensuring they are consistent and or addressing conflicts between mitigation and adaptation goals. EDO considers that only a climate change TPP could address these issues.

- (b) The draft climate change statements are broad and aspirational, without the objectives and specific, detailed strategies that are provided for other topics in the TPPs. By way of example, the draft climate change statement contained at 2.0.2 of the draft Environmental Values TPP lists four broad points about how the TPP seeks to address the impacts of climate change in respect of lutruwita/Tasmania’s environment. Each of these points is vague – for instance, “enabling retreat pathways for ecosystems” – and is non-mandatory. Furthermore, even where aspirations in the climate change statements may have found their way into the strategies of the TPPs, they remain vague and non-mandatory. For example, clause 2.1.3 (12) of the Environmental Values Draft TPP under the sub-topic of Biodiversity states “Identify and enable retreat pathways for endangered ecosystems in coastal zones”. EDO considers that a climate change TPP must be incorporated into the draft TPPs to provide sufficiently detailed objectives and strategies of stronger, mandatory to enable the impacts of climate change to be addressed in the TPPs.
- (c) EDO reiterates its previous submission on the scope of the TPPs that a stand-alone climate change TPP is needed to: ¹³
 - i. explicitly recognise the soon-to-be legislated GHG emissions reduction target and any:
 - Climate Action Plan (**CAP**);
 - State-wide climate change risk assessments (**CRA**); and
 - Sector-based emissions reduction and resilience plans (**Plans**) created under the Climate Change (State Actions) Act 2008; and
 - ii. Provide clear guidance on how GHG emissions reduction target, the CAP, CRA and Plans are to be implemented, where appropriate through RLUSs, SPPs, or LPSs.
- (d) Without being incorporated into a standalone TPP there is no opportunity for a specific implementation guideline to be produced for climate change. While EDO notes there are currently very few implementation guidelines for the TPPs, each of the TPPs has a blank section allowing for future provisions to be incorporated. Given the generality of the climate change statement, it can be expected that any future implementation guidelines for the draft TPPs will not include implementation guidelines concerning climate change. Without an implementation guideline specifically related to climate change, the current draft TPPs

¹² Ibid.

¹³ Ibid 5

will not be able to guide how those matters set out in (c) above are to be implemented through RLUS and SPPs, and LPSs.

Recommendation 2: An overarching TPP on climate change be created that links to statutory GHG emissions reduction targets, risk assessments, and sectorial plans, and provides clear guidance on how these are to be implemented through RLUS and the Tasmanian planning scheme.

Recommendation 3: All the TPPs need to explicitly incorporate clear and mandatory strategies around climate change adaptation and GHG mitigation and provide express implementation guidelines in line with legislated targets, climate risk assessments, and sectorial plans.

1.2 Sustainable development

The TPPs must seek to further the objectives of the LUPA Act and the RMPS objectives.¹⁴ The RMPS objectives are:

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- (c) to encourage public involvement in resource management and planning; and*
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

“Sustainable development” is then further defined as:

- ... 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 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.*

While EDO acknowledges that the topic “economic development” has been amended to “sustainable economic development” in the draft TPP, EDO considers that the inclusion of “economic” in sustainable economic development still fails to reflect the RMPS objectives and ensure that economic, social, and environmental considerations are appropriately balanced. The express inclusion of “economic” continues to give added weight to this consideration. As was noted in EDO’s previous submission on the scope of the TPPs,¹⁵ paragraph (d) of the RMPS objectives expressly notes that “facilitation of economic development” must be in accordance with the objectives outlined in paragraphs (a), (b) and (c). EDO considers the term “sustainable development” most appropriately reflects that economic development is subordinated to the goal

¹⁴ LUPA Act, s 12B(4).

¹⁵ EDO’s previous submission (n 9), 7.

of sustainable development in the RMPS objectives and that it should “only be facilitated where it is sustainable and encourages public involvement in the management of our shared resources.”¹⁶

EDO reiterates that this approach is consistent with the Premier’s Economic and Social Recovery Advisory Council (**PESRAC**) recommendation for a “consistent and coordinated government approach to sustainability”.¹⁷ While EDO acknowledges that PESRAC’s recommended “Sustainability Strategy” is a “separate project to the TPPs”,¹⁸ we note that in response to PESRAC recommendation (38) that “the State Government should develop a sustainability vision and strategy for Tasmania, with ambitious goals, and concrete targets and actions”, it was advised that “The draft TPPs support sustainability principles that are applied through the strategies that will support, where relevant, the sustainability vision and strategy”.¹⁹ Given PESRAC recommends the sustainability strategy should be “aligned with the United Nations Sustainability Development Goals (**UNSDGs**)”²⁰ it is clear that the Sustainable Development TPP (and all TPPs) should also align with these goals.

EDO does not agree that the LUPA Act precludes the alignment of the TPPs with the UNSDGs.²¹ Indeed, the history of the development of the LUPA Act and the RMPS objectives, including sustainable development, demonstrate their clear nexus with the UNSDGs. The RMPS objectives were developed to reflect the ecological sustainability guidelines recommended by Australian jurisdictions in the National Strategy for Ecologically Sustainable Development (**NSESD**)²² and later adapted in the Council of Australian Governments’ Intergovernmental Agreement on the Environment (**IGAE**) (to which Tasmania is a signatory).²³ The NSESD and the IGAE were, in turn, implemented to give effect to the Rio Declaration on the Environment and Development and Agenda 21.²⁴ The UNSDGs arose from the Rio +20 conference in 2011, and the Agenda 2030 resolution of the UN General Assembly in 2015 (which was adopted by Australia), both of which built upon the Millennium Development Goals and Agenda 21 before them. Accordingly, EDO considers that it would be entirely consistent with the LUPA Act and the RMPS objectives to align both the Sustainable Development TPP, and the draft TPPs more generally, with the UNSDGs.

¹⁶ Ibid.

¹⁷ Ibid 8.

¹⁸ See comments in State Planning Office, *Tasmanian Planning Policies: Report on draft TPP Scoping Consultation* (Department of Premier and Cabinet, March 2022) 9.

¹⁹ Department of Premier and Cabinet, *Draft Tasmanian Planning Policies: Supporting Report for Consultation* 15.

²⁰ Premier’s Economic & Social Recovery Advisory Council, *Final Report* (Department Treasury and Finance, March 2021) 69, accessed at

https://www.pesrac.tas.gov.au/_data/assets/pdf_file/0011/283196/Final_Report_WCAG2.pdf.

²¹ See comments in State Planning Office, *Tasmanian Planning Policies: Report on draft TPP Scoping Consultation* (Department of Premier and Cabinet, March 2022) 9.

²² Ecologically Sustainable Development Steering Committee, *National Strategy for Ecologically Sustainable Development* (Report, December 1992).

²³ Council of Australian Governments (COAG), *Intergovernmental Agreement on the Environment* (1992) (‘IGAE’), accessed at: <http://www.onlyoneplanet.com/igae.htm>.

²⁴ See Information Provided by the Government of Australia to the United Nations Commission on Sustainable Development Fifth Session 7-25 April 1997 New York, accessed at: <https://www.un.org/esa/earthsummit/astra-cp.htm>

EDO notes that the Tasmanian Government State Planning Office said that a “supporting report” would be produced to demonstrate “alignment [of the TPPs] with the UNSDGs”.²⁵ For the following reasons, EDO’s view is that this is not a satisfactory or useful substitute for the express alignment of the TPPs with the UNSDGs:

- (a) Firstly, no details have been provided about the “supporting report”. If it was intended that alignment with the UNSDGs be addressed in the *Draft Tasmanian Planning Policies Supporting Report for Consultation*, that has not occurred.²⁶
- (b) Secondly, on the assumption a “supporting report” is produced, it is unclear what the response would be to any inconsistency between the TPPs and UNSDGs that is uncovered.

Recommendation 4: Replace the proposed topic heading of “Sustainable Economic Development” TPP with “Sustainable Development”.

Recommendation 5: Ensure issues covered by all TPPs, including the Sustainable Development TPP, align with the UN Sustainable Development Goals.

2. Proposed structure of TPPs

EDO reiterates its position that the structure of the TPP must include a component called “performance measures” that provides a clear mechanism to measure the achievement of the objectives outlined in the TPP. EDO notes that the State Planning Office’s reason for not including this component is that: “There is no adequate data to use as benchmarks to accurately reflect the aspirational targets being set by the TPPs and therefore no way to meaningfully measure their success. Legislative review is however required.”²⁷ EDO’s previous submission provided three clear examples of performance measures each with measurable outcomes that could be measured using existing available data sources such as statistics compiled by the Forest Practices Authority, the Tasmanian Planning Commission under State of the Environment reporting, and/or the Tasmanian and Commonwealth Governments

It is a matter of good governance that where governments enact policies, there must be a means of examining the effect and performance of the policies to ensure they are effectively operating and fulfilling their intended purpose. Each TPP carries detailed objectives, which EDO is broadly supportive of. Given these objectives are included to ensure the TPP achieves certain outcomes, the achievement of such outcomes must be measured. This is especially the case given that the LUPA Act requires a five yearly review of the TPPs and their implementation. It is unclear to EDO how such reviews can be accurately undertaken without assessing whether certain performance markers/achievements have been met.

Recommendation 5: TPPs should include performance measures to provide a clear mechanism to measure the achievement of the TPP objectives.

²⁵ See comments in State Planning Office, *Tasmanian Planning Policies: Report on draft TPP Scoping Consultation* (Department of Premier and Cabinet, September 2022) .

²⁶ Aside for reference to the UNSDGs in the Glossary, no other reference is made in the State Planning Office, *Draft Tasmanian Planning Policies Supporting Report for Consultation* (Department of Premier and Cabinet, March 2022) 4.

²⁷ State Planning Office, *Tasmanian Planning Policies: Report on draft TPP Scoping Consultation* (Department of Premier and Cabinet, March 2022) attachment 1 to appendix A, 33.

APPENDIX 1 – EDO recommendations on specific TPP topics, issues and implementation guidelines

TPP Topic	Issues (to be addressed under each TPP Topic)	EDO's Recommendations
Settlement	<ul style="list-style-type: none"> • Growth • Liveability • Social infrastructure • Settlement Types • Housing • Design 	<p>Access to affordable and sustainable housing is a critical feature of environmental justice and the human right to a healthy environment. However, as previously noted by EDO²⁸ despite being required under Action 2 of <i>Tasmania's Affordable Housing Action Plan 2019-2023</i>, dated March 2019,²⁹ affordable housing has not been sufficiently addressed by the proposed TPP. EDO considers the provision of affordable/social housing requires specific planning policy guidance. Expanding the availability of housing generally via settlement growth or new housing developments does not guarantee improved affordability of housing nor does it ensure the provision of social housing. EDO notes that given population growth can be expected to remain high for the foreseeable future, any provision of new housing stock will likely be absorbed by increasing overall demand for housing.</p> <p>EDO recommends that affordable and social housing be included as a separate issue to be addressed under the Settlements TPP with specific strategies indicating how social and affordable housing can be factored into all planning and decision-making concerning both greenfield and infill developments.</p> <p>EDO further recommends that a percentage target of affordable and/or social housing should be included in the implementation guideline for all new supplies of land, including infill, reuse and greenfield sites as required to be facilitated by 1.5.3 (3) <i>Strategies</i> under the Housing sub-heading in the draft TPP. This target should be as close to the proportion of the amount of housing that will need to be constructed that is social and affordable housing to meet projected Tasmanian demand.</p>

²⁸ See EDO's previous submission (n 9), 11.

²⁹ Accessed at https://www.communities.tas.gov.au/_data/assets/pdf_file/0027/31698/TAH_Action-Plan-2019-2023.pdf.

Environmental Values	<ul style="list-style-type: none"> • Biodiversity • Waterways, wetlands, and estuaries • Geodiversity • Landscape values • Coasts 	<p>EDO recommends that the TPP contain the following issues:</p> <ul style="list-style-type: none"> • <u>Conservation</u> - which would address lutruwita/ Tasmania's national parks, reserves, and land subject to conservation covenants or Part 5 agreements. EDO notes no clear response was provided in the <i>Tasmanian Planning Policies: Report on draft TPP Scoping Consultation</i> – why the recommendation for the inclusion of conservation as an issue should be rejected. EDO considers that the TPP should specifically focus on conservation and ensure that not only is the conservation of environmental values encouraged via the TPP but ensure that conservation efforts are not undermined or harmed by adverse development. • <u>Rehabilitation & restoration</u> – which would provide for how historical and future adverse effects on the environment could be remedied, consistent with paragraph (c) of the definition of sustainable development in the RMPS objectives. EDO disagrees with the assertion that the planning system can do very little to influence ecological restoration. For instance, the TPP can include strategies for: <ul style="list-style-type: none"> ○ ensuring development that impacts natural ecological processes which contribute to rehabilitation and restoration is avoided; and ○ ensuring development is undertaken in such a way that maximises the potential for ecological rehabilitation and restoration. <p>We further recommend that the drafting of the TPP be amended such that:</p> <ul style="list-style-type: none"> • in clause 2.0.1 there is recognition that we all rely on a healthy environment and that it ultimately underpins <i>all</i> aspects of our economy and lifestyle; • noting that the TPPs (and all land use planning under the LUPA Act) ultimately sit within the RMPS, clarification is made of the statement “A significant proportion of Tasmania’s environmental values are protected by mechanisms outside the planning system”. In EDO’s view, land use planning is the primary way in which the identification of
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		<p>environmental values and measures for their protection, rehabilitation or restoration can be provided within the RMPS.</p> <ul style="list-style-type: none"> consistent with the RMPS objectives which require the avoidance, remediation or mitigation of “any adverse effects of activities on the environment” (emphasis added), the principles listed in clause 2.0.1, and the strategies throughout the TPP, recognise and provide adequate protection not only to “significant” environmental values but all environmental values.
Environmental Hazards	<ul style="list-style-type: none"> Bushfire Landslip Floodings Coastal hazards Contaminated Air and Land 	<p>EDO supports the decision to drop the distinction between human-made and natural hazards.</p> <p>EDO continues to recommend that the draft TPP includes “extreme heat and heatwaves” as an issue to be addressed as these are likely to become more common in future because of climate change. EDO notes that no response was given to this recommendation, other than to state that it is “not specifically addressed”.³⁰ It is unclear to EDO why it is not included as an issue in the TPP and reiterates this recommendation.</p> <p>EDO recommends that clearer hazard planning requirements be included in the strategies to deal with the anticipated impacts of climate change, and appropriately manage adverse impacts of environmental hazard reduction. These requirements should ensure:</p> <ul style="list-style-type: none"> new development or increased intensity of development or use is limited in hazard zones, such as zones prone to bushfires and coastal erosion and vulnerable to sea-level rise, especially where those environmental hazards are expected to worsen with climate change; new development or increased intensity of development or use does not exacerbate hazards expected to worsen with climate change. For example, new developments and

³⁰ State Planning Office, *Tasmanian Planning Policies: Report on draft TPP Scoping Consultation* (Department of Premier and Cabinet, March 2022) attachment 1 to appendix A, 27.

		<p>uses must avoid contributing to urban heat island effects which will intensify the dangers of extreme heat and heat waves;</p> <ul style="list-style-type: none"> the environmental and biodiversity impacts of environmental hazard mitigation works, such as clearing for bushfire mitigation, and coastal protection works, are properly considered and weighed against the expected benefits of those works; new development and uses or increased intensity of development or use is better adapted to the future effects of climate change worsened/exacerbated environmental hazards and their impacts; and guidance is provided for a planned retreat from areas where environmental hazards are modelled to be unmanageable.
Sustainable Economic Development	<ul style="list-style-type: none"> Agriculture Extractive Industry Tourism Renewable Energy Industry Business and Commerce Innovation and Research 	<p>EDO recommends that this TPP topic should be amended to “Sustainable Development” and link the issues to be addressed to relevant UN Sustainable Development Goals as per the discussion in the submission above. Associated amendments should be made to the content of the strategies and implementation guidelines outlined in the TPP to reflect the priority for sustainability in all issues addressed.</p>
Physical Infrastructure	<ul style="list-style-type: none"> Provision of Services Energy Infrastructure Roads Transport Modes Ports and Strategic Transport Networks 	<p>EDO notes the revision of the originally proposed TPP scope of “Infrastructure to support the economy and create liveable communities” to “Physical Infrastructure” in the draft TPP, with some of the issues contained under the original topic moved elsewhere. Nevertheless, EDO recommends that the topic be titled “Sustainable Physical Infrastructure” and that the content of the TPP be updated to reflect the critical need for infrastructure to be sustainable, not contribute to or lock in GHG emissions, and be adaptive and resilient to a rapidly changing climate.</p>

		<p>EDO reiterates its position that this would better align the TPP to the RMPS objectives and take account of PESRAC’s recommendations and the UNSDG.³¹ It would also allow for the issues addressed under this TPP to better reflect this overarching objective. For example:</p> <ul style="list-style-type: none"> • “transport modes” might instead be “sustainable transport modes”; and • “energy infrastructure” might instead be “sustainable energy infrastructure”.
Cultural Heritage	<ul style="list-style-type: none"> • Aboriginal Cultural Heritage • Non-Indigenous Cultural Heritage 	<p>While EDO supports the integration of Aboriginal Heritage into the Cultural Heritage TPP, we strongly recommend that the TPP:</p> <ul style="list-style-type: none"> • recognises Aboriginal cultural heritage in landscapes (not just sites and objects); • reflect in its strategies Tasmanian Aboriginal people’s ongoing connection to and reliance on Country and Sea Country • provides clear, mandatory strategies and implementation guidelines to spell out how the SPPs, Local Provisions Schedules (LPSs) and RLUSs will provide for Tasmanian Aboriginal custodianship of Aboriginal cultural heritage and free, prior and informed consent decision-making concerning any impacts on this heritage
Planning Processes	<ul style="list-style-type: none"> • Consultation • Strategic Planning • Regulation 	<p>EDO does not support the change from the TPP scoping document for a “Public Engagement” TPP to “Consultation” in the draft TPPs. This is because “consultation” denotes a lower level of active involvement of the lutruwita/Tasmanian community in planning decisions that affect them. In line with our comments earlier in this submission, EDO recommends the “Consultation” TPP be rebadged as “Public Engagement”, and that it provide real strategies and implementation guidelines relating to how planning authorities and decision-makers can effectively engage with the lutruwita/Tasmanian community, and most especially, those in</p>

³¹ See EDO’s previous submission (n 9), 12.

		<p>the community that are overburdened with the consequences of climate change, and environmental harms.</p> <p>EDO reiterates its previous recommendation in response to the scope of the TPPs, that issues relating to the exercise of appeal and civil enforcement rights should be included in the TPP as means of ensuring public engagement. While appeal and civil enforcement rights are referred to in the LUPA Act, this issue should also be contained in the TPP and should include references ensuring the transparency of decisions and access to information about proposed developments. Such mechanisms are essential tools to ensure a human right to a healthy environment and environmental justice.</p> <p>EDO recommends that an issue of civil enforcement and appeal rights be included in the TPP.</p>
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1 November 2022

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Dear Sir or Madam,

Draft Tasmanian Planning Policies

Thank you for the opportunity to comment on the Draft Tasmanian Planning Policies (the TPPs). Hydro Tasmania welcomes the government's commitment to the development of a high-level policy framework that addresses important land use planning matters to ensure a sustainable future.

As you would be aware Hydro Tasmania has a broad and significant footprint in the Tasmania landscape, not only as Australia's largest water manager and renewable energy generator, but in managing natural, cultural, and built resources of significance to the Tasmania community. As such we have an acute interest the development of a contemporary and responsive planning system, and the establishment of a planning policy framework that promotes Tasmania's unique natural advantages in the renewable energy sector.

In this context, we would like to indicate our broad support for the draft TPPs. As structured, we feel that the policies will provide a sound basis for the integration of environmental, social and economic issues and policy through the Regional Land Use Strategies.

In particular, the Renewable Energy strategies will significantly improve the identification and development of renewable energy resources and planning for supporting infrastructure in appropriate locations.

However, we feel that there are opportunities refine the wording and clarity around a number of other strategy statements across the draft TPPs. Proposed refinements and queries are included as Attachment A to this letter.

We look forward to collaborating with you on the project and would be pleased to provide further detail on any of the matters raised in our submission. If you wish to discuss these or any other matters, please do not hesitate to contact me on [REDACTED].

Yours sincerely,

[REDACTED]
Ian Jones
Hydro Tasmania

Attachment A

2.0 Environmental Values

2.1 Biodiversity

2.1.3 Strategies	Proposed change/query
2. Avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.	Is “high biodiversity values” defined? If so, recommend including this in the Glossary to the TPPs or a suitable reference.
7. Land use planning is to minimise the spread and impact of environmental weeds.	7. Promote use and development of land that prevents or minimises the spread of environmental weeds and disease.
9. Support early action against loss of native habitat as a result of climate change.	9. Support early action against loss of biodiversity as a result of climate change.
13. Support land managers or regulators of land within the Tasmanian Reserve Estate to manage that land in accordance with approved management plans and specific reserve objectives.	13. Support Managing Authorities responsible for land within the Tasmanian Reserve Estate through alignment of land use planning strategies and approved management plans and Reserve objectives.

2.2 Waterways, Wetlands and Estuaries

2.2.3 Strategies	Proposed change/query
1. Identify and protect areas that support natural systems within waterways, wetlands and estuaries, including their terrestrial verges and groundwater recharge areas.	1. Identify and protect areas that support natural systems within waterways, wetlands and estuaries, including their riparian zones and groundwater recharge areas.
5. Support the collaboration and coordination of catchment management across the State and implement integrated catchment management that considers the downstream impacts of land use and development on water quantity and quality, and freshwater, coastal and marine environments.	5. Promote the collaboration and coordination of catchment management across the State and the implementation of integrated catchment management that considers the downstream impacts of land use and development on water quantity and quality, and freshwater, coastal and marine environments.

2.3 Geodiversity

2.3.3 Strategies	Proposed change/query
2. Promote the protection of high conservation value geodiversity by avoiding, or if not practicable minimising, the impacts of land use and development on the feature and the natural processes and functions that support the feature's evolution.	Is "high conservation geodiversity" defined? If so, recommend including this in the Glossary to the TPPs or a suitable reference.

3.0 Environmental Hazards

3.1 Bushfire

3.1.3 Strategies	Proposed change/query
1. Identify and map land that is exposed to bushfire hazards.	Is "bushfire hazard" defined? If so, recommend including this in the Glossary to the TPPs or a suitable reference.
3. Avoid designating land for purposes that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks.	Is "significant risk" defined? If so, recommend including this in the Glossary to the TPPs or a suitable reference.

3.3 Flooding

3.3.3 Strategies	Proposed change/query
9. Consider any upstream dam infrastructure when strategically planning land use to protect the impacts on human life, property, critical infrastructure and community assets as a result of potential dam failure.	9. Consider any upstream dam infrastructure when strategically planning land use to protect the viability of the dam infrastructure, and the impacts on human life, property, critical infrastructure and community assets as a result of potential dam failure.

Submission

Draft Tasmanian Planning Policies

CCAA is the peak body for the heavy construction materials industry in Australia. Our members operate cement manufacturing and distribution facilities, concrete batching plants, hard rock quarries and sand and gravel extraction operations throughout the nation.

CCAA membership consists of the majority of material producers and suppliers, and ranges from large global companies to SMEs and family operated businesses. It generates approximately \$15 billion in annual revenues and employs approximately 30,000 Australians directly and a further 80,000 indirectly. We represent our members' interests through advocacy to government and the wider community; assistance to building and construction industry professionals; development of market applications; and a source of technical and reference information.

Cement, concrete, stone and sand are the critical building blocks for Tasmania's vital construction industry, employing 19,500 workers and contributing 57.4% of Tasmania's taxation revenue base. These products are derived from extractive and processing operations in every region in the state.

CCAA fully supports the urgent introduction of the Tasmanian Planning Policies to sustainably develop, secure and protect critical extractive industry resources to build Tasmania.

Background

In June 2015 CCAA wrote a letter to the then Minister for Planning detailing our support for the rapid introduction of the Tasmanian Planning Policies (TPP) to guide the development of critical extractive resource planning and protection for the state.

A series of draft TPPs were provided as examples to accompany the proposed amendments to the *Land Use Planning and Approvals Act 1993*. CCAA made a submission **supporting** the proposed *Land Use Planning and Approvals Amendment (Tasmanian Planning Policies) Bill 2017*.

As part of the overall Land Use Planning Reform project the Planning Policy Unit was tasked with assisting the Planning Authorities in preparing their Local Provisions Schedules (LPSs) that are to be integrated with the Tasmanian Planning Scheme. Regrettably, little progress was made on the finalisation of the TPPs during this time. This has resulted in examples of zone changes that directly affect extractive operations which could have been avoided if the Extractives Industry section of the Economic Development TPP had been used for guidance.

Some seven years later, CCAA again welcomes the opportunity to comment on the draft TPPs and we continue to support their urgent implementation.

In October 2021 CCAA presented a submission on the scoping paper proposed to guide the development of the TPPs and was critical of the apparent change of name of the section of the Economic Development TPP directed at our industry.

Tasmanian Planning Policy of special interest to the Construction Materials Industry

CCAA supports draft TPP 1.1 Growth Section 1.1.3 Strategies;

2. Plan for growth that will:

(d) avoid development of land that ... could have potential to be used for extractive industry uses.

and in Section 1.4 Settlement Types Section 1.4.3 Strategies;

6. Avoid allocating additional land for the purpose of rural residential use and development, unless:

(g) the potential for land use conflict with surrounding incompatible activities such as extractive industries and agricultural production, is avoided;

Sustainable Economic Development – Extractive Industries

CCAA supports including the Extractive Industry section the Sustainable Economic Development Planning Policy.

CCAA supports the change of title of the section relating to our industry to **4.2 Extractive Industry**.

CCAA generally supports the wording of the Extractive Industry section Sustainable Economic Development Planning Policy with the exception of **key** in reference to resource areas and deposits. CCAA recommends that the word **key** be changed to **strategic** resource areas and deposits.

Mineral Resources Tasmania will soon make available mapping which will facilitate the identification and spatial location of resource areas and deposits. The **Strategic Resource Mapping** will extend state wide and initially focus on existing leased operations but will identify important strategic resource deposits in the future.

Implementation Guideline needed

The practical application of the Extractive Industry section of the Sustainable Economic Development Planning Policy will be enhanced with an **Implementation Guideline** that makes specific reference to the Strategic Resource Mapping and how this can be used to identify and protect strategic resource areas.

The heavy construction materials industry in Tasmania has an entirely local supply chain. The sand, gravels, aggregates and cement are all manufactured locally. This ensures an affordable and sustainable supply of local construction materials for the community. An entirely local supply chain of construction materials underpins every aspect of Tasmanian society.

By identifying and protecting strategic resource areas and deposits, the Tasmanian Planning Policies will ensure that the heavy construction materials sector can continue to support infrastructure development in Tasmania with high quality and affordable concrete, aggregates, gravels and sand.

Regards,

Barry Williams (Industry Relations & Policy Manager (Tas))



Tasmanian Planning Policies

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

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

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

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

General considerations:

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

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

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

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

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

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

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

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

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

What purpose do they serve otherwise?

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

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

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

SPECIFIC PLANNING POLICIES

Planning Policy 1 Settlement

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

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

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

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

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

Planning Policy 2 Environmental Values

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

Submission from TasPIN on the Tasmanian Planning Policies

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

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

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

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

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

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

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

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

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

- TasPIN recommends strengthening this strategy.

2.3.3 [p21]

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

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

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

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

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

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

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

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

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

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

Planning Policy 3 Environmental Hazards

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

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

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

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

3.4.3 [p30]

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

Planning Policy 4 Sustainable Economic Development

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

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

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

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

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

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

Submission from TasPIN on the Tasmanian Planning Policies

- Strategy 7 'unreasonably' should be removed.

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

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

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

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

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

Planning Policy 5 Physical Infrastructure

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

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

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

Planning Policy 6 Cultural Heritage

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

Non-Indigenous Cultural Heritage 6.2.2

Submission from TasPIN on the Tasmanian Planning Policies

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

Planning Policy 7 Planning Process

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

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

TasPIN support various aspects of TPP No 7 including:

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

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

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

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

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

Concluding Recommendations

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

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

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

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

On behalf of Tasmanian Planning Information Network [TasPIN]

Margaret Taylor & Anne Harrison

Our Ref: LP.PLA.13

Enquiries: Michelle Riley
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1 November 2022

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

By email: yoursay.planning@dpac.tas.gov.au

Dear Sir or Madam

Submission about Draft Tasmanian Planning Policies

Thank you for the opportunity to make a submission about the Draft Tasmanian Planning Policies (TPPs).

The work undertaken to develop the draft TPPs is acknowledged. The TPPs will be an important part of Tasmania's planning system by setting out the State's interests in planning and the principles that are to be applied in the Tasmanian Planning Scheme (TPS) and Regional Land Use Strategies (RLUS). Given the importance of the TPPs in setting the agenda for how these planning instruments are prepared or amended, it is critical that the TPPs provide regions and local governments with a framework that enables good planning outcomes that:

- are able to be practically implemented and applied for their intended purpose;
- express the State's aspirations for the future of Tasmania, providing a framework through which strategic planning can form appropriate responses to support those aspirations and address land use planning challenges at the regional and local level; and
- are adaptive and flexible to response to change and opportunities.

Applying the TPPs

The *Land Use Planning and Approvals Act 1993* (the Act) requires the TPPs to set out the aims or principles that are to be achieved or applied by the TPS and the RLUS. They may also specify the manner in which the TPPs are to be implemented in those documents.

In a practical sense, the Planning Minister and/or Tasmanian Planning Commission will need to ensure that the planning instruments 'satisfy the relevant criteria of the TPPs' when:

- regional land use strategies are made or amended (see section 5A Regional areas and regional land use strategies);

- State Planning Policies are made or amended (see section 15 SPPs Criteria); and
- Local Provisions Schedules are made or amended (see section 34 LPS Criteria)

The statement made in relation to the interpretation section that ‘the TPPs should be considered in their entirety with all relevant strategies applying equally’ is not realistic and not representative of the nature of strategic planning.

To determine the ‘relevance’ of a strategy you must consider how the matter is connected to or appropriate for what is being done or considered. The determination of relevance will inherently mean a decision is made that some strategies are more important than others depending on what is being done or considered. This is the process of weighing the strategies to determine the appropriate balance of the community’s social, economic and environmental interests – or in other words, to further the objectives of the Act.

In order to clarify how the TPPs are to be implemented, it is also recommended that there be three new sections added to the TPPs including:

- **Overarching principles** of the planning system that should be considered in the development of the RLUS, SPP or LPS. This may include concepts such as being:
 - Strategic;
 - Evidence based;
 - Efficient;
 - Flexible and responsive to emerging issues;
 - Focused on outcomes; and
 - Implemented through a partnership approach.
- A section on **managing competing state interests** to assist in understanding the application of the TPPs in a way that is strategic, practical and suitable for various locations across the state. The [Queensland State Planning Policy](#) (equivalent to the TPPs) provides a good example of how this could be drafted.
- A section on how the RLUS, SPP or LPS (or an amendment) will demonstrate that it **satisfies the relevant criteria of the TPPs**, for example as required by section 34 of the Act, to provide clear expectations to the Tasmanian Planning Commission and Local Government.

Format of the TPPs

A significant issue that has been identified is the general structure of the TPPs, the level of detail provided in the strategies, how this aligns with the hierarchy of planning instruments and has the potential to significantly impact opportunities to enable growth.

General observations are:

- There are many instances where the TPPs include requirements that are not planning matters;
- Not consistent with the wording in the Act – ‘objectives and strategies’ vs ‘aims or principles’
- The strategies are too specific and detailed to apply reasonably across the state and provide planning solutions without the benefit of strategic planning at the regional and local levels to formulate fit for purpose planning responses;
- The drafting approach of using verbs at the start of each strategy as a guide for the level of importance means the wording is often clumsy and the intent and application of the strategies is unclear;
- Does not provide clarity about how each planning instrument should implement the strategies; and

- There was insufficient road testing of the TPPs and consultation on each TPP during development to ensure the above matters are appropriately addressed.

In order to address these matters it is recommended that the structure and style of the TPPs undergo a significant review. An example of an alternative approach to drafting the TPPs is included in Attachment 2. The guiding principles in developing the alternative structure were:

- Consistency with the terminology of the Act (principles rather than strategies, noting that the draft TPPs include a Principles and Policy Context section that is not a statutory component);
- Elevating the policy to a State level and allowing regional and local strategic planning to determine how the policy will be reflected in the relevant instruments;
- Simplifying but strengthening the policies to be focused on the State's interests rather than finding a solution as to how the policy is reflected in the various planning instruments;
- Providing clear direction about the manner in which the TPPs are to be implemented in the SPPs, LPS and RLUS while allowing strategic consideration of how they should be applied at the regional and local level; and
- Providing further guidance on resources and mapping layers available to support implementation of the principles.

The example in Attachment 2 is not intended to represent a final policy position, or West Tamar's acceptance of the policies contained therein, merely an example of how the TPPs could be reframed to provide a working example, or proof of concept, of the preferred level of policy included in the TPPs.

Elevating the TPPs to a high level state interest policy will also give scope to supporting the TPPs through non-statutory guidance materials to assist regions and local government to integrate the TPPs into the relevant planning instruments. The Queensland Government's State Planning Policy guideline for [integrating state interests in planning schemes](#) provides an example of how this model can be used to good effect.

Regulatory impact

Reviewing the full suite of TPPs has raised concerns that the interpretation and application of the TPPs as drafted will have the potential to hinder growth, particularly in locations outside of the main metropolitan areas, and increase the regulatory burden to amend LPS's and prepare a RLUS.

It is recommended that the TPPs be reviewed, in consultation with local government practitioners, planning consultants and the TPC to more fully understand how the TPPs could be interpreted and the impact on the planning process and regulation.

Form reference groups to refine content and test application of the TPPs

It is recommended that the draft TPPs should be road tested with real or realistic examples of how the TPPs will be applied in the preparation of a RLUS and LPS amendment/s. The purpose of this exercise should be to:

- determine if the TPPs are drafted at the right level;
- are they addressing matters that can be dealt with in the planning system;
- do they provide the right level of guidance about which planning instrument should deal with which matters;
- do they align with government aspirations, for example, when considering forecast vs aspirational population growth;

- understand the intended outcome and whether they are likely to achieve those outcomes; and
- the regulatory impact of applying them.

It is recommended that this be undertaken with a group of planners from local government and consultancy to ensure the policies are fit for purpose and likely to achieve the intended outcomes.

Council would welcome the opportunity to work with the State Planning Office to refine and finalise the TPPs and would willingly participate in any reference groups formed.

Attachment 1 provides more detailed commentary around particular aspects of the draft TPPs.

If you would like to discuss this matter further please contact me on [REDACTED] or via email at [REDACTED]

Yours faithfully

A large black rectangular box redacting the signature of Michelle Riley.

Michelle Riley
MUNICIPAL PLANNER

Attachment 1 - Detailed comments

Foreword

- Paragraph 5 states the principles and policy context are not statutory. Some care should be taken with the use of headings relating to the wording in the Act given section 12B(1) of the Act states that the purpose of the TPPs is to set out the principles that are to be achieved or applied by the TPS and RLUS implying that 'principles' should be a statutory part of the TPPs.
- The status of the climate change statement has not been confirmed.

Implementation

- As discussed in the covering letter, the statement that the 'TPPs should be considered in their entirety with all relevant strategies applying equally' is not supported. Further, paragraph 5 conflicts with this statement by appropriately 'allowing different local and regional circumstances to be considered in the context of competing social, environmental and economic interests'.
- A section on managing competing state interests is recommended. The Queensland State Planning Policy provides a good example of how this could be drafted.

TPPs

Overall comments

- The strategies are not written at a high level and provide little scope for local and regional circumstances to be considered in addressing the policy matters.
- An overarching set of guiding principles that present the goals for the planning system in Tasmania would be beneficial. This would cover off on matters like drafting principles, evidence base of decisions, and how the State, regions and local.
- Strategies have been drafted with a verb at the start of most statements. Interpreting the intent of each verb (whether a policy is mandatory or not) increases the complexity in understanding the policy intent and application.
- Requires editing for spelling and grammar, for example use of Australian spelling rather than US and correct use of the term complementary (complimentary is used incorrectly in several circumstances).

Structure

- It is recommended that the structure and style of the TPPs undergo a significant review as described in the covering letter. An example of an alternative approach to drafting the TPPs is included in Attachment 2.
- While it is acknowledged that consultation around the scoping paper identified that climate change should be integrated with other policies, the climate change statement could be succinctly incorporated into the policy context section rather than included in a separate section.

Settlement

- Care needs to be taken to ensure the policies relate to matters that the relevant planning instruments can reasonably deliver or influence.

- Strategies are written in a definitive way, like a provision in a planning scheme. The TPPs should be high level and describe the intended outcome, not the way in which the outcome is achieved. The current drafting approach does not allow for the planning system to adapt to changing circumstances and achieve good planning outcomes that are suitable for the particular circumstance.

Growth

- Rural residential is a valid housing choice and should be recognised for its contribution towards residential growth. Strategies that limit or prohibit potential for intensification of rural residential areas, or the establishment of new rural residential development in appropriate locations are unreasonable and remove an important and desirable housing option from the market. It also contributes to demand for further growth and fragmentation of agricultural land.
- Forecast demand for growth, whether for residential or employment land, should take into account State, Regional and Local policy settings that promote aspirational population growth targets and the potential to change the role of existing settlements to support a prosperous future.
- The strategies make strong policy positions on a number of matters including the cost of delivering services or avoiding certain areas. Not only does this cross over with other TPP content, it may have the effect of preventing growth in areas that do not have services but they are available in a reasonable travel distance.
- There appears to be several strategies that almost say the same thing. The strategies should be reviewed and, if taking a high level policy approach, parred back to the outcomes sought, rather than directing how that might be achieved, which is best left to regional and local strategic planning to resolve.
- They also do not provide for future investment or changes in the role or function of settlements. For example, changing demographics and the ways people can work, provide different growth opportunities for rural towns to attract residential growth. This in turn supports local businesses to establish.
- There is a significant risk that Strategy 4 'to prioritise growth of settlements' in the higher tiers of the settlement hierarchy, will have the effect of not permitting expansion of smaller towns.
- Strategy 5 states 'actively address impediments to infill development...'. This is an example of where care needs to be taken as to the role and function of planning instruments to achieve this purpose. Levels of assessment and assessment criteria can only achieve so much where there are fundamental issues in infrastructure capacity and community expectations that the planning system cannot address.
- Strategy 6 requires the preparation of structure plans with seven criteria that that must be met. The strategy should be deleted. It should not be the role of the TPPs – a high level policy document – to direct the way that local strategic planning projects are completed. A well-considered and drafted set of policies in relation to state interests will assist in achieving good planning outcomes, rather than requiring compliance with statutory criteria.

- Strategy 7 and 8 are unnecessary and again assumes that a growth boundary is the only way to manage growth. It sets the bar very high for growth and does not allow for the planning system to be adaptive to changing circumstances in a responsive and timely manner.
- Strategy 10 is not appropriate for many urban settlements requiring non-residential development in areas highly accessible by public transport and active transport. In the Tasmanian context this is not achievable while supporting existing towns to flourish. The use of the term 'encourage' is also not supported.

Liveability

- Care should be taken to ensure matters included in this section are required to be dealt with through the planning system as it appears to include additional requirements than currently considered when assessing applications for use or development.
- The strategies should be reconsidered to ensure they are high level state policies, not specific planning scheme provisions or best practice solutions.

Social infrastructure

- There is repetition between the liveability and social infrastructure sections and consideration should be given to merging these sections.
- This section appears to address government investment or operational matters rather than the planning systems role in the process of delivering social infrastructure.

Settlement types

- The topic heading and objective do not appear to correspond well with the strategies.
- Several strategies duplicate matters dealt with in other TPP topics unnecessarily.
- Consider how the strategies will impact existing towns and any plans to change the activities within them.
- Care should be taken that the strategies aren't providing solutions without fully comprehending the problem / challenges that they are intending to resolve. What might be a suitable solution in one location, may not be suitable in all locations, for example applying Strategy 3 without the benefit of local strategic planning.
- Strategy 6 should be reconsidered. There is limited scope to develop strategic solutions to providing housing opportunity and sustainable use of land that is already fragmented and not available for agricultural uses. For example, the restriction on rural residential development within an urban growth boundary is flawed and does not allow strategic responses to local constraints where large lots could accommodate development on land that would otherwise remain vacant and have no agricultural, urban or environmental value.

Housing

- Strategies should be reviewed to ensure they are matters that can or are intended to be part of the planning process rather than investment or operational matters and set State policy outcomes.
- This section appears to largely duplicate the policy intent of the Growth section.

Design

- Applies statewide, however the objective refers to urban spaces.

- The TPPs relate to the planning process, care should be taken to ensure that the requirements are not addressing matters that are addressed under the Building Act or are related to government investment or operational matters.
- Most strategies read as planning scheme provisions, and not a state policy outcome.

Environmental Values

- Encouraging to see an acknowledgment that a significant proportion of protection mechanisms are outside the planning system.

Biodiversity

- Recommend reconsidering the level of detail included in the strategies and the intended variation to the current level of regulation. For example the TPP includes a strategy to minimise the spread of environmental weeds which is a very low level of detail. If weeds are included in this TPP why not weeds, pests and diseases which are all considered biosecurity issues in the State. Again, care should be taken with the level of detail, the more detail, the higher the risk of omissions and the intended intent/objective of the 'strategy or principle' can be lost or misinterpreted.
- Care should be taken to ensure that the TPP deals with planning matters.
- Strategy 1 requires the significance of values to be ranked. While it isn't clear what is intended, it is also not considered feasible to rank the significance of the values. The code provisions in the SPP would also require considerable rework to address this SPP. If this is undertaken as part of the SPP review, the mapping included in LPSs will also require review and it is unlikely that there are resources available to prioritise this.
- This section highlights the need to include a mechanism to balance competing interests – growth or economic development versus environmental values for example. Consideration also needs to be given to historic planning decisions to zone land for urban development.
- The strategies appear to be written as though they would apply to consideration for the identification of new urban areas, however the majority of the time this is not the case. Consideration of how the TPPs will be used in the preparation of planning instruments or amendments needs to be considered in crafting the policies.

Waterways, wetlands and estuaries

- Waterways form a critical contribution to the urban stormwater system that needs to be acknowledged and considered in how the strategies are drafted and their intended implementation.
- Consider the intent of the strategies and how the planning system would respond. For example Strategy 4 promotes restoration of habitats which current exemptions under the SPP allow, however how far is this strategy intended to apply?
- Strategy 2 requires the designation of areas in and around waterways to be avoided if it has the potential to cause point source pollution. This is not practical in existing urban areas.

Geodiversity

- Strategies all seem to be quite similar – review and refinement required.

Landscape values

- Strategies duplicate previous strategies unnecessarily.
- The strategies are low level, too specific and unnecessarily restrictive without allowing for regional or local responses to the values to be developed.

Coasts

- Defining the coastal zone as 1km inland from high water mark is not appropriate in most circumstances. There is an opportunity for the TPPs to provide a mechanism for regional or local planning to define an area of coastal influence that is suitable for the particular locations.
- While this section is a higher level than other TPPs care needs to be taken in relation to the language used and how the strategies will be interpreted.

Environmental Hazards

- Prefer the term Natural Hazards. This is consistent with contemporary terminology used in Tasmania for Natural Values, Natural Hazards, Natural Resources and the like.
- The Policy Context statements in relation to landslip should be refined to more accurately represent the regulatory framework for landslip.
- Many of the strategies for the different types of hazards are similar – there is no need to duplicate these if the strategies were elevated to a State interest level. The example of an alternative structure for the TPPs included in Attachment 2 provides an option for redrafting this section.

Contaminated Air and Land

- Contaminated Air and Land does not fit well in this section. Recommend that this could be included in the Settlement section given it relates mostly to land use conflict.
- Identifying and mapping land that has been used, is being used or affected by use and development involving potentially contaminating activities is unrealistic and impractical.

Sustainable Economic Development

- This section requires review to ensure it deals with planning matters and that the strategies are at a level that allows for regional and local responses to outcomes sought.
- This section is also an example of the inherent conflict between the TPP strategies and the need for a mechanism for the State's interests to be balanced and resolved.
- Strategies, such as those under 4.3.3 appear to be requiring investment prospectus' to be prepared and the alignment with the Tasmanian Brand to be part of regulatory planning tools is not appropriate. It is also not appropriate for a planning instrument to give direction about the viability of a project – these are matters for the proponent to consider in making decisions about investment.

Renewable energy

- Supportive of renewable energy, however the role of the planning instruments in implementing these strategies needs to be considered. These strategies may be appropriate in a government renewable energy investment strategy, but are they appropriate for planning instruments?

Innovation and Research

- Is it the role of the planning system to promote innovation and research?
- Many of these strategies are site specific or developer / industry driven processes such as collaboration, choices about co-location or implementation of a circular economy. These are not matters that the planning system can or should control.

Physical Infrastructure

- The provision of infrastructure and how the planning system interacts with this can be complex given the different legislation involved.
- Clarity around what is required at each level of planning instrument and which entities are responsible for providing the information or data to deliver the intended planning outcomes is required.
- Repetition could be reduced significantly.

Planning Processes

- This section should not be included in the TPPs. At most, it could be converted into a best practice guideline.

Strategic Planning

- Some of the concepts in this section could be reframed as overarching principles of the TPPs.
- Noted that this section promotes balancing of competing interests, however this is in conflict with the implementation statement.
- Unclear how this section would be used in determining how a planning instrument has implemented the strategies.

Attachment 2 – Alternative TPP structure

Natural Hazards

Policy context

Natural Hazards include:

- Bushfire;
- Landslip;
- Flooding and coastal inundation; and
- Coastal erosion.

Natural hazards are a natural part of the Tasmanian landscape. Significant natural hazard events, or natural disasters, have the potential to impact people, property, infrastructure, the economy and the natural environment.

It is also acknowledged that significant changes in seasonal and regional rainfall patterns, an increase in rainfall intensity and associated flooding, higher average and more extreme temperatures, and longer, more intense fire seasons will impact the frequency and intensity of hazard events. Land use planning can contribute to climate resilience, enable adaptation to the risks from a changing climate, minimise risks from natural hazards to settlements and built form, and support the health and safety of communities in the long-term. By managing the risks from a changing climate and building a climate-resilient economy, the economic and ecological impacts from extreme weather events can be reduced, and impacted communities can recover faster.

Land use planning is one of the tools available to government to help reduce the impact of natural hazards. From a strategic perspective, land use planning can identify land that is subject to hazards and avoid zoning that land for incompatible purposes thereby directing inappropriate development away from high-risk areas.

Regulation through statutory planning provisions can ensure specific developments incorporate hazard protection or mitigation measures, such as adequate water supply for firefighting in a bushfire-prone area, to reduce the risk of harm caused by natural hazards. It can also support the necessary emergency

responses and community recovery from events by facilitating the provision of emergency and community infrastructure.

While the planning system has a role to play, it is also limited in what it can achieve. It cannot apply retrospectively to address planning decisions that were made under former planning regimes but it can provide for current and future land use planning decisions to respond to risks.

The Natural Hazards TPP seeks to consider hazards early in the planning system which will assist in protecting life and property, reducing the financial and emotional cost to the community and decreasing the burden for emergency management caused by natural hazards.

Principles:

1. The protection of human life from harm caused by natural hazards is considered and prioritised at every stage of the planning process.
2. The potential impacts from natural hazards on life, property, infrastructure and natural processes are considered in planning communities and how and where uses and development are established to enhance the resilience of communities to natural hazards.
3. Use and development, including intensification of existing use and development, does not increase the risk of natural hazards, the harm caused by natural hazards, and, in addressing the hazard, considers the impacts on other identified values
4. Contribute to climate resilience and enable adaptation to the risks from a changing climate to minimise risks from natural hazards to settlements and built form, and support the health and safety of communities in the long-term.

Implementation of the principles in Regional Land Use Strategies and the Tasmanian Planning Scheme

The implementation guidelines specify the manner in which the Principles are to be implemented in Regional Land Use Strategies and the Tasmanian Planning Scheme.

Regional Land Use Strategies	Tasmania Planning Scheme	
	State Planning Provisions	Local Provisions Schedules
<ol style="list-style-type: none"> When designating land for urban growth, areas subject to Natural Hazards should be considered to ensure there is sufficient supply of residential or employment land in locations where the impacts of natural hazards cannot be mitigated or managed. Where required, the Regional Land Use Strategy addresses natural hazards at a regional scale to assist in a consistent approach to managing the impacts from or on use and development. 	<ol style="list-style-type: none"> Include codes that require proposed use or development and the utilities to support them to: <ol style="list-style-type: none"> identify the risk of harm to human life, property and infrastructure caused by natural hazards, including the cumulative impacts of use or development; limits use or development that is incompatible with the environmental hazard or where it can't be avoided, measures are put in place to reduce the risk to a tolerable level; incorporate protection measures that manage the identified risk and reduce it to within a tolerable level; manages the potential to trigger or exacerbate the risk of a natural hazard occurring or diverting the hazard to another location; provides a higher level of risk mitigation for uses deemed particularly vulnerable or hazardous, including not permitting use and development where the risk is too high. Support the efficient and safe intervention of emergency services personnel (including the provision of appropriate infrastructure) and emergency evacuation. 	<ol style="list-style-type: none"> Map land that is exposed to natural hazards which includes the potential impacts on natural hazards as a result of climate change based on the best available scientific evidence. When designating land for particular purposes (eg zones) and considering use and development in areas subject to natural hazards: <ol style="list-style-type: none"> designating land for purposes that expose people, property and supporting infrastructure should ensure there is a tolerable risk arising from natural hazards; consider the impacts of implementing future protection measures on environmental values and the cost to the community associated with defending properties from natural hazards; minimise locations that require hazard management to be undertaken on land external to the site where that land is publicly owned and managed for conservation purposes; and plan for the potential impacts of climate change based on the best available scientific evidence. <p>Existing settlements that are at risk of being impacted by natural hazards</p> <ol style="list-style-type: none"> Consider the effectiveness and the social, environmental and economic viability of one, or a combination, of the following strategic responses: <ol style="list-style-type: none"> adaptation to changing conditions over time; planned retreat; and protective works. <p>Flood hazard</p> <ol style="list-style-type: none"> Flood hazard mapping should, as a minimum, identify land inundated by the 1% Annual Exceedance

Regional Land Use Strategies	Tasmania Planning Scheme	
	State Planning Provisions	Local Provisions Schedules
		<p>Probability (AEP), including the impacts of climate change, or be based on the outcome of specific flood investigations.</p> <p>Coastal erosion and coastal inundation</p> <p>8. Mapping should, as a minimum, be based on a projected sea level rise of not less than 0.8 metres by 2100, or the latest adopted State Government sea level rise measurements, that considers the effects of coastal processes, geology, topography, storm surges and tides on the rate and extent of coastal erosion and coastal inundation.</p>

Related legislation, resources and guidance

AGS (2007a) [Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning](#), Australian Geomechanics Society

[State Framework for Mitigation of Natural Hazards](#), Department of Premier and Cabinet

[Tasmanian State Coastal Policy](#), Department of Premier and Cabinet

Mapping sources

Feature	Custodian	Source
Coastal Inundation Hazard Bands	Department of Premier and Cabinet	ListMap
Coastal Erosion Hazard Bands	Department of Premier and Cabinet	ListMap
Landslip Planning Map – Hazard Bands	Department of Premier and Cabinet and Mineral Resources Tasmania	ListMap
Bushfire hazard	Tasmanian Fire Service	



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31 October 2022

Draft Tasmanian Planning Policies

The "Tasmanian Planning Policies Draft for Consultation in accordance with section 12C(2) of the Land Use Planning and Approvals Act 1993" is referred to in this submission as Draft TPPs.

GENERAL COMMENTS

Policies that are embodied in the Statewide Planning Scheme

The TCT's recommendation in its earlier submission, to identify the policies that under pin the current Tasmanian Planning Scheme and present these to the community for their input, has been ignored. The process for developing the TPPs is now corrupted from a process and intellectual perspective. The State Government had an opportunity to regain credibility prior to releasing the Draft TPPs but this opportunity has been lost.

The TCT had predicted that the Draft TPPs would be entirely consistent with the current planning policies as embodied in the TPS. Given the way the policies are written, including the lack of any pathway to implementation and the vagueness of language (see comments below), it is close to impossible to detect where if at all there are any inconsistency that warrants any change to the TPS. Alternately if a TPP is not explicitly included in the TPS but does not conflict with it there is no requirement to review the TPS and attempt to make provision for it.

The one exception, also predicted, is the proposed addition of the settlement growth policies to require identification of land supply. This would appear to be the main justification for the TPPs.

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TPPs lack a pathway to implementation equals lack of purpose

There is little to be gained from making a detailed response to the Draft TPPs because there is little possibility the policies will be implemented (other than those demanded by the state government) and no clarity on what the process would be if this is attempted.

If the TPPs had a purpose then the pathway to implementation – i.e. eventual amendments to the SPPs, LPPs and RLUSs – would be very clear, but this is not the case. The TPPs are policies without purpose.

Throughout the Draft TPPs the section “Implementation Guidelines” is left blank, with one exception, in the chapter on Settlement, 1.1. Growth. The implementation section on pages 2-3 states that the “Implementation Guidelines” section can be included in the future if required but later in the same section it suggests that the strategies contain sufficient detail to guide implementation. As worst, this seems contradictory and leaves the reader thinking the author sees implementation as a detail not worthy of serious consideration. At best the statement that “the strategies contain sufficient detail to guide implementation” is arrogant and designed to deter the community from making comment on implementation.

If implementation was treated seriously then a pathway would be defined for implementation, monitoring and review and the responsible agency would also be identified – but neither is done. It seems that any one can attempt to use the TPPs to drive change to the TPS but no one is actually responsible and there is no process to be followed (there is no section in the Draft TPPs describing who is responsible). Such a laissez-faire system is a recipe for inaction.

The TPPs should include an obligation on the state government to undertake a review in a defined timeframe to ensure the TPS is consistent with the TPPs and if not to propose changes.

As we discussed below it seems the policies are intended to be implemented unevenly with initial emphasis given to implementing one policy to provide for long term supply of land for settlements. This contradicts the statement in the implementation section that all strategies being treated equally.

Passive and vague language in objectives and strategies

Below we provide some examples of the passive, vague and misleading language that is used in objectives and strategies. The same problem is present throughout the Draft TPPs but we do not wish to point out every example. Suffice to say that the language used makes most objectives and strategies optional and if implemented the outcomes are not defined and are very difficult to ascertain.

Where do the objectives come from and why no shared goals and vision?

There is no overarching vision and set of goals in the TPPs. While the RMPS has a set of very broad objectives they do not include detailed objectives such as those presented in the draft TPPs. It seems that there is no attempt to determine

if there is a vision and goals for the TPS that is shared between the community and government.

The objectives that are presented in the Draft TPPs seemed to have appeared fully formed with no explanation of where they came from. I note that the "Report on the draft TPP scoping consultation" does not refer to suggested objectives but relates almost entirely to TPP topics.

SPECIFIC COMMENTS

1.0. Settlement

Growth

There is an assumption that growth (population and settlement) will continue to occur and be supported by communities. The TPPs should at least include policy options addressing the possibility of no growth and population reduction, especially as population decline is occurring in some regions and municipalities of Tasmania and increase is occurring very rapidly in other parts. It cannot be assumed that every community supports its current population growth or decline. The policies should be presented as options: if a region/municipality wants to decrease or increase or maintain its population and settlements.

There is a possibility that by planning for growth that the Tasmanian planning system (the TPPs included) encourages and increases the growth. The Tasmanian community are only now being asked by the Tasmanian government to provide input to its population strategy although that seems to be only asking people what they think of the current growth targets. The TPPs should not be jumping the gun in terms of assuming support for population and settlement growth.

Strategy 1 is to "Provide for at least a 15 year supply of land..." for a range of uses associated with settlements but there is no indication of why the number 15 is chosen or whether it is sustainable as required by the objective.

While it is welcome that strategy 2(d) seeks to "avoid the development of land that is at risk of natural hazards, that has high environmental or landscape value..." the provision of land for settlement is proposed to be actioned as a priority and will presumably be identified before strategies to identify areas with natural hazards, and high environmental or landscape value.

As noted previously this is the only policy that includes any implementation guidelines. Given that the RLUS are to be amended to give effect to this policy it is recommended that there be an additional implementation guideline (or alternatively a consultation policy) requiring the RLUS to be subject to detailed consultation (as this is not currently required).

Climate change is dealt with in a curious manner in the settlement policies. In the "1.0.2. Climate change statement" there is reference to measures that may reduce resource consumption and lower emissions (presumably this is 'carbon' emissions but it is not stated). But in the growth policy there are no specific climate change strategies. Strategy 1 has the potential to contain resource consumption and carbon emissions related to settlement growth but there are no rules that would guarantee this. For example "infill development,

consolidation, redevelopment, reuse and intensification of under-utilised land" is only to be prioritised and encouraged over growth outside existing settlements. Even if these potentially less emitting development approaches are prioritised and encouraged there is nothing that prevents growth outside existing settlements as well.

As stated above, promoting growth in planning instruments may just stimulate growth rather than just respond to it. The best way to contain resource consumption and carbon emissions is to contain growth. As recommended above there should be options to provide for regions and communities that wish to maintain or reduce their populations.

The settlement policies include no objectives or strategies to monitor and measure the resource consumption and carbon emissions outcomes resulting from the policies.

Climate and settlement policy objectives

While the other settlement policies include a range of strategies that purport to address resource consumption and carbon emissions it is disappointing that these critical matters do get included in any of the objectives. While reducing carbon emissions is purported to be important it is not actually an objective of the settlement policies.

2.0. Environmental values

Passive language makes objectives worthless

The language that is used in the objectives for the environmental policies is very vague and passive and will be virtually meaningless without very carefully defined criteria or sub-objectives.

Some other language used in objectives is so loose it seems can barely be considered an objective. Under "2.5. Coasts" the objective involves "To promote..." but this is an action and not an endpoint or objective. The objective should at least be what the result of the promotion is intended to be but preferably be a concrete outcome in terms of conservation of coastal values.

The objective for the biodiversity policy is merely to "To contribute to the protection and conservation of Tasmania's biodiversity". To "contribute" to conservation could result in benefits that are not significant i.e. not enough to prevent extinction of species and populations at a local, bioregional or state wide level. It is important to ask "how much of a contribution is to be made?". The objective needs to include or at least recommend defined criteria that can be monitored and measured to ensure the objective is or is not being achieved. As stated above, there needs to be an agency responsible for monitoring and measuring of progress toward these criteria.

Information systems not referenced

As stated, the implementation process for the overall TPPs is not defined. In terms of many specific strategies, the implementation is also not defined. In all environmental policies the first strategy relates to identifying and prioritising

values but there is no statement that any such information systems exist, does exist but may require improvements or does not exist at all and are required.

Strategies for biodiversity, wetlands and geodiversity

The strategies for biodiversity, wetlands and geodiversity follow a pattern, that the first strategy deals with an information system and then there are strategies addressing avoidance, mitigation and off setting of impacts. While the inclusion of the impacts hierarchy is welcome, until the information system is developed the policy hierarchy will have little value and possibly not be operational at all. If impacts are to be avoided such a rule needs to apply to defined values.

There is additional work to be done to determine the impacts of various actions that arise from developments to assist with finalising information systems. For example, in "2.2. Waterways, wetlands and estuaries" the impact of pollution and other changes to waterways needs to be assessed in context of the natural ecological qualities of waterways, wetland and estuaries. The polluting potential of any given substance can depend on the state of the receiving waterbody. This type of assessment has been required by the EPA for Taswater's waste water treatment facilities. Also all of Tasmania's Ramsar wetlands have had ecological character statements produced to guide management and development assessment.

Similarly, in the biodiversity policy, strategy 6, it is not explained how fragmentation is to be assessed and managed.

Furthermore, there needs to be an additional strategy to ensure that the information systems are updated and corrected when necessary and that this triggers appropriate reviews and amendments to zones and codes. Without such a process there will be potential for bizarre situations to arise, including where recently extinct species or populations have habitat protected but recently listed species have not.

In the policies for "Biodiversity" and "Waterways, Wetlands and Estuaries" the strategy 2 for both starts with the wording "Avoid designating land...". Just what "designating" means is left up in the air. This is an example of where numerous policies would benefit from having explicit reference to how they will be implemented. There should be a process designed and prescribed to integrate the first strategy, that relates to identification and prioritisation of values, with a review of the relevant codes (natural assets and wetlands in this instance) and zones to ensure land clearance is prohibited, therefore defining how designation occurs.

Similarly, for the biodiversity policy, strategy 4 requires that "a level of restriction and regulation" is provided for and strategy 5 requires the promotion of "use and development" to avoid impacts on biodiversity. Such soft language guarantees absolutely nothing will eventuate.

In the biodiversity policy, strategies 9 to 12 deal with responses to climate change. Responding to these would require complicated strategies that are a significant body of work for any local council. There are major benefits that would come from a coordinated state wide approach.

The approach to biodiversity and wetlands shows a distinct defensive or reactionary strategy where a more proactive and assertive approach is needed. Even with amendments to ensure appropriate zoning and codes the outcome is just to ensure a removal of a threat that may only provide temporary benefit. If an area of land or wetland is rezoned to ensure protection of a certain value then that area of land may warrant formal protection and management through a formal planning arrangement. Put another way, if left undeveloped and unmanaged the land may lose values as a result of benign neglect.

Coasts policy

In "2.5. Coasts" it is stated that the coastal zone applies to all state waters but the TPS only applies to marine waters to low tide mark with the exception of very limited parts of the coast where there are existing wharves etc that project further out. Why is a TPP being applied to all state marine waters when the planning schemes do not extend beyond the low tide mark?

It seems that of the four strategies in the coasts policy none applies to achieving the objective other than as a response to climate change (strategies 1 and 2). Strategy 3 relates to identifying areas that can support purported sustainable use and development and strategy 4 relates to the identification of use and development that might assist with maintenance of biodiversity, coastal processes etc. Like the policies on biodiversity and wetlands there should be strategies that require important coastal values to be identified and that impacts are avoided, mitigated or off set. These should operate in addition to the strategies included in the Draft TPPs.

It is noted that strategy 3 does not belong in the environment policies section as it relates to industrial, recreational and boating development. The coasts policy should include a strategy for identifying areas on the coast where a prohibition is applied to use and development that relies on a coastal setting due to the areas values and sensitivity.

6.0. Cultural heritage

Aboriginal cultural heritage

Strategy 2 uses the wording "Support the investigation..." which is hopelessly loose and if not changed is guaranteed to deliver nothing.

Strategy 2 refers to the investigation of land for the presence of Aboriginal Cultural Heritage places and objects but fails to refer to landscapes as is referenced in the "Non-indigenous cultural heritage" policy. This double standard should be corrected.

Strategy 3 uses the same wording as the policy on biodiversity and wetlands, i.e. "Avoid designating...". These words are vague and should be replaced with a more forceful and clear term.

Strategy 4 refers to seeking the agreement of the Tasmanian Aboriginal people but omits any reference to who is to be consulted and how.

Strategy 5 of the "Non-indigenous cultural heritage" policy relates to "retention of appropriate surrounding settings and site context" and a similar strategy should be included in the Aboriginal cultural heritage policy.

Yours sincerely

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Peter McGlone
Director

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1st November 2022

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Email: yoursay.planning@dpac.tas.gov.au

Consultation on the Draft Tasmanian Planning Policies

We welcome the opportunity to provide our views on the draft Tasmanian Planning Policies (TTPs).

The Tasmanian Forest Products Association (TFPA) is the peak body for forestry that undertakes policy development, lobbying and advocacy for members interests. TFPA represents all elements of the value chain from the sustainable harvesting of plantations and multiple use natural forest resource including forest establishment and management, harvesting, processing of timber resources and manufacture of pulp, paper and bioproducts.

The TFPA is concerned that under the draft TPPs there is little or no reference to forestry or the forestry industry. Even though 1.25 million hectares of land in Tasmania is dedicated to forestry—812,000 hectares of Permanent Timber Production Zone (PTPZ) land on public land and 432,000 hectares of Private Timber Reserves (PTRs) on private land.

The TFPA highlight several important interactions that the forest industry provides to the State, including:

- it makes a significant economic contribution and provides over 5,000 direct and indirect jobs;
- as part of Tasmania's draft Housing Strategy, it was recently announced that 10,000 new affordable homes would be built by 2032; and
- forestry is a crucial part of the state's efforts to meet our carbon emission reduction goals.

The State Planning Provisions (SPP) and the Local Provision Schedule (LPS) for each municipality are included in the Tasmanian Planning Scheme (TPS). Operations on public land are exempt by virtue of section 4 of *Land Use Planning and Approvals Act 1993*, whilst operations on private timber reserves are exempt by virtue of section 11 of this Act.

Despite the exemption, dedicated forestry land is still subject to zoning by local government planners when preparing their LPSs. The zoning of land can influence public perceptions of what is an appropriate use of land. Land designated for forestry but improperly zoned will only lead to confusion and can be used as an argument in favour of transferring the land to other uses.

Recent examples of where local town planners have changed land use re-classification through zoning include Derwent and Huon Valley local government areas. This highlights the limited capacity within some of the 29 councils to interpret and implement the complex state-wide planning system.

A lot of the rural and agricultural land, as well as all the dedicated forestry land, was zoned in the Rural Resource Zone under the old planning schemes. This zone allowed plantation and native forestry when the requirements of the forest practices regulatory system were met.

The Rural Resource Zone has been re-calibrated under the new planning system with the stated goal of improving agricultural land protection. The old Rural Resource Zone appears to be being increasingly rezoned under the current LPS implementation into other zones, such as the Agriculture Zone, the Landscape Conservation Zone, or the Environmental Management Zone, where plantation or native forestry may be discretionary or prohibited.

On the face of it the planning system does not take forestry, as well as the preservation and enhancement of the current and future timber resource, into meaningful or strategic consideration. This doesn't seem to be the case with land that could be used for farming or mining.

Like farming and mining, TFPA suggests that similar high-level provisions be included in the TPP to identify and safeguard land that has timber resource value.

We look forward to continuing to participate in the ongoing consultations on the Tasmanian Planning Policies.

Yours sincerely,



Nick Steel
Chief Executive Officer

Department of State Growth

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GPO Box 536, Hobart TAS 7001 Australia
Phone 1800 030 688 Fax (03) 6173 0287
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Our Ref: D22/I19531/I



By email: YourSay.StatePlanningOffice@dpac.tas.gov.au

Response to the draft Tasmanian Planning Policies

Thank you for the opportunity to formally comment on the draft Tasmanian Planning Policies (TPPs) under section 12c(2) of the *Land Use Planning and Approvals Act 1993*. The Department of State Growth acknowledges the significant amount of work that has been undertaken to develop the draft TPPs.

The Department provided a submission on the draft TPPs to the State Planning Office, in July. This submission provided detailed comments on the proposed structure, policy objectives and strategies outlined in the draft TPPs based on the Department's key portfolio interests of transport infrastructure, services and project delivery, skills, mineral resources, and the cultural and creative industries. The submission also addressed areas of indirect interest as these impact the Department's core activities, including settlement planning, heritage, environmental values, and planning processes.

The Department subsequently engaged with the State Planning Office on the content of this submission.

The draft TPPs, as now circulated, incorporate many of the suggestions made within the Department's previous submission. Generally, the draft TPPs recognise and support the Department's key areas of interest, including the protection of key transport corridors and assets, and extractive industry resources; recognition of the importance of passenger and active transport to liveability and accessibility; the management of landslip hazards; and inclusion of strategies to support appropriate tourism, commercial and industrial development.

Given the detail of the Department's previous submission, we have no additional comments to make on this version of the draft TPPs.

I have attached the Department's previous submission for your information.

Please contact Di Gee, Manager, Transport Systems Planning, at [REDACTED].

Yours sincerely

[REDACTED]
Brett Stewart

Deputy Secretary – Resources, Strategy and Policy

1 November 2022

Attachment: Correspondence from Dep Sec, Resources, Strategy & Policy - Response to the draft Tasmanian Planning Policies 1 July

Department of State Growth

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Phone 1800 030 688 Fax (03) 6173 0287
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Our Ref: D22/119531/1



[REDACTED]
Senior Project Manager, Tasmanian Planning Policies
State Planning Office
Department of Premier and Cabinet

By email: [REDACTED]

Response to the draft Tasmanian Planning Policies

Thank you for referring the draft Tasmanian Planning Policies (TPPs) for comment. We acknowledge the significant work that has been undertaken to develop the draft TPPs and appreciate the opportunity to provide input.

The TPPs represent an important new policy layer within Tasmania's planning system, providing whole of state guidance on key issues such as transport, settlement, economic development and cultural and aboriginal heritage. The TPPs will guide future planning reforms, including review of the State Planning Provisions and regional land use strategies.

The Department has undertaken a detailed review of the draft TPPs focusing on its key portfolio interests, including freight and passenger transport, extractive industries and mineral resources, industry and business, and cultural heritage. We have also reviewed the draft TPP on settlement, noting its importance in influencing outcomes across a range of areas.

In reviewing the draft TPPs, the Agency makes the following general observations -

- The Mineral Resources section of the Sustainable Economic Development TPP requires a significant redraft to better reflect the nature of Tasmania's resources sector, which includes both larger scale mines and smaller-scale extractive industries. Extractive industries, such as local quarries, are a critical part of Tasmania's resources sector and are often most impacted by the planning system in terms of adjacent land uses and buffer zones.
- The Settlement TPP is critical in setting future policy direction for settlement across Tasmania, including where, when and how growth should occur, how new development will be assessed, and how development interacts with transport networks, utility service provision, social infrastructure, natural and cultural values. The TPP as drafted requires significant redrafting to identify clear strategies to meet these objectives – for example, what is meant by a settlement hierarchy, what is the intended content of a structure plan, and how can the current definition of settlement be refined to focus growth in key locations only.

- The draft TPPs contain limited references to the cultural and creative industries. The sector is nominally covered under social infrastructure, which has a very broad definition under the TPPs to include health, education, training, social housing, justice and the arts. The cultural and creative industries are extremely important in supporting community health, wellbeing and engagement, and are central to Tasmanian Government priorities as outlined in the *Cultural and Creative Industries Recovery Strategy: 2020 and Beyond*. We would strongly encourage the development of further strategies addressing both permanent infrastructure and temporary uses related to these industries, and for the sector to be considered separately to social infrastructure.
- The Environmental Hazards TPP should be retitled as Natural Hazards, ensuring consistency with terminology within Tasmania's planning system. In relation to landslip, it is unclear which hazard bands the TPP applies to or how cumulative impacts contributing to landslip, will be addressed.
- The Department has previously provided input to the Physical Infrastructure – Transport TPP and has limited comment to make on the strategic directions of this TPP. The Department will make further comment on this TPP as it relates to the operational aspects of the State Road network (see below).
- Climate Change should be redrafted as its own TPP, allowing for a more targeted and coordinated approach across sectors. The existing climate change statements require significant redrafting to better target each statement to individual TPPs, and to ensure consistency across TPPs.
- Across the suite of TPPs, a general review to remove inconsistencies and duplication between strategies, and to reduce the number of strategies, would be beneficial.

Detailed track change suggestions for each draft TPP are provided in Attachment I.

The Agency is finalising a broader review of the draft TPPs as these apply to the State Road network, focusing on project planning, delivery and network management. These additional comments will be provided to the State Planning Office (SPO) by Friday 8 July.

Given timeframes, we have also not been able to consult the Tasmanian Museum and Art Gallery's First People's Art and Culture team or our Tasmanian Aboriginal Advisory Council in relation to Cultural Heritage and Aboriginal Cultural Heritage. We suggest this occurs as part of the next consultation phase.

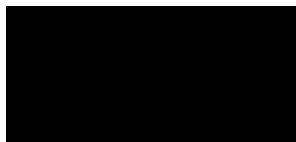
Based on information provided by the SPO, I understand the next steps are to undertake officer-level consultation with State Agencies throughout July, followed by a formal response to Agency comments by the SPO. In relation to this consultation, we would encourage -

- The establishment of cross-agency working groups to finalise the content of key TPPs, particularly Settlement,
- Discussion of the SPO's formal response to the TPPs through the Deputy Secretary IDC, enabling cross-Agency consideration of the final TPPs, prior to release for broader consultation, and
- Further advice on Agency involvement in developing the Implementation Strategies supporting each of the TPPs.

We look forward to working with you further to develop the TPPs.

Please contact Di Gee, Manager, Transport Systems Planning, at [REDACTED]
[REDACTED].

Yours sincerely



Brett Stewart

Deputy Secretary – Resources, Strategy and Policy

1 July 2022

Attachment I: Detailed comments on draft TPPs



HUON VALLEY COUNCIL

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1 November 2022

Our Ref: 17/74

Your Ref:

Enquiries to: Rong Zheng

The Director
State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

Via email: yoursay.planning@dpac.tas.gov.au

Dear Mr Risby,

Draft Tasmanian Planning Policies (TPP)

Thank you for the opportunity to provide a submission on the draft Tasmanian Planning Policies (TPPs).

It is pleasing to see progress on the development of the TPPs as there has been a lack of a comprehensive overarching planning State-wide policy framework to guide planning authorities in undertaking strategic land use and planning in the regions. The TPPs will guide the future development of our State and to further inform planning outcomes delivered through the TPS and the regional strategy (STRLUS).

Effectiveness of TPPs

Apart from the specific application of the TPPs as required by the *Land Use Planning and Approvals Act 1993* (Act), for example, Section 34(2), it is unclear as to the extent planning authorities will be able to comprehensively apply policy requirements of the TPPs at a local level.

This is due to the fact that the Act does not clearly enable the TPPs to be more directly taken into account in relation to local use and development decisions made by planning authorities.

There are no apparent direct links provided from the TPPs to use and development regulatory controls.

Without the explicit links, the concern is that the TPPs may become an aspirational 'wish list' and therefore not provide a best possible planning outcomes.

The Productivity Commission has over the last decade undertaken periodic reviews of land use planning regulatory issues, and recommended important '*leading practices*' (as distinct from 'best' practices) to be applied at the State or Territory, regional and municipal area level based on the submissions provided to its reviews.

In a 2021 report, *Plan to identify planning and zoning reforms*, the Commission recommends:

State planning policies should provide clear guidance on how Local Government plans should be developed, including specification of policy priorities, preferred methods for achieving them, and the relevance of State planning policies to which local council must have regard. (page 8)

It is considered the draft TPPs do not provide adequate overall guidance on how they can be applied by a planning authority at a municipal level.

The draft TPPs recognise the various values of different regions, however, they do not specify the methodology to determine the priority for each region or municipal area.

It is understood that the intent of the TPPs is that they are to apply in their entirety, with all relevant strategies applying equally. As such, no strategy should be read in isolation from the others to imply a particular outcome.

However, this is considered potentially difficult to achieve.

A good policy should inform the trade-offs among objectives and identify where and in what sequence strategic land use and development changes, infrastructure and servicing needs should arise.

It is also noted that the some of the policies are quite detailed and hence would require the local response to be set regionally via guiding principles or directions.

The extent of work required within a region to give effect to a TPP could be extensive, which may lead to potential delay to future LPS revisions.

It is also possible that the complexity of the TPPs may unnecessarily constrain local level planning.

As such, an innovative or place-based response that delivers good planning outcomes through the TPPs and based on *leading practice* methodology should be incorporated into relevant policies.

On that basis, therefore, a clear Implementation Guideline that balances these competing planning requirements, becomes essential and necessary.

Implementation Guidelines

The guideline should address the planning process at the local level (municipal area) and should incorporate, at minimum:

- Measures to align local and State planning policy requirements in Implementation Guidelines;
- Provide methodologies to inform the planning authority decisions including when there are conflicting objectives;
- Figures similar to the explanatory diagram below which is an extract from the Victorian Planning Policy Framework.



(extracted from [AN71-Amendment-VC148-Planning-Policy-Framework-PPF.pdf](#))

Additionally, more resources need to be allocated with specific responsibilities to facilitate alignment of the TPPs and State Planning Policies in partnership with planning authorities, to realise leading practice outcomes such as **consistency** and **integration** between local, regional and State strategic planning land use strategies and plans. This resourcing is essential to ensure good strategic planning outcomes can also be achieved across regions and within municipal areas.

More engagement with planning authority representatives

As per Schedule 1 of the Act which encourages public involvement in policy making to achieve effective outcomes, as councils have considerable expertise in implementing planning provisions it is considered there needs to be greater and more regular engagement with planning authority representatives in the development and implementation of the TPPs.

It is respectfully requested the State Planning Office dedicate more time and resources to directly engage with planning authority representatives before further statutory steps are taken in the implementation of these policies.

This should include a series of targeted workshops for more opportunities to engage on this important initiative, and for more opportunities for planning and other expertise to have input and 'buy in' in the development of the policies.

Embed resilience in planning

Resilience considers a system's ability to prepare for threats, to absorb impacts, to recover and adapt after disruptive events. Strengthening resilience reduces the costs of recovery and rebuilding and helps communities to take control of how they want to grow or change.

A resilience lens tackles uncertainty by considering scenarios and testing diverse and adaptable planning approaches – rather than just relying on the projection of past experience.

Embedding resilience also recognises expectations for improved standards of environmental performance – so that responding to climate change or other shocks

does not reduce biodiversity, heritage or other qualities of the natural or cultural environment.

The TPPs should strengthen the 'elements of resilient systems'. This means embedding resilience throughout each section - not just as discrete section (section 3.0 under Environmental hazards). The TPPs should set up policy guidance to consider 'when' as well 'what' decisions should be made when responding to different scenarios; allow decision-making responsibility to the least centralised capable level; and set standards for environmental and biodiversity performance.

Smart Cities Initiative

'Smart cities' is used to describe the technology (e.g. computers and networked sensors) integrated into the built environment and daily life. All these things generate huge amounts of data (big data) enabling real-time insights into local city environments that have never been possible before.

'Smart cities' mean better data and understanding around the infrastructure demand projections for new development.

As such, there is a great opportunity to include a TPP which promotes the 'smart cities' initiative.

The policy should provide a high level overview to assist all levels of governments to develop the goals and plans to which they should aspire to achieve, and the features and functions its smart infrastructure should deliver.

The Monitoring and Evaluation of the TPPs

Whilst the TPPs are required to be reviewed every five years by the Minister, it is noted that there is no reference made to the monitoring and evaluation of the TPPs.

- How are TPPs going to be measured as part of their review?
- Who will undertake the review?
- What are the methods and criteria to evaluate their effectiveness?

The TPPs should be evaluated to ensure they demonstrate they further Part 1 and Part 2 objectives set out in Schedule 1 of the Act.

Again, the Productivity Commission has previously undertaken comprehensive reviews of benchmarking indicators and provided *leading practice* recommendations for application by relevant stakeholders based on the advice provide to the Commission.

Therefore, performance evaluation criterion (performance indicators) needs also to be developed prior to finalisation of the TPPs to determine the effectiveness of each policy after they commence and assist in determining whether policy changes are required.

This will provide an objective basis to judge the performance of the respective policies in achieving specific policy outcomes, and provide a basis to consider refinements and reviews to relevant policies in consultation with stakeholders.

It is also noted that with any policy work and strategic planning work there needs to be allocate ongoing resources available State-wide to facilitate continual review and improvement of the TPPs.

Reference documentation

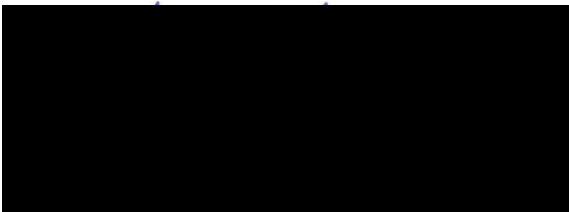
It would be useful have on the SPO website a list of the main documentation that has been considered in and informed the preparation of the draft TPPs to date.

Please advise if this can be arranged as it would be of interest to many stakeholders.

The opportunity to provide further feedback on the draft Tasmanian Planning Policies is appreciated to assist with revisions to the draft policies for the improvements as set out above before the policies are finalised.

Please do not hesitate to contact Council's Strategic Land Use Planning Officer [REDACTED] [REDACTED] should you require further comment or clarification.

Yours faithfully

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MATTHEW GRIMSEY

DIRECTOR GOVERNANCE STRATEGY AND SUSTAINABLE DEVELOPMENT

Cullen, Julie

From: Microsoft Service [REDACTED]
Sent: Monday, 31 October 2022 10:34 AM
To: State Planning Office Your Say
Subject: Re Tasmanian Planning Policy

Private and confidential

I am resident of flinders island.

I would like to know why these policies were due to be released to the public for comment on the 19th of September and on Flinders island only available on the 16th of October.

I would also like to know why sale of crown land on Flinders Island is supported when private land has been rezoned and not able to subdivide.

I am very disappointed in the planning commission; I think they should at least speak to you face to face when changing the zone of privately owned land.

In submission more land needs to be available on this island. landowners should not have rezoning forced upon them .

thank you

kind regards
[REDACTED]

Department of Premier and Cabinet
State Planning Office
GPO Box 123
HOBART TAS 7001

Email: yoursay.planning@dpac.tas.gov.au (*submission sent by email only*)

1 November 2022

Dear Minister Ferguson,

RE: Kingborough Council's Submission on the draft Tasmanian Planning Policies

I refer to your letter dated 19 September 2022 inviting comments on the recently drafted Tasmanian Planning Policies. We are grateful for the work that has gone into these policies and the opportunity to provide comment. Our comments should be read in conjunction with our earlier submission on the associated scoping paper, dated 27 October 2021.

Section 1.1 – Growth

1.1.1 – 'existing settlements' requires definition or mapping to have a shared agreement as to what that includes.

1.1.3(2b) – says to prioritise development that maximises available capacity – that requires the input from the State Government Agencies. To make this successful the services need to be clear and there should be requirement of ongoing commitment from those agencies – perhaps this should be part of the implementation plan.

1.1.3(2d) – for the part about avoid hazards: to achieve part of that strategy there needs to be something that says don't upzone land (allow greater density) where it is adjacent to (or within 150m or distance recommended by the TFS) of a bush reserve. Consultation with TFS important for this element. Having avoid hazard and then reservation of land for agriculture and mining seems to be two different elements put in to a single policy line? They conflict with one another.

1.1.3(2e) – this should include planned and upgraded transport systems, not just existing.

1.1.3(3) – this is all about identifying regional settlement hierarchies, maybe it could include broadening the thought of identifying potential to designate settlements that could grow fit for purpose, such as creating a future satellite cities (ie large centres that are satellite to Hobart or Launceston).

1.1.3(6) – absolutely agree with the proposal to create structure plans at local levels – however Council's need the money/resources to do it and in many instances, many need education/training on what that really is or how to achieve it. There is no reason that

Statewide training couldn't be provided by the SPO/State Government, particularly given the lack of training/learning available in Tasmania.

1.1.3(7) – This point should include that the said growth boundaries need to be monitored and updated (to avoid the issues we are currently having with the outdated STRLUS).

1.1.3(9) – Planning's function is not to 'provide' for the use and development as we don't deliver development – maybe better phrased as 'encourage' it.

1.1.3(11) – on the topic of consolidation – can we introduce mechanism in the scheme that land is of a size that it too small to provide the expected development and it hinders broader development that development of that site may only occur if consolidated to adjoining land that meets at least the specified site (this control existed in the Whittlesea Planning Scheme in Victoria, as an example).

1.1.4 (implementation guidelines) should include:

a) definition to the hierarchy and then be referenced as priorities.

b) the comments above relating to 1.1.3(6) plus 1.1.3(11)

Section 1.2 Liveability

1.2.3(3) – surely not proposing to have tertiary in all settlements – let's not forget many of Tassie's settlements are not that far from each other and are generally not large enough to sustain institutions of that scale (this is different to settlements found in Victoria examples include Geelong, Bendigo, Shepparton where the scale and population are vastly larger than the Tasmanian ones).

- why isn't primary and secondary school mentioned in here? We know many urban and outer urban growth areas have public schools at capacity, and yet there is no visibility of the Governments intent to address that.

1.2.4 (implementation guidelines) – should include:

a) commitment from the State Government who provide public transport, schools and public services for input and ongoing planning in lines with the policies and have such information accessible to Council's who are planning for the future development/land use, to allow effective delivery of the policies; and

b) a stronger requirement within the scheme for development to provide the links referred to in 1.2.3 (4), (5) and (6). That could be achieved by including requirements in the scheme for subdivisions or developments over a certain size/value.

1.3 Social Infrastructure

1.3.3(6) – is it really an appropriate or sustainable expectation that every centre (refer to 1.3.1 'application') should provide those services/accommodation types or should there be a more strategic approach (these comments are not to undermine the value and importance of those services).

1.3.4 (Implementation guidelines) – should include:

a) Commitment from the State Government and an understanding of their programs/commitments in this space to ensure that they align.

b) inclusion of those agencies/State Government in the structure plans mentioned in '1.1 Growth' policy.

1.4 Settlement Types

The Policy heading for this one is confusing...the objective is really about 'particular environmental characteristics or values'... the heading doesn't reflect that.

1.4.3(3) and (4) – maybe should include limiting/considering appropriateness of growth in areas at risk of climate change (ie rising sea level and/or erosion)

- should mention a balance of the natural values and needs/desire for development.

1.4.3(6) – this should also consider impacts of tourism and visitor accommodation, not just limited to 'rural residential use'.

- this should also include in letters a-h that it avoids fragmenting or fettering rural production and such uses.

1.4.4 (Implementation Guidelines) – should provide guidelines that assists assessment of 1.4.3(6) more – useful for the decision makers.

1.5 Housing

1.5.3 (4) – should include: encouraging sustainable design to reduce the running costs of a house such as lighting/natural light, heating and cooling.

1.5.4 (Implementation guidelines) – should include encourage working with housing providers include State Government to establish their current land holdings.

1.6 Design

The heading should be tightened up to better reflect what the policy is, such as 'Design of public urban spaces'.

1.6.3(8e) – this should also include 'and pedestrian and cycling links'.

1.6.4 (Implementation Guidelines) – should include design guidelines or requirements in the Planning Scheme.

2.1 Biodiversity

2.1.3 – there should be recognition of the benefits and values in the urban areas.

2.1.3(7) – unusual statement sentence for policy, seems micro.

2.1.3(8) – not really Planning. If it was it would need zoning or controls to make it effective.

2.1.3(9) – not sure what the sentence is really meant to mean in a practical sense.

2.1.3(10) – would be helpful if 'reducing threats' had examples or worded with what is meant.

2.1.3(11) – would need controls such as an overlay code.

2.1.3(13) – not really sure the TPP's are the right place for this

This section lacks note about actively improving areas of natural values that have become degraded overtime or from poor practice.

2.1.4(Implementation Guidelines) should include:

- a) consider overlay/zone controls to achieve the policy objectives and strategies
- b) need to remove some of the current development and work exemptions that exist in the scheme that may limit these policies being achieved – such as works in sensitive environments.

2.2 Waterway, Wetland and Estuaries

2.2.3(1) – they should be identified by codes and associated mapping.

2.2.3(3) – need to limit some of the exemptions in the Scheme that are afforded to the authorities, where their works may not consider these policy objectives. Don't be naïve in thinking all (or most authorities) practice best practice.

- Something that could be added in strategies is water harvesting or recycling be considered in new subdivisions over a certain size.

2.2.4 (Implementation Guidelines) – amend and update relevant codes and associated code mapping.

2.3 Geodiversity

2.3.4 (Implementation Guidelines) – should put the work suggested in 2.3.3(1) in Planning maps and applicable codes.

2.4 Landscape Values

2.4.3(3) – should also include notable skylines

2.5 Coasts

2.5.3 – should include one about avoid development on coastal areas that are vulnerable to climate change impacts.

2.5.4 (Implementation Guidelines) – should develop a policy/actions around retreat options or limiting increasing development in those areas.

3.1 Bushfire

There is a current disconnect/conflict/lack of relationship between the Planning controls and the Building Act and regulations that needs to be addressed to achieve this policy section.

3.1.3(1) – this already exists

3.1.3(2) – this should include visitor accommodation

3.1.3(6) -what is the State Government doing in this space, this is controlled/influenced by Planning.

3.1.3(7) – under current controls visitor accommodation is not required to meet bushfire requirements, which is a significant risk. Needs to be resolved.

The policy should mention considerations of the objectives of other policies such as biodiversity.

3.3 Flooding

3.3.3(3) – unclear what that is meant to mean – if too ambiguous it is not useful.

3.3.3(7) – this is more the responsibility of the State Govt more so than Planning.

Coincidental flooding (where sea and river meet and merge) has not been referred to.

3.3.4 (Implementation Guidelines) – reintroduce stormwater code into the Planning Scheme.

3.4 Coastal Hazards

3.4.3 – these should include the concept of avoiding intensification of development in those areas.

3.4.3(7) – It should include that such treatments must not make it worse elsewhere (such as adjacent land) and should only be considered if evidence based and prepared by professional with consideration of ownership and maintenance and approved by the Crown. It should also take into consideration aboriginal artefact/culture/place.

3.4.4 (Implementation Guidelines) – should include:

- a) provision of guidelines for consideration and or process
- b) provide a Statewide network to focus on these issues providing assistance to Council's so that each Council is not trying to invent it themselves which comes at a he cost and there are often a lack of internal experts on these matters. It needs to be a collaborative and consistent approach.

4.1 Agriculture

4.1.3 should include:

- a) don't conflict with the biodiversity objectives/policy
- b) should consider the road networks and potential centralised regional distribution centre for more efficient use of resources and associated transport.

4.2 Extractive Industry

4.2.3(1) – This should focus Statewide, not just local government.

4.3 Tourism

4.3.3(3) – what is 'significantly impact'?

This needs to recognise Tasmanian tourist market, not just interstate and overseas.

4.4 Renewable Energy

4.4.3(1a) – what is meant by 'quality'?

4.4.3(4) – should highlight that it could be public or private investment/ownership

- Should include protect private installations such as solar panels when considering impacts of neighbouring development

4.5 Industry

- 4.5.3(1) – should include access to fast/suitable communication and technology access
- 4.5.3(3) – should also include: when they can they should consider the presentation of the built form and design response’.

4.6 Business and Commercial

- 4.6.3 - should include reference to the need to be supported by existing transport and parking provision.

4.7 Innovation and Research

- 4.7.3(2) – should include reference to secondary schools also.
- 4.7.4 (Implementation Guideline) – should include understanding and being included in the State Governments objectives around this.

5.1 Provision of Services

All of them should take into consideration climate change and whether the sites, even if existing, are really suitable in light of rising sea level, flooding, erosion etc.

- 5.1.3(2) should include knowing the expected timing.

- 5.1.4 (Implementation Guidelines) – to achieve 5.1.3(5) need to create development contribution policy and mechanism in the Planning Scheme.

5.2 Energy Infrastructure

- 5.2.3 - should consider if any are currently ill-placed.

5.4 Transport Modes

Heading could be changed to Passenger Transport Modes to make it clear not freight.

- 5.4.3 – should it be more open minded and consider the possibility of passenger trains from Hobart to Launceston (north/south essentially) – it would enhance business, liveability, climate change with less car reliance, tourism interest. Also, connection for outer areas to activity centres without reliance on private car for longer distance.

- 5.4.4 (Implementation guidelines) – needs to be included in the Scheme for development over a certain size to include EV charging as part of the Parking Code.

5.5 Ports and Strategic Transport Networks

- 5.5.4 (Implementation guidelines) – need to show the designated land for that in the Planning Scheme mapping so it is easily discoverable. It should also modify the existing relevant codes.

6.1 Aboriginal Cultural Heritage

- 6.1.3(1a) - unsure how that is tangible – a good idea, but not tangible in Planning

6.1.3(1d) – Not sure this is really a Planning matter, again nice idea, but not really Planning.

6.1.3(5) – I am cautious about how this relates to Planning, it is more the field of social planning etc and it is important to get the true views of those communities for its inclusion.

6.1.4 (Implementation guidelines) - should include requirements in the Planning Scheme for specific developments or developments within specific locations to obtain appropriate aboriginal assessment report and in some instances approval from appropriate aboriginal body to undertake such works or development that may impact on site of significance or artefacts.

7.2 Strategic Planning

7.2.3(1) – how is that measurable?

7.2.3(3) – should that be ‘evidence-based’ rather than ‘scientific based’.

7.3 Regulation

This whole section is a little confusing...it may be a bit misleading. Is it really a policy? These policies sit in the regulation of planning.

7.3.3(1) and (2) - far too broad and throw away line – who is making that call about what has ‘little or no impact’?? Impact on what, it belittles the purpose and intent of planning. These are not value adding statements.


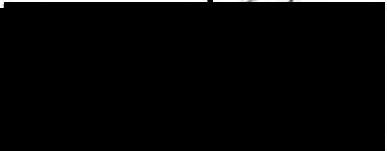
General Comments

- There are many mentions of mapping required, will the State Government be investing in that for a Statewide approach, or it is expected to be picked up by each Council?
- The policies lack and control or direction over design outcome of private development or for developers to consider.

Following on from discussions within our team and other Councils, we believe that it would be of significant benefit to the development of the Policies to have further consultation and workshops to develop them. This work is critical to the future of Planning within the State and there is a lot of experience and practical suggestions to be made so that they deliver what is intended. The process of individual written submissions stifles that effective discussion to develop the policies.

Please feel free to contact us if there are any queries about the comments made. We are happy to be part of further work on the policies.

Regards



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3 November 2022

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Dear Sir/Madam

CONSULTATION ON DRAFT TASMANIAN PLANNING POLICIES

Thank you for the opportunity to comment on the draft Tasmanian Planning Policies (TPPs).

The TPPs are an important reform to the Tasmanian planning system and this consultation round is a significant first-step towards the adaptation of a TPPs framework.

This submission is supportive of the draft whilst also suggesting that the next draft adopt a 'less is more' approach and clearer policy statements. The mixing of scale, from catastrophic dam failures to shade in public places, together with overlapping policies within themes and policy outcomes that are delivered outside the land use system, may dilute the meaning, purpose and practicality of the TPPs. The TPPs must focus on improving land use planning in terms of the outcomes delivered, the responsiveness to change and the certainty to users.

Timing of consultation

Unfortunately, the consultation has coincided with local government elections which has prevented the TPPs from being considered by the Council. We expect to fully engage in further consultation rounds and look forward to more information, guidance and explanation as to how the TPPs will be applied in practice and the outcomes that are aimed for.

The regional strategy is key

As in previous submissions from Sorell Council on planning reform matters, the key strategic planning imperative for Sorell Council is the comprehensive review of the Southern Tasmanian Regional Land Use Strategy. The timing of the review is critical as the Sorell LGA and strong and increasing demand for residential land and will face a shortfall of land in the near future. Just recently, the Tasmanian Planning Commission determined to amend the

draft LPS to include a specific area plan over the growth corridor identified in the 2019 Sorell Land Supply Study. The current regional framework, however, prevents any land release.

It is vital that the many simultaneous elements of the current planning reform agenda do not delay the critical need for a new regional land use strategy. In this light, we trust that the TPPs will be approved as soon as practical.

Scope of the draft TPPs

The issues covered by the TPPs are appropriate and appear to be no more or less than issues covered by the existing regional land use strategy. The outcomes sought for these issues also appear to be equivalent to the existing regional land use strategy, maintaining the overarching aspirations and objectives for land use planning whilst moving towards more certain and improved outcomes.

The devil, as always, is in the detail of how these aspirations and objectives are implemented (or not) initially through the next regional land use strategy and the revised Tasmanian Planning Scheme and subsequently through local structure planning and planning scheme amendments. Local government is assured of a long-term commitment to State and regional scale planning and increased cooperation and integration across Council's, agency and service providers. However, governance structures and funding beyond 2025 are understood to not be in place and are critical to the future application of the TPPs.

Incorporation of guidance and principles

It is considered that the minimalist implementation section be replaced with an expanded discussion of how the TPPs are to be implemented, including specific statements as to how competing policy interests are resolved and how implementation of TPPs will vary due to different regional and local context. Both the Queensland and South Australian State Planning Policies include sections on managing competing state interests. A section in the TPPs would provide a stronger recognition of competing issues and how they are to be resolved benefitting the planning and non-planning community.

Guiding principles, as per the Queensland and South Australian State Planning Policies, should be incorporated. These guiding principles should be drafted on a whole of the TPPs basis, as opposed to each policy theme, and describe what the TPPs are attempting to provide when read as a whole. The South Australian State Planning Policies has five guiding principles: outcome focused, integrated, efficient, positive and accountable. These five principles provide structure, coherence and transparency for the various policy positioned outlined.

Overlapping and similar statements

The background paper acknowledges that there are overlapping policy positions across different themes and refers to an example of similar transport related positions in both the transport and physical infrastructure themes. These overlapping policy positions are reasonable given the breadth of the TPPs and how many planning issues are interwoven.

However, within themes there are several examples of overlapping and similar policy positions, creating the potential for uncertainty and confusion. Within each theme, the policy statements should be discrete and standalone and be precisely drafted so that there is no need for an overlap or similar policy statements.

For instance, in 2.1 Biodiversity, policy 2 states:

‘avoid designating land for purposes that will require substantial land clear in areas as having high biodiversity value’

while policy 3 states

‘prior to designating land for a particular purposes

(a) consider the biodiversity values of that land and the potential impacts of the range of future use and development will have on those values; and

(b) determine if they are compatible and can be managed to avoid or minimise the impact on biodiversity values, especially high biodiversity value’.

Policy 3 is addresses the same issues as policy 2 and requiring the same considerations. Including both policies can only add uncertainty and confusion with no benefit.

As a further example, for 4.2 Extractive Industry, policies 1, 2 and 3 state:

1. *Identify and protect key resource areas and deposits, including areas of known mineral resources and strategically important construction materials, such as sand.*
2. *Protect existing extractive industries from encroachment by residential and other incompatible use.*
3. *Support the long-term viability of existing operations and access to future mineral resources.*

It is unclear what practical benefit policy 3 provides above and beyond policies 1 and 2. Policies 1 and 2 already require existing operations, be it the resource or a processing operation, to be identified and protected.

There are other instances of policies within each theme address fundamentally similar issues and requiring similar consideration. Within each theme, each policy should relate to the discrete component and be sufficiently precise and clear to standalone. This will minimise difficulties in the future. Ultimately, and more significant than any example provided, the TPPs are meant to be read as a whole and do not need to be drafted as discrete sections with repetitive or similar points throughout.

Imprecise language

On hazards, policy statements state:

Avoid designating land for purposes that that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks” and Avoid future use and development that will increase the exposure to bushfire risks for existing use and development, especially uses deemed too be particularly vulnerable or hazardous.”

Given almost all of Tasmania is bushfire prone the 'avoid' statements are unclear in intent. The use of 'especially' is also confusing. If the strategies relate to significant risks or to particularly vulnerable or hazardous use then they need to be re-drafted and say that. As drafted, the strategies seem to imply that all future use and development must avoid bushfire risk and then significant/vulnerable/hazardous uses should avoid bushfire risk even more so (somehow). The equivalent strategies for flooding and landslip are much clearer and precise.

Other examples are:

- "Support early action against the loss of native habitat as a result of climate change" – how, what, where. It also appears similar to strategy 11 which is much clearer in meaning.
- "Identify agricultural land, and potential agricultural land, and apply contemporary land capability classification mapping systems, that include access to irrigation water as a criteria of land capability, that identifies and maps the capability of land to sustain long term agricultural uses as a criteria, including under forecast climate change scenarios" – Unclear what this means.
- "Provide for at least a 15 year supply of land that is available, identified or allocated, for the communities existing and forecast demand for residential ...". Why, available, identified or allocated? What do those words mean? Why not simply state: 'maintain a 15 year supply of zoned land'?
- "Identify renewable resource areas to prioritise the location of renewable energy use and development within areas that have been strategically identified for future renewable energy use and development ...". Are we to identify areas that are already identified?

Mixing scale

Strategy 7 in 1.2 Liveability refers to encouraging urban forests, street plantings, garden roof tops and shade and water features in public spaces. Whilst desirable outcomes, there is no need to, or benefit from including such detail strategies that are meant to provide broad guidance and direction across the State. At the other end of the spectrum is the need to consider the risk of catastrophic dam infrastructure.

Non-land use planning outcomes

The TPPs address outcomes that can only be delivered by non-land use programs and investments. Social infrastructure, for instance, is planned for and provided by other government frameworks. The degree that it will be beneficially for include non-land use actions for future regional and local land use planning is unclear and debatable. The TPPs should, at least, recognise the difference.

Land use planning has no role to "facilitate the co-location of suitable and compatible social infrastructure" beyond the normal provision of a wide range of uses in the zoning of activity centres. The TPPs could, alternatively, recognise how cultural, recreational and community facilities are important considerations for liveability, are best located in activity centres and must be planned on a similar time horizon to any other land uses. It is notable that the South

Australian and Queensland State Planning Policies make no direct reference to social infrastructure. They do, however, recognise that social infrastructure is an important consideration for liveability.

Other comments

- The rural living strategies should consider infill development including upzoning where in close proximity to low density or general residential zoning.
- Strategy 5 of 1.5 Housing refers to encouraging higher density housing in locations that “have been identified for urban consolidation” and should be restated as “are suitable for urban consolidation”. This strategy should also consider the costs of infrastructure upgrades and how those costs should be fairly distributed.
- “Encourage the siting, design, management and rehabilitation of waste disposal facilities to prevent or minimise contamination of groundwater and surface waters, litter, odour, dust and noise” What is the benefit of specifying outcomes for one type industrial facility over others?
- Strategy 4 of 7.1 Consultation - planning outcomes are not currently derived through consultation processes but are derived from a technical-legal process that incorporates community notification. Either the TPPs are intending to comprehensively change the current processes or are placing unreasonable expectations on planning authorities given the existing statutory framework in place. Is this policy referring only to strategic planning?
- “equal access and opportunity and to cater for the various needs and abilities of the community” should not be limited to public places and should be elevated to a stand alone strategy.
- The term ‘high biodiversity’ is used without guidance on what is a high biodiversity value or what characteristics (i.e., threatened status, scarcity) distinguish high from low value. It is notable that neither the South Australian nor Queensland State Planning Policies attempt to classify biodiversity into high or low value, enabling regional or local frameworks to identify these values. If the State has an interest in ‘high biodiversity’ and can describe what that is, then it should not be omitted.

Finally, this submission has focused on how the TPPs as a whole may be read and applied. The effect of any one policy statement on future practice is difficult to appreciate without the benefit of background material, workshops or broader consultation.

If you have any further queries regarding this letter please do not hesitate to contact



Yours sincerely,



SHANE WELLS
SENIOR PLANNER



28th October 2022

The Minister for Planning
c/- State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

Dear Minister,

Re Draft Tasmanian Planning Policies consultation

Tasmanian Land Conservancy welcomes the opportunity to put forward suggestions that will improve the draft Tasmanian Planning Policies (TPPs). We here focus primarily on the Environmental Values Policies, while also noting some aspects of other policies.

In general, Tasmanian Land Conservancy agrees with the sentiments and principles of the Environmental Values Policies. We are pleased to see many aspects of the environment covered in some way with the aim of protecting them from impacts, including appropriate approaches to the impacts of climate change.

We believe, as is stated on page 17, that the planning system does indeed have a critical role in protecting and conserving Tasmania's environmental values. It does also contribute to broadening the community's understanding and appreciation of natural systems, and this should not be underestimated.

We note that it is unfortunately not completely true that "A significant proportion of Tasmania's environmental values are protected by mechanisms outside the planning system" (page 17). While mechanisms such as the Threatened Species Protection Act and the Forest Practices System are the most clearly articulated for such protection, in practice they are limited in scope and ability to influence development decisions, due often to a lack of staff, resources, education, compliance and penalties, as well as complexity of issues. Typically, these mechanisms come into play only once something is listed as threatened, and only when an impact is sufficiently of scale that it is considered "significant". It is with

this lens of disappointing experience, that we consider the choice of words throughout these policies.

We are pleased that following from the previous sentence, the policy notes (page 17) that “Land use planning can play a strategic role in identifying and prioritising other environmental values and apply measures to protect them. In doing so, it can help address the broad scale, cumulative effects associated with land use and its impacts on environmental values.”

The cumulative impacts of developments and land use has not generally been well accounted for. We support the admirable aim stated here for land use planning to help address cumulative impacts, but wonder where in this policy or in the rest of the planning scheme, is the provision for counting the cumulative impacts?

Western Australia has recently implemented a process for recording and assessing cumulative impacts, within its “Native Vegetation Policy for Western Australia” (2022 - <https://www.wa.gov.au/system/files/2022-05/WANativeVegPol2022.pdf>). This or other policies may provide a system that may be appropriate here.

While words such as “consider”, “minimise” and “avoid” occur in the Environmental Values TPPs, the cumulative impact will tend to be ongoing loss of environmental values.

We suggest that a starting point should be the avoidance of any land clearing (clearing of any native vegetation) as much as possible, no matter what its status of “significance”. Whether or not it is a listed threatened vegetation community, native vegetation provides habitat for natural biodiversity, protects waterways, provides better for climate change, avoids carbon emissions and allows for ecosystem processes to continue.

Too often, the job of “identify environmental values and determine their significance” falls to a developer’s paid consultant. Too often, the consultant finds the values “of limited significance” and unable to trigger the legislation such that a proposal can be modified sufficiently or rejected in order to protect natural values. For this reason, the planning scheme itself needs to have stronger wording in order for these principles to have effect.

We suggest some modification of the wording of the Environmental Values TPPs, such as shown below for the Biodiversity Strategies (2.1.3), to be more consistent with, for instance, the wording of the Agriculture Strategies (4.1.3).

For example:

2.0 Biodiversity

...

2.1.3 Strategies

1. Identify biodiversity values, appropriately rank the significance of those values and **designate land with significant biodiversity values specifically for**

conservation.

2. **Protect naturally vegetated land from land clearance by not** designating land for purposes that will require substantial land clearance.
3. Prior to designating land for a particular purpose:
 - a) **identify** the biodiversity values of that land and the potential impacts the range of future use and development will have on those values; and
 - b) determine if they are compatible and **prevent the permanent loss of biodiversity values or conversion of native vegetation**
4. **Restrict and regulate** use and development to **afford the highest level of protection** to biodiversity values.
5. **Require** 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.
6. **Protect the viability of habitat by preventing the fragmentation of vegetation communities** and maintain connectivity between isolated and fragmented vegetation communities to support habitat corridors and promote viable ecological processes
7. Land use planning is to **avoid** the spread and impact of environmental weeds.
8. Etc...

We note that the wording of strategy 10 is confusing, so suggest it be adjusted so the meaning is clear, as here:

- 10 Promote natural resilience by reducing threats to biodiversity, caused by inappropriately located use and development, **thereby increasing** the ability of species, ecological communities and ecosystems to adapt to climate changes.

Notes on other policies

It is important that aspects of other policies do not inadvertently undermine the provisions of the Environmental Values Policies.

One example is the Bushfire policy (3.1), which sensibly has a strategy to:

“Avoid designating land for purposes that expose people, property and supporting infrastructure to risk arising from bushfire hazards, especially significant risks”

as well as other important approaches.

However, the strategy 8 b) needs to be more broadly worded, to ensure that bushfire hazard management is not imposed on natural areas or private land, due to a development on an adjacent title. While this clause does aim to

- a) “consider the impacts of implementing future bushfire protection measures on environmental values and the cost to the community associated with defending properties from bushfire; and
- b) avoid locations that require bushfire hazard management to be undertaken on land external to the site where that land is publicly owned and managed for conservation purposes”

it should not be the right of a developer to impose the requirement for hazard management activities on any neighbour. While clause a) requires “consideration” of the impacts on environment and community, it does not prevent them. While clause b) appears to protect public nature reserves, it only uses the word “avoid” instead of “prevent”. It also does not protect native vegetation on private land, even though this may be of high conservation value, or even covered by a conservation covenant. The requirement for bushfire hazard management is already increasing the cumulative impacts on the environment of developments across the state, both existing and new. In the interest also of natural justice, the requirements of a development on one person’s land should not be imposed on another. While it may not be possible to include sufficient hazard management within sites of existing developments, it should be required of all new ones. The clause should be worded such that, for example:

“any required bushfire hazard management must be undertaken within the site, not required to be undertaken on land external to the site”.

Background

As an organisation with land and associated partnerships throughout the state, Tasmanian Land Conservancy (TLC) has a strong interest in planning provisions, particularly aspects relating to protection of environmental values throughout the Planning Scheme. Our primary aim is to protect and manage areas with significant conservation values for nature and for the public good, both on our own land and by assisting the broader community with conservation on their land.

The TLC has become one of Tasmania's largest private landholders, with land ownership of over 32,000 hectares. TLC has also been directly involved in a range of conservation covenanting programs in partnership with state and federal government, as well as now running the voluntary program, Land for Wildlife, and our collaboration in the Midlands Conservation Fund. Together with our own land, TLC has an involvement in total with over 90,000 ha of private land.

In conclusion:

Tasmanian Land Conservancy commends the State Planning Office for drafting very good Environmental Values TPPs, which address most important values.

These policies are important, as the planning system does indeed have a critical role in protecting and conserving Tasmania's environmental values. It does also contribute to broadening the community's understanding and appreciation of natural systems. The mechanisms outside the planning system are not sufficient on their own to protect environmental values when land use and development leads to cumulative impacts.

There should be a process articulated that allows for assessment of cumulative impacts.

As an overarching principle, it is most important to avoid land clearing (clearing of any native vegetation) as much as possible, no matter what its status of "significance".

We suggest that, to ensure that environmental values are prioritised and protected sufficiently by the TPPs, wording could in some places be strengthened. Suggestions are provided above.

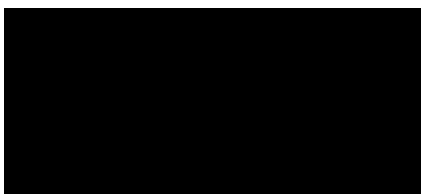
Strategy 10 could be clearer with a comma and slightly adjusted wording.

In the Bushfire Policy 3.0, strategy 8 b) needs to be more broadly worded, to ensure that any required bushfire hazard management must be undertaken *within* the development site, not required to be undertaken on land external to the site, whether public or private.

Thank you for the opportunity to comment.

Please do not hesitate to contact me for further discussion.

Sincerely,



James Hattam

Chief Executive Officer



DRAFT TASMANIAN PLANNING POLICIES

SHELTER TAS SUBMISSION TO THE CONSULTATION, NOV 2022



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November 2022

By email to yoursay.planning@dpac.tas.gov.au; stateplanning@dpac.tas.gov.au

About Shelter Tas

Shelter Tas is Tasmania's peak body for housing and homelessness services. We are an independent not-for-profit peak organisation representing the interests of low to moderate income housing consumers, community housing providers and Specialist Homelessness Services across Tasmania. We provide an independent voice on housing rights and a link between governments and the community through consultation, research and policy advice. We work towards a fairer and more just housing system. Our membership includes all Tasmanian Specialist Homelessness Services and registered Community Housing Providers. Our vision is affordable, appropriate, safe and secure housing for all Tasmanians and an end to homelessness.

Our submission

Shelter Tas welcomes the opportunity to respond to the Consultation Draft for the *Tasmanian Planning Policies* (the *Draft TPP*).

As noted in our 2021 submission to the *Scoping Paper for the draft Tasmanian Planning Policies*, this is a rare opportunity to make an important difference to the planning principles that will "shape the future for Tasmania through strategic land use planning" (Minister's foreword to the *Scoping Paper*).

We appreciate the work that has gone into the *Draft TPP* and we are very pleased to see the inclusion of *Social and affordable housing* in the Settlement Policy, and the inclusion of *Visitor Accommodation* in the Tourism section, which we advocated for in our submission to the *Scoping Paper*. We were also pleased to see reference to housing in other sections such as the inclusion of housing and services to support mining employees and their families in remote settlements at 4.2.3.7.

Overall, the *Draft TPP* is a significant, thorough and important document. We offer the following suggestions to improve it further.

- Use the standard definition of Affordable housing in the *Glossary*

The current definition is not clear. It defines **affordable housing** as where the housing costs of a **low income household** are low enough that the household is not in **housing stress** or **crisis**. However, the terms **low income household**, **housing**

stress, and **crisis** are not defined, leaving the meaning of **affordable housing** unclear at best.

We recommend using the standard definition of a low income household being in the lower 40% by income, and housing stress as being housing costs over 30% of the income of a low income household. This is known as the 30/40 rule.¹ Consistency with the definition being used in the *Tasmanian Housing Strategy* (a twenty-year strategy currently under development) would also be an advantage.

- At 1.4.3, both social and physical infrastructure are linked. However, when developer contributions are described in the **Infrastructure section**, social and physical infrastructure are not linked. There is an opportunity to recognise the importance of social contributions from developers as well as contributions to physical infrastructure.² For example, the phrasing at 5.1.3.5, could be paralleled in the Settlement/Housing section to enable and encourage developer contribution to inclusionary zoning.

For comparison, South Australia has an inclusionary zoning scheme which requires 15% of homes in new residential areas to be affordable and is mandatory on government land, providing a fair and level playing field and certainty around requirements.³ The Tasmanian Planning Policies could enable a similar system in Tasmania to be phased in over time.

- We would suggest using the term ‘person living with disability’ rather than ‘person with disability’. Similarly for tenant living with disability, or resident living with disability (see, for example, the Glossary definition of Assisted Housing).
- The issue of short stay accommodation needs to be addressed more clearly. The wording in the Tourism section at 4.4.4.3 is

Ensure visitor accommodation does not significantly impact the supply of housing for the local community.

In our earlier submission to the *Scoping Paper Shelter Tas* called for a clear pathway for planners to balance the need for long term rentals and visitor accommodation. There needs to be a way to limit short stay accommodation as part of the Housing Strategies in 1.5.3, because increasing supply of homes for long term residents (the existing and future needs of Tasmanians) will be undermined to the extent that new builds are diverted to short stay accommodation. We recommend linking this issue to section 1.5 Housing as well.

¹ See, for example, <https://sheltertass.org.au/wp-content/uploads/2021/09/Shelter-Tas-Terms-with-cover-v2.docx-2.pdf>; <https://aifs.gov.au/resources/policy-and-practice-papers/housing-stress-and-mental-health-and-wellbeing-families>

² For discussion, see <https://www.sgsep.com.au/assets/main/SGS-Economics-and-Planning-Development-contributions-for-affordable-housing.pdf>

³ <https://www.ahuri.edu.au/sites/default/files/documents/2022-09/Executive-Summary-FR388-Private-sector-involvement-in-social-and-affordable-housing.pdf>

We recommend specifically that the Tasmanian Planning Policies spell out the need to limit the conversion of residential properties to short stay accommodation where locals are missing out on the homes they need. We would suggest using a local 'vacancy rate' for rental accommodation as an indicator of whether the supply of rental properties for the local community is adequate. The standard view is that a rental vacancy rate of 2.5% is sustainable. So if the local vacancy rate falls below that level, noting there is a lag in reported data, a pause in the granting of new permits for whole house short stay accommodation would be an appropriate response, with the pause lifted when the vacancy rate rises again.

- Criteria for review, measurements and evaluation. We note from the *Report on draft TPP Scoping Consultation* that 'Monitoring, evaluation and reporting TPP is provided for specifically under the Act' but note that in some areas, there is not enough specificity in the *Draft TPP* to be able to monitor or evaluate its impacts. Short Stay Accommodation is one example where a clear standard for monitoring impacts is needed.

For any further information on this submission, please contact:

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8 November 2022

Tasmanian Planning Office
15 Murray St
HOBART TAS 7001

Draft State Planning Policies Feedback

From Derwent Estuary Program 8/11/22

: https://planningreform.tas.gov.au/_data/assets/pdf_file/0006/677643/Draft-Tasmanian-Planning-Policies-for-consultation.PDF

To the State Planning Office,

Thank you for the opportunity to provide feedback on the Tasmanian Planning Policies. The Derwent Estuary Program requests that matters of water quality and aquatic environment protection be more clearly identified in the Tasmanian Planning Policies.

As stated in the Derwent Estuary Program's (DEP) submission 19 October 2021, a more integrated approach to the Tasmanian Planning Policies (and acknowledging other use and development such as agriculture, forestry, mining and marine farming is outside of these planning policies) would be appropriate given the complex inter-relationships between the issues. Implementation was a main point of the previous DEP submission.

If, as explained during the [online presentation](#) on 24 October 2022, the TPP strategies are providing the policy setting for what the regulatory standards need to consider, the strategies need to be clear in order that the objectives of the TPPs are achieved. The development of the TPPs is an excellent opportunity to build confidence in the Resource Management and Planning System to protect water quality, biodiversity and therefore our quality of life, however we believe that many of the strategies within the draft TPPs need more work for clarity, consistency and integration.

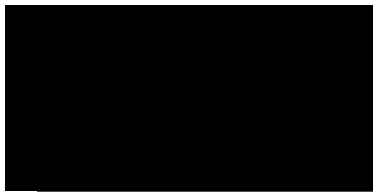
Our response covers the following:

- The *State Policy on Water Quality Management 1997* in relation to the TPP development process;
- TPP Implementation;
- TPP Implementation and 'stormwater' / 'flooding';
- Draft TPP 5.0 Physical Infrastructure;
- Draft TPP 1.0 Settlement;
- Draft TPP 2.0 Environmental Values;
- Climate Change Policy; and
- Consideration of PESRAC.



Thank you for considering this feedback from the Derwent Estuary Program and we look forward to the integration of our suggestions into the TPPs. We are available for discussion on any matters raised.

Kind regards,



Ursula Taylor
Derwent Estuary Program, CEO



The State Policy on Water Quality Management 1997 in relation to the TPP development process

Our principal response to the draft TPPs is to seek an explanation for the dismissal of the *State Policy on Water Quality Management 1997 (SPWQM)*, in so far as the new TPPs are required to be consistent with the three long standing state policies (and the National Environmental Protection Measures (NEPMs)). The comment in the *Supporting Report for Consultation* (pg 32):

The State Policy on Water Quality Management 1997 describes a framework to develop water quality guidelines and water quality objectives. That framework has never been developed to the stage implementation. The draft TPPs are considered consistent with the State Policy on Water Quality Management 1997.

... is alarming and confusing. Under the SPWQM, the Environment Protection authority (EPA) Board is responsible for setting Water Quality Objectives for the protection of water quality in Tasmania, as referenced on their website. Implementation of the SPWQM has occurred through the work published by the EPA in August 2021, Default Guideline Values (DGVs) for Aquatic Ecosystems of Tasmanian Inland Waters. Water Quality Objectives have also been set by the EPA Board following the process in the SPWQM.

If the SPWQM is to be ignored we request a further opportunity to comment on the TPPs as the potential of this instrument would be lost to future water quality management. We are aware that the SPWQM has not realised its full potential however as the EPA Tasmania as the government agency responsible for the SPWQM has started the process of implementing this policy, we believe this needs to be acknowledged in the TPPs. We recommend that the CEO of the EPA Tasmania be contacted for clarification.

TPP Implementation and 'stormwater' / 'flooding'

On page 2 of the current draft document under Implementation it states: *The TPPs provide a section to include implementation guidelines. Where none are specified, the section is retained to allow future provisions to be included if required.* Of the 32 headings of 'Implementation Guidelines' there is only one (re Growth), all the rest state 'none specified'. We understand how these policies will be specifically implemented will unfold via the Regional Land Use Strategies into the Tasmanian planning Scheme however it would be useful to be provided with some ideas of the government's thinking on implementation at the outset to build confidence in, and provide direction on, the purpose and efficacy of these policies.

The policies would benefit from firmer language to provide certainty and direction from the State Government. For example, as discussed below, in the Environmental Values section, strategy 2.2.3 (4e) directs to *not significantly increase the rate and quantity of stormwater or pollutants entering the water* (emphasis added). Allowing for any pollutants, rather than pollution reduction, in a strategy of a policy of this standing does not achieve the objective of the policy, the objectives of the RMPS, or the overall direction these policies need to take planning in Tasmania.



Flooding does not seem to have been associated in the development of these policies with increase of impervious surfaces and generation of stormwater. The word **stormwater** appears in the entire state planning policies document 3 times. Stormwater is mentioned in (See comment following each):

1. 2.0 Environmental Values planning policy, 2.2 Waterways Wetlands and Estuaries - 2.2.3 Strategies - ... 4. Use and development located on land in, or around, waterways, wetlands and estuaries will: ... e) not significantly increase the rate and quantity of **stormwater** or pollutants entering the water;

The phrase 'significantly increase' is problematic - actually reducing pollutants and potentially even reducing stormwater quantity would be appropriate.

Suggest 'Manage with best practice any new rates and quantities of stormwater entering waterways, wetlands and estuaries to ensure stormwater output will not negatively impact the receiving waters and environments. Prevent any pollutants from entering these systems.'

2. 5.0 Physical Infrastructure planning policy, 5.1 Provision of Services, 5.1.2 Objective: *To promote the efficient, effective, sustainable and safe delivery of services including reticulated water and sewerage, **stormwater management**, electricity, gas, telecommunications and recycling and waste management; and*

3. The Glossary, Physical infrastructure – *means the basic physical structures required for an economy to function and survive, transportation networks, water supply, sewers, **stormwater**, waste disposal systems, power and telecommunications.*

Is the second half of this sentence, after 'survive' (could this word be 'flourish' instead?) meant to be '... including: ... ? It should be noted that overland flow paths are not necessarily discrete human made hard infrastructure but are still essential elements of stormwater system physical infrastructure. Green / Blue infrastructure such as constructed wetlands, as Water Sensitive Urban Design solutions, are also physical infrastructure.

The word **Flood** or **Flooding** appears 29 times. Flooding does not seem to have been associated in the development of these policies with increase of impervious surfaces and generation of stormwater. As we have limited control over increase in rain intensity, the TPPs should provide planning pathways for best practice management of, and mitigation measures for runoff from impervious surfaces. There are so many opportunities to do this with clear high level policy direction which is currently lacking. Protection of urban overland flow paths so that they can function, whilst protecting people, place and natural assets from this necessary function, needs to be identified and implemented in the hazard and physical infrastructure TPPs.

Draft TPP 5.0 Physical Infrastructure

In the introduction of planning policy 5.0 Physical Infrastructure, stormwater is excluded from the discussion. First sentence is *Tasmania has extensive physical infrastructure networks, across transport, water and sewerage, energy and telecommunications*. Please add stormwater.

Stormwater, gas, recycling and waste management are added to these items in the Objective (5.1.2) however stormwater systems (including overland flow paths) are throughout every settlement and all the road networks therefore warrants specific mention in the introductory list.

Under 5.0.2 Climate change statement,

... The TPPs can promote climate-resilient infrastructure by:

... identifying and mapping current and projected areas subject to hazards, such as coastal erosion and inundation, flooding and bushfire; ...

Mapping of overland flow paths (OFPs) within settlements is something that has been largely ignored up until now. Identifying, mapping and protecting OFPs should be a specific hazard and asset class this policy addresses. The continued ignoring of this facility / process in our settlements presents both a significant hazard and very high cost to retrofit around. Current new developments and intensifications of use are being approved within OFPs due to lack of recognition.

Suggest including Overland Flow Paths to the list in this point.

Also under the same heading 5.0.2:

' ... The TPPs can promote climate-resilient infrastructure by:

.. inclusion of risk mitigation measures.'

We are concerned the brief statement may be used in a misguided way to 'protect' settlements and infrastructure that would otherwise be better relocated (for eg. Inappropriate use of infrastructure such as levy walls which may have negative impacts on natural processes.

Suggest inclusion of at least 'appropriate' before 'risk', but preferably concluding with ' ... considering long term environment and community impacts.'

Under the same heading 5.0.2:

The Physical Infrastructure TPP supports the provision of well-planned and well-designed infrastructure that can reduce emissions and take advantage of emerging opportunities in a low emissions future by: ...

Provides an opportunity to promote the use of new low impact / low carbon materials – recycled concrete and plastics in infrastructure including pervious road and other pavements.



Suggest after second 'infrastructure' add '... using the best low impact low carbon recycled and repurposed materials (supporting local manufacturing of these) ...'

Or similar phrase after 'opportunities'.

Under 5.1.3 Strategies (please see comments after each):

1. Identify, allocate and protect a sufficient amount of appropriately located land to accommodate infrastructure that will provide for the existing and future service needs of the community.

The requirements for location and nature of land required for contemporary and best practice 'sufficient' stormwater infrastructure is a rapidly changing field. Use of constructed wetlands and de-hardening of systems requires different thinking than in the past.

Suggest: change 'infrastructure to 'best practice infrastructure provision'.

2. Identify whether existing infrastructure has the capacity to deliver services to accommodate growth and prioritise designating land use for the purpose of making efficient use of that available capacity.

Much of the urban stormwater network is failing to convey the runoff from increasing frequency and intensity of rain. This strategy needs to be about more than just 'capacity' – ie. Robustness to this kind of increased impact. Please ensure future capacity scenarios are required to be considered, not just existing.

3. Where there is no infrastructure, available infrastructure capacity or non-infrastructure solution, promote the most logical and cost-effective solution to deliver services to growth areas.

Unsure what this strategy means? A growth area requires adequate service provision. Fundamentally 'cost-effective' should be 'effective' as the most effective solution to protect environmental values such as water quality might not be the cheapest solution in monetary terms at the outset. Long term environmental degradation from a 'cost-effective' solutions may result in serious environmental damage and exacerbated future costs that could have been avoided with an 'effective' solution. It should be noted that soft or green-blue stormwater infrastructure should not be considered a 'non-infrastructure' solutions – these are assets and require mapping and maintenance.

4. Support the installation and/or upgrading of infrastructure to deliver services that meet the future long-term needs of the community.

Suggest adding '... and the environment that the community relies upon.'



5. Facilitate developer contributions to service new use and development to be transparent, fair and reasonable, providing for equity between users.

Supported

6. Provide an integrated approach to the planning and engineering design of new subdivision and subsequent use and development, promoting the coordinated and efficient provision of infrastructure.

This strategy would benefit from some implementation information – currently such an integrated approach does not exist – the planning scheme allows for only case by case. Even if this translates into the RLUSs the TPS does not consider cumulative impacts. Such support, resourced and funded by the State Government, would be very good.

7. Provide for reticulated sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

The first part is already required of TasWater however how will the second part of this strategy be ensured, and why does it identify only domestic wastewater? Existing on-site wastewater, even systems adhering to standards, contribute significant faecal and other pollution (from detergents etc) loads to freshwater. Cross-contamination of sewer into stormwater is a significant issue for Tasmania – perhaps a strategy identifying this at TPP level so the RLUS and the TPS can act on the existing problem and prevent future contribution to the problem.

9. Protect significant existing and future water, gas, electricity, sewerage, drainage and telecommunications infrastructure assets and waste disposal and resource recovery facilities, sites and infrastructure corridors from sensitive and incompatible use and development encroaching those assets, facilities, sites or corridors.

This is a very important strategy – please add 'stormwater' with 'drainage' or just use 'stormwater' for consistency throughout policies. 'Drainage' has the advantage of including concentrated runoff from non-urban environments. As mentioned previously Overland Flow Paths are usually not identified as assets to protect – needs specific mention in this context of sensitive and incompatible use and development.

10. Encourage the siting, design, management and rehabilitation of waste disposal

facilities to prevent or minimise contamination of groundwater and surface waters, litter, odour, dust and noise.

This should be a 'Require' strategy not an 'Encourage' strategy. Please add 'stormwater systems' after 'groundwater'. Suggest this rearrangement of words is clearer and stipulates prevention of contamination (not minimising) '... *to prevent or minimise litter, odour, dust and noise, and prevent contamination, of groundwater and surface waters.*' (Although existing and suggested sentence should be reviewed for intent and clarity.)

11. Facilitate access to a variety of recycling stations to encourage community participation in recycling and waste reduction.

Why just 'facilitate access' to these – what about require provision of? This is important in the water quality space as it is anticipated that plastic pollution will significantly be reduced by the soon to be enacted Container Deposit Scheme. For the planning system to facilitate the development as well as access to these facilities would be appropriate.

Draft TPP 1.0 Settlement

Planning policy 1.0 Settlement, 1.0.1 Principles and Policy context, ... *For example, strategies that promote networks of green spaces also increases rain-absorbing surfaces, allowing cities to better manage flooding from intense storms.*

This principle is supported.

Suggest after 'that' change to '... accommodate overland flow paths and promote networks of green spaces to increase rain-absorbing areas ...'.

1.1 Growth ... 1.1.3 Strategies ... 2. *Plan for growth that will: ...*

b) prioritise the development of land that maximises the use of available capacity within existing physical and social infrastructure networks and services; ...

d) avoid the development of land at risk of natural hazards ...

Opportunity to explicitly identify overland flow paths – they are not a natural hazard but need to be identified as a component of existing physical infrastructure.

1.1 Growth ... 1.1.3 Strategies ...

3. *Identify regional settlement hierarchies based on: ...*

g) capacity and cost-efficient upgrading of physical infrastructure. ...

And

5. *Actively address impediments to infill development, particularly in the major urban centres*



As above, need acknowledgement of overland flow paths – allowing for OFPs is very cost efficient (as in 3. (g)), and will likely be identified as an impediment (as in 5), but needs translation into assets needing protection.

6. Require the preparation of structure plans that provide for the effective planning and management of land use and development within a settlement, or part of a settlement, that, as a minimum, considers:

... g) impacts on broader physical and social infrastructure, including health and education facilities, strategic transport networks, public transport services, water and sewerage.

Suggest: Add 'stormwater,' after 'transport services,'

8. Proposed growth located outside an urban or settlement growth boundary must be strategically justified, based on:

... c) existing infrastructure networks and services ...

Suggest refining this strategy component to ensure the 'existing' infrastructure can provide for best practice use – ie. Its sufficiency or adequacy to not increase environmental impacts if growth added, not just that infrastructure exists.

12. Provide for and identify preferred development sequences in areas of growth to enable better coordination and more cost-effective planning and delivery of physical infrastructure.

Suggest removal of 'cost-effective'. This does not consider the triple bottom line – economic, social and environmental'. Suggest using 'best practice' or other alternative term allowing for other considerations other than just cost – the cheapest solution now might result in very expensive impacts in the future. This is the legacy of stormwater management now – hardening and piping of waterways and drainage lines has resulted in significant flooding and environmental degradation and is now being undone and retrofitted at great cost to the community.

It would be ideal for a strategy, maybe additional one, to address increase in impervious surfaces in settlements. Would be helpful for the RLUs and the TPS to provide mechanisms to control increases in impervious surfaces and the requisite increase in flooding. Encouraging conversion of impervious to pervious and support for development that only increases impervious to the minimum required. The inability of the planning system to control driveways, sealed landscaping and parking areas is problematic.

1.2 Liveability, 1.2.3 Strategies

7. Support measures to mitigate the impacts of climate change on urban environments by encouraging urban forests, street plantings, garden roof tops (green roof), water sensitive urban design and integration of shade and water features into public spaces.



Support this strategy, acknowledging that contemporary and best practice stormwater management is key to all of these components. Storing water within soil (natural replenishing of ground water and percolation), as well as multi-use of facilities for storage (like ovals), and the water component of ecosystem restoration and refugia. Requiring urban water storage as well as detention.

Under 1.4 Settlement Types, 1.4.3 Strategies

4. Facilitate the provision of social and physical infrastructure to support the seasonal fluctuations in populations experienced by coastal or other settlements that are characterised by holiday homes.

This is an important strategy for water quality as the 'sharing economy' increased intensity of use of holiday homes using on-site waste-water systems that are aged and / or not maintained adequately, is having serious impact on freshwater systems and ground water. A review of the adequacy of health controls on these systems is warranted.

Suggest 'adequate' or 'upgraded' or 'fit for purpose' in front of physical infrastructure.

5. Encourage higher density housing in locations that:

... e) does not impact environmental values and is not constrained by topography and environmental hazards.

Is 'environmental hazards' in this point intended to include increased flood hazard from increased impervious areas from higher density housing? Suggest additional point something like '... does not increase runoff from impervious areas that cannot be accommodated in existing stormwater systems'.

1.6 Design, 1.6.3 Strategies

6. Support sustainable design practices that are energy and resource efficient, address temperature extremes and reduce carbon emissions, including:

... b) implement sustainable water and energy solutions for climate change adaptation, including water sensitive urban design and renewable energy production;

Support this strategy component. Suggest 'Support' should re 'Require'. Acknowledging that for water sensitive urban design implementation to be part of our sustainable design practices this will require inclusion of best practice stormwater controls in the RLUSs and TPS (or adequate inclusion in a parallel and integrated process) and a major upgrade / upskill in how stormwater is currently dealt with in Tasmania.

8. Promote subdivision design that provides a functional lot layout that: ...

h) is responsive to topography, site constraints and environmental values and hazards; ...

This strategy is missing mention of sustainable infrastructure design – lot layout that allows for water retention in the landscape, and keeping cut, fill and retaining roads (with huge carbon footprint) to an absolute minimum (the more the land is cut into the more problems result with drainage). Just being ‘responsive’ gives no guidance on sustainable action or climate change mitigation.

Draft TPP 2.0 Environmental Values

2.0.2 Climate change statement – generally support this statement with regard to water quality. One point:

... Waterways and wetlands may experience times of flooding or reduced flow rates. This may impact aquatic habitats and present issues for water security. Periods of either excessive high or low soil moisture may stress native flora and fauna. ...

Query the use of ‘may’ here. Sounds vaguer than current climate science tells us. Suggest ‘Waterways and wetlands are likely to experience changes to flows and floods.’ In the second and third sentences suggest changing ‘may’ to ‘will’ - we know that it will.

2.1 Biodiversity, 2.1.3 Strategies

... 2. Avoid designating land for purposes that will require substantial land clearance in areas identified as having high biodiversity values.

Suggest removing ‘substantial’ from this statement. Any land clearance in areas of high biodiversity value is no longer acceptable. Once cleared the water regime is changed forever. The planning system has allowed a death by a thousand cuts to ecosystems and their water systems by its case by case assessments. This TPP provides a real opportunity to stop land clearance in these areas.

Suggest an additional biodiversity strategy – Consider impacts of linear infrastructure (roads, water diversions and cut-off drains, trenching, transmissions lines etc) on biodiversity.

2.2 Waterways, Wetlands and Estuaries, 2.2.3 Strategies

1. Identify and protect areas that support natural systems within waterways, wetlands and estuaries, including their terrestrial verges and groundwater recharge areas

Unsure about this statement – please explain the elements? What is meant by ‘areas that support’? Suggest: ‘Identify and protect natural systems within and integral to waterways, wetlands and estuaries ...’?

How will groundwater recharge areas be identified? Implementation information would be useful here. Unsure if ‘verges’ is the right word? ‘Riparian zones’, as



referred to in the NRE *Wetland and Waterways Works Manual 2003* would provide consistent language if this is the intent of the phrase. It is noted that the term 'riparian zones' is used in Draft TPP 3.0 Environmental Hazards. Please provide explanations.

2. Avoid designating land in, or around, waterways, wetlands and estuaries for use and development that has the potential to cause point source or diffuse pollution and would require considerable disturbance of riparian or foreshore vegetation and soil, unless the use and development:

a) relies specifically on being located within close proximity to aquatic environments;

b) is for flood mitigation measures; or

c) has considerable social, economic and environmental benefits;

and can demonstrate that the risk of environmental harm can be managed.

This introduction sentence is confusing – it deals with two different matters. Suggest to at least remove 'considerable'. Suggest changing to:

'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.

Avoid designating land in, or around, waterways, wetlands and estuaries for use and development that would disturb riparian or foreshore vegetation and soil. The following use or development may be considered if impact can be designed to be consistent with sustainability goals of the TPPs and impact is demonstrated to be minimal – that which relies specifically on being located within close proximity to aquatic environments, is for best practice flood mitigation measures where relocation of the use or development cannot be achieved.' (Remove (c) and final phrase - *can demonstrate that the risk of environmental harm can be managed* – this is much too vague.

3. Protect and conserve waterways by retaining, creating or improving vegetated riparian zones to maintain their natural drainage function and minimise unnatural or accelerated erosion of stream banks while providing riparian habitat corridors and protecting landscape values.

Support this strategy – Suggest replace 'minimise' with 'prevent'.

4. Use and development located on land in, or around, waterways, wetlands and estuaries will:

... d) avoid land disturbance, soil erosion and changes in sediment loads within the water; ...

Suggest addition of 'and prevent': '... avoid land disturbance, and prevent soil erosion ...' This strategy will be helpful for improving erosion and sediment control



practices in Tasmania. These practices are almost non-existent in Tasmania but have huge emphasis and compliance elsewhere in Australia. Sediment from development sites has an enormous impact on water quality and natural values in Tasmania and could be controlled with appropriate policies and planning.

... e) not significantly increase the rate and quantity of stormwater or pollutants entering the water; and ...

Strongly suggest remove 'significantly increase'. This is the most important change request for this TPP. Reducing pollutants and potentially even reducing stormwater quantity would be appropriate

Suggest: 'Manage with best practice any new rates and quantities of stormwater entering waterways, wetlands and estuaries to ensure stormwater output will not negatively impact the receiving waters and environments. Prevent any pollutants from entering these systems.'

5. *Support the collaboration and coordination of catchment management across the State and implement integrated catchment management that considers the downstream impacts of land use and development on water quantity and quality, and freshwater, coastal and marine environments.*

This is excellent. How will this be implemented Statewide, and consistently?

Draft TPP 3.0 Environmental Hazards

– 3.3 Flooding. 3.3.2 Objective *To minimise the impact of flood hazards that have the potential to cause harm to human life, property and infrastructure and to reduce the cost to the community as a result of flood events.*

Is missing reference to harm to environment. Suggest inclusion of 'natural environment' after 'property.'

Under 3.3.3 Strategies ... 3. *Consider and plan for the cumulative impacts of use and development on flooding behaviour.*

Support this statement, however request explanation of 'cumulative impacts' in this context. Does this include mitigation measures such as storage and detention? Reducing new impervious surface increase to only strictly necessary? Does it link to planning to reduce existing impervious areas, or tree and other vegetation retention? What about impact on receiving environments from flood water quality?

In the draft TPP 3.0 Environmental Hazards, mitigation is acknowledged as having been overlooked. .. Given this statement: (3.0.1) *Land use planning is one of the tools available to government to help reduce the impact of environmental hazards.* – Exclusion of stormwater management from land use planning (Tasmanian Planning Scheme) seems disingenuous.



Climate Change Policy

The Climate Change Statement within each TPP is important. Suggest a stand alone Climate Change TPP also as a way of integrating them the other TPPs. It is understood that those relying on the policies are required to consider them as a set, that there is no hierarchy, however having integration of each policy could be done using the vehicle of climate change. The review of the TPPs is required under the Act only every 5 years. Given the urgency for action and the unpredictable nature of climate impacts, having a stand alone Climate change TPP may be useful for currency and responsiveness.

Consideration of PESRAC

We have considered the *Premier's Economic & Social Recovery Advisory Council Final Report* March 2021 (PESRAC report) in our response to the draft TPPs. It is acknowledged the PESRAC is not part of the RMPS but it is an important guidance document for the State making comment and recommendations on the same topics as the TPPs. We encourage you to make this integration as well. For example on page 68 under 'Water', 6.2 'A Vision and Culture of Sustainability for Tasmania', Section 6 'Environment and Sustainability' it states:

' ... To meet future demand for water and ensure that water quality is sufficient for our agricultural and environmental needs, we need a broader water resource policy approach that addresses resource allocation, water security and water quality, setting specific targets and binding the State Government to monitoring and reporting, as well as more transparency. This should be an immediate priority.'

In the same section under 'Practical and strategic sustainable development for economic and social growth', it states:

' ... Other areas are within the State Government's control and require specific measures to drive outcomes. Tasmania's air and water quality standards are in this category. We can't rely on national and international factors to drive these outcomes – we have to do it ...'

And the Recommendation of Section 6 includes:

'The State Government should develop a sustainability vision and strategy for Tasmania, with ambitious goals, and concrete targets and actions.'

The strategy should immediately prioritise specific frameworks for: ...

- *water resource allocation, security and quality; ...*

The TPPs are an excellent opportunity to progress this recommendation.

Environment Protection Authority

GPO Box 1550 HOBART TAS 7001 Australia



[Redacted]
[Redacted] [gov.au](https://www.epa.tas.gov.au)

Web: www.epa.tas.gov.au

Our Ref: File Reference and DocONE/myDAS

26 October 2022

Department of Premier and Cabinet
State Planning Office
GPO BOX 123
HOBART TAS 7001

Email: yoursay.planning@dpac.tas.gov.au

To whom it may concern

Consultation on draft Tasmanian Planning Policies

I refer to a letter from Minister Ferguson MP, Deputy Premier, Minister for Planning dated 19 September 2022 seeking feedback on the suite of draft Tasmanian Planning Policies (TPPs) prior to them being finalised and lodged with the Tasmanian Planning Commission for independent review and assessment and provide the following on behalf of the members of the Environment Protection Authority Board (the Board).

After reviewing of the draft TPPs the Board would note a level of caution as to their usefulness in providing definitive guidance on the future strategic direction for land use planning in Tasmania, as they are very generic and would appear to be adding another layer to an already complex system.

In the context of water quality the Board continues to be concerned about the potential for unnecessary duplication and discrepancy given the following statement in the draft Environmental Values TPP:

The Environmental Values TPP seeks to protect environmental values by adopting, where relevant to the specific environmental value, the following principles:

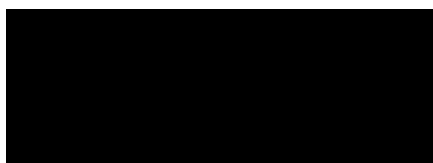
- I. identify environmental values and determine their significance;

As you may be aware the principles and objectives for water quality management in Tasmania are provided in the State Policy on Water Quality Management 1997. It provides the management framework for the protection of water quality in Tasmania and provides for the implementation of the National Water Quality Management Strategy in Tasmania. The State Policy provides a framework for the identification of protected environmental values (and uses) of water bodies, development of water quality guideline values and water quality objectives setting process, and the management and regulation of point and diffuse sources of emissions to surface waters and groundwater.

The Environment Protection Authority published in August 2020 a technical guidance for Water Quality Objectives Setting for Tasmania, a copy of which can be found at [Technical Guidance for Water Quality Objectives Setting for Tasmania \(epa.tas.gov.au\)](https://www.epa.tas.gov.au/technical-guidance-for-water-quality-objectives-setting-for-tasmania). The Board would be concerned about duplication, and potential discrepancies should the intention of the Environmental Values TPP be for local councils to replicate this work.

Thank you for the opportunity to provide comment on these issues, the Board looks forward to continuing to engage with the process as it progresses.

Yours sincerely



Andrew Paul
Chair

Ref: A22/272275

07 November 2022

Mr Brian Risby
Director
State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Dear Mr Risby,

STATE EMERGENCY SERVICE SUBMISSION TO THE DRAFT TASMANIAN PLANNING POLICIES

Thank you for the opportunity to provide a submission to the State Planning Office (SPO) on the first draft of the Tasmanian Planning Policies.

The State Emergency Service (SES) congratulates the SPO on the preparation and public exhibition of this important draft layer of planning and note its significance in moving toward a modern system of planning that can guide strategic and statutory planning for the future.

SES's overarching position with respect to the draft Tasmanian Planning Policies is to provide improvements to the system of planning that deal with flood risk and other environmental hazards in a way that:

- is uncomplicated and provides a consistent system that is efficient to implement;
- provides risk-based planning outcomes that address flood risks (and other environmental hazards) to people, private and public property, and infrastructure, and maximises the resilience of the community post flooding; and
- can communicate flood risk (and other environmental hazards) clearly to the public and all users of the planning system.

Comments

SES provide comments in this submission on matters related to:

- Policy Integration
- Climate Change
- Growth
- Environmental Hazards
- Regional Land Use Strategies

Policy Integration

SES commend the way the Tasmanian Planning Policies (TPPs) have been drafted as an integrated set of policies and strongly support this approach. SES note that matters relevant to emergency management, coastal inundation and flood risk management have been integrated into five of the seven TPPs as summarised below:

TPP	Sub-heading	Section integrating emergency management, coastal inundation, and flood risk management
1.0 SETTLEMENT	1.1 Growth 1.2 Liveability 1.3 Social Infrastructure 1.4 Settlement types 1.5 Housing 1.6 Design	1.1.3 – 2 and 6 1.2.3 – 6 and 7 1.3.3 – 7 1.4.3 – 1 and 6 1.5.3 – 5 1.6.3 – 1, 5, 6 and 7
2.0 ENVIRONMENTAL VALUES	2.1 Biodiversity 2.5 Coasts	2.2.3 – 2, 4, and 5 2.5.3 - 1
3.0 ENVIRONMENTAL HAZARDS	3.3 Flooding 3.4 Coastal Hazards	All sections All sections
4.0 SUSTAINABLE ECONOMIC DEVELOPMENT	4.5 Industry	4.5.3 – 1 and 3
7.0 PLANNING PROCESSES	7.2 Strategic Planning 7.3 Regulation	7.2.3 – 3 7.3.3 - 4

Climate Change

SES support the way that climate change has been integrated into each of the TPPs through the inclusion of a Climate Change Statement. Close analysis of whether the matters raised in the Climate Change Statements have been adequately addressed in the TPP strategies is needed, as there may be some gaps.

Growth

SES strongly support Strategy 1.1.3 – 6 to:

require the preparation of structure plans that provide for the effective planning and management of land use and development within a settlement, or part of a settlement, that, as a minimum, considers:

- a) the identified values, physical constraints and the strategic context of the location.*

This strategy gives good guidance for strategic planning for growth that has a potential to respond to flood risk in existing settlements and provide nuanced planning outcomes for the future. This strategy fills an important gap that exists in the current planning system. SES recommend an amendment that includes the following red text:

- a) the identified values, physical constraints (including environmental hazards) and the strategic context of the location.*

Environmental Hazards

3.0.1 Principles and Policy Context, provides a context for both strategic planning and statutory planning for Environmental Hazards, that goes some way to understanding the TPP intent in this regard. There is some confusion with the use of planning terms like zoning in connection with strategic planning (paragraph 3). The *Draft TPPs Supporting Report for Consultation* under the heading of Terminology includes a discussion around this type of language making it clear that zoning is a matter for statutory planning, not strategic planning. SES suggest some clearer intent for strategic planning for environmental hazards as distinct from statutory planning be included to guide these two processes, in the *Principles and Policy Context*.

Section 3.0.1 Principles and Policy Context, makes a limiting statement for the role of land use planning with respect to planning for Environmental Hazards, as follows:

While the planning system has a role to play, it is also limited in what it can achieve. It cannot apply retrospectively to address planning decisions that were made under former planning regimes but it can provide for current and future land use planning decisions to respond to risks.

SES recognise that retrospectively improving the resilience of developed areas in locations affected by Environmental Hazards is a challenging and vexed area of planning. SES acknowledge that the following TPP strategies are significantly important to address this limitation and should be retained in the final TPPs:

Strategy No.	Strategy Detail	SES comment
3.3.3 - 4	Maintain a level of tolerable risk from flood by avoiding locating, or intensifying, incompatible use and	As rainfall patterns change in response to climate change, flood-prone areas that may

	development on land subject to flood hazards.	once have been low risk flood fringe, may become higher risk. Maintaining tolerable risk will not be static over time and will require land use planning interventions like avoiding intensification for existing use and development.
s3.3.3 - 8	<p>Support the development of flood mitigation infrastructure that has the capacity to lower the risk of flood hazards and provide greater protection to human life, property and infrastructure, if:</p> <ul style="list-style-type: none"> a) the flood hazard is not diverted to an area that will expose people, property and infrastructure to an increased risk of harm where a level of tolerable risk cannot be achieved and maintained; b) the impact on environmental values are considered and minimised; c) the cost to the community is considered and minimised; and d) careful consideration is given to the appropriateness of intensifying the use and development of the area being protected to avoid exposing additional people, property and infrastructure to flood hazards, especially considering the unpredictability of climate change induced flood events. 	<p>SES support parts a), b), and c) of this strategy.</p> <p>SES does not support part d) and the intensification of use and development in flood-prone areas located behind flood protection infrastructure, such as a levee, for the following reasons.</p> <p>All levees are designed and constructed to provide a level of protection, to use and development behind the levee, from a design flood event. In the case of a flood event occurring that is rarer than the design flood event, the levee will be overtopped, and the protected use and development will flood.</p> <p>All flood levees are at risk of failure. This means that while levees provide a protection service, the flood risk remains present.</p> <p>Flood levees can provide a protection service that provides sufficient time in an emerging flood event, for an emergency evacuation of people located behind the protective structure to occur. However, intensification of use and development behind the levee could compromise this emergency service and increase risk to life.</p>

		<i>SES recommend part d) of s3.3.3 - 8 be removed.</i>
3.4.3 - 5	Promote strategic responses for existing settlements that are at risk of being impacted by coastal erosion or coastal inundation by considering the effectiveness and the social, environmental and economic viability of one, or a combination, of the following strategic responses: a) adaptation to changing conditions over time; b) planned retreat; and c) protective works.	SES support this strategy for the 3.4 Coastal Hazards section of TPP 3, and recommend it also be applied to the 3.3 Flooding section of TPP 3 for existing settlements that are at risk of being impacted by flood.
7.3.3 - 4	Encourage mechanisms that allow for timely adjustments in planning regulation for responses to, and recovery from, situations including, but not limited to, pandemic, climate change and emergency events.	Supported

SES recommend a minor amendment to Section 3.4 Coastal Hazards strategy 3.4.3 – 1 as described in the red text below:

*Identify and map land that is subject to coastal erosion and coastal inundation, based on a projected sea level rise of not less than 0.8 metres by 2100 or the latest adopted State Government sea level rise measurements, that considers **(as a minimum)** the effects of coastal processes, geology, topography, storm surges and tides on the rate and extent of coastal erosion and coastal inundation.*

This proposed amendment makes allowance for other considerations to be included in a coastal hazards assessment consistent with contemporary practice, such as barometric pressure and wave impacts.

Regional Land Use Strategies

SES note that the draft TPPs have been prepared without Implementation Guidelines (with the exception of the *TPP 1 Settlement – section 1.1 Growth*). When the TPPs are eventually made, a review of the Tasmanian Planning Scheme and the Regional Land Use Strategies will be triggered.

SES anticipate there will need to be some guidance material prepared (notionally similar to the *Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application*) to inform the review of the Regional Land Use Strategies, to enable the delivery of a consistent regional system of planning across the State.

SES recommend that the SPO consider the preparation of guidance material to inform a review of the Regional Land Use Strategies and include a discussion about it in the Implementation section of the TPPs on page 2.

Please contact the Manager Flood Policy Unit – [REDACTED], or by email [REDACTED], if you wish to discuss any of the matters raised in this submission.

Yours sincerely

[REDACTED]

Chris Irvine
Manager – Flood Policy Unit



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7 November 2022

Reference # REQ2022-065944

State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

Via 'Have Your Say – Written Submission

Dear Sir / Madam,

RE: Draft Tasmanian Planning Policies Response

Thank you for the opportunity to comment on Draft Tasmanian Planning Policies. The City of Clarence is pleased to see the implementation of the Tasmanian Planning Policies, and we provide the following comments with regard to the draft.

Policy Structure and Consistency with Local Planning Provisions

Consistency and Prescriptiveness

While the preparation of the Tasmanian Planning Policies (TPPs) is a welcome addition to the planning framework for Tasmania, it appears that the implementation process is out of sequence leading to inconsistency with existing regional land use strategies and the Tasmanian Planning Scheme (TPS), which in many cases have already been implemented.

The Foreword suggests that the TPPs “provide consistent, high-level planning policy direction that will guide planning outcomes delivered through regional land use strategies (RLUS) and the Tasmanian Planning Scheme (TPS)”. Currently, the TPPs present as prescriptive and instructional rather than as high-level guiding policies used to inform the preparation of the Regional Land Use Strategies and the TPS.

As an example –

Section 1.1.3 Strategies – 7. – *‘Create urban or settlement growth boundaries that clearly identifies the spatial extent of growth, including the allocation of a sufficient land to meet projected growth.’* This strategy presents as an instruction for the preparation of a Regional Land Use Strategy, rather than a policy position.

A suggested policy position example would be – *‘Maintain a permanent urban growth boundary around settlement areas to create a more consolidated and sustainable settlement and protect the values of non-urban land.’*

Considering the above, the introduction to each policy area should be a broad overview of the specific components. It should not refer to the TPP’s composition and layout.

Guidance

The policies should not be too prescriptive, but there should be a clear, consistent relationship between the regional land use strategies and the TPS as a hierarchical policy guidance document. There appears to be a lack of apparent direct links from the TPPs to the use and development of regulatory controls. Without a clear link, the concern is that the TPPs may become an aspirational ‘wish list’ and, therefore, not provide the best possible planning outcome.

Application

The inclusion of an application section under each of the policies suggests that the basis for good planning is not relevant throughout Tasmania. For example, the application section is utilised within all elements of the Settlement Policy except ‘Design’, and for ‘Coasts’ and ‘Coastal Hazards’. The application section is superfluous as it is inherently clear where the policy should apply. If further detail is required, it should be defined within the particular policy strategy. E.g. ‘Protect natural coastal processes and coastal landforms **within the Coastal Zone**, from use and development...’ The definition can then be included in the Glossary.

The TPPs should be considered as a foundational guidance document that facilitates best planning outcomes as a state policy ‘guidance document’ rather than a piece-meal prescriptive document with specific application of localised intention more appropriate to a regional land use strategy.

Layout and Presentation

The layout and presentation of the draft TPPs are not user-friendly and difficult to navigate in their current form. Please refer to the Victorian Planning Provisions Framework as a well-presented suggested example.

Inclusion of Climate Change Sections

The Climate Change Statement at the beginning of each 'chapter' is a noble endeavour; however, the significance in a planning context would be more effective if included holistically and part of the individual policy statements. Ultimately, the repetitive separation of a climate change statement leads to a loss of relevance as it relates to separate policies.

The artificial separation of climate change within sections fails to acknowledge the dependencies and linkages between urban design principles, the environment, infrastructure, economic development, and heritage to achieve policy objectives. While obvious climate emergencies and natural disasters are visible and often devastating, many other aspects of climate change necessitate its inclusion in the TPPs within a more specific, relatable context.

Specific Policy Review

1.0 Settlement

Settlement Patterns and Provision of Infrastructure

1.0.1 Principles and Policy Context states - *“Settlement patterns have a direct impact on infrastructure and service requirements and outcomes. Where possible, use and development should align with and maximise the use of existing infrastructure and services.”*

Settlement patterns and development should not only align with and maximise the use of existing infrastructure and services but also consider land constraints that limit the ability to provide efficient and practical infrastructure and services. Urban sprawl often results in development that cannot be easily serviced given terrestrial and water-related site constraints.

1.1.1 Application states - *“Applies to existing settlements and land that is proposed, allocated or identified for future settlement growth, with the exception of rural residential settlements.”*

While ‘rural residential settlements’ are not defined, not applying these policies to rural residential settlements assumes that these areas can grow in any form and that good planning principles are irrelevant.

Rural residential development within the City of Clarence and outer Hobart areas could be classified as peri-urban and the exclusion of rural residential settlements will ultimately result in poor planning outcomes such as urban sprawl, farmland fragmentation and infrastructure and services deficiencies.

Please refer to Clause 11.03-03S - Peri-Urban Areas of the Victorian Planning Provision as a preferred example of strategy application.

1.1.2 Objective states - *“To plan for settlement growth that allocates land to meet the existing and future needs of the community and to deliver a sustainable pattern of development.”*

The objective should consider past and existing local settlement qualities as they relate to historical development and existing natural assets within the locality.

A suggested re-wording is - *To plan for settlement growth that allocates land to meet the existing and future needs of the community and to deliver a sustainable form of development that is responsive to both local historical settlement patterns and natural assets within the locality.*

1.1.3 (3) – Regional Settlement Hierarchies

Settlement hierarchies are critical to establishing sustainable diversity in national population distribution. Tasmania has an opportunity to incentivise geographical distribution of the population in a way that maximises the economic capacity of current regional areas whilst maintaining, if not improving, the quality of life for its residents, and reducing the current demand pressures on cities and towns. The establishment of TPPs that do not prepare for significant population growth holistically throughout major cities, with a more diversified objective, will miss a significant opportunity to retain Tasmania's signature characteristics, protect its natural heritage and history while providing a framework for sustainable custodianship of the island for future generations.

1.2 Liveability

1.2.3(3) states – *“Provide for tertiary education and vocational training institutions in close proximity to, or highly accessible by, residential areas to support growth in the skilled workforce and increase opportunities for innovation, technology and research to support established and emerging industries.”*

The above strategy suggests that all kinds of tertiary and vocational education should be universal throughout the state. This proposition is an unrealistic strategy and an aspiration that undermines regional tertiary and vocational education establishments such as agricultural colleges, for example. Education is a significant economic provider for regional centres that rely on a state, interstate and international pool of student applicants to maintain appropriate competitiveness, integrity, and ability to provide high-level educational delivery for a growing and sustainable economy.

1.3 Social Infrastructure

Social and physical infrastructure development is not mutually exclusive but is individually addressed in separate policies. Social and physical infrastructure mutually rely upon each other to create a foundational urban fabric where settlement can occur. The policy could recognise a closer relationship between social and physical infrastructure reference in connection with each other rather than in isolation.

5.1 - Provision of Services identifies the need for developer contributions to service development but does not clarify if this relates to solely physical infrastructure or includes social infrastructure needs. Development contributions should not only be attributed to trunk (Physical) infrastructure but also be required to meet social infrastructure needs. The policies include provisions for developer charges to clarify developer contribution allocation parameters and provide for an apportionment to social infrastructure.

3.0 Environmental Hazards

The policies continue to promote a view that many environmental risks can be addressed via technology solutions resulting in an approach that prioritises development over conservation and protection measures in the various objectives.

Compelling data often identifies no development areas but is ignored or disregarded due to developer pressures, expectations and a weak private individual's risk adoption argument. The TPPs should acknowledge that all of society pays for inappropriate development in high-risk areas. The policy should guide with regards to developing guidelines that empower relevant land managers and infrastructure authorities to effectively restrict harmful development in high-risk areas.

7.0 Planning Processes

Including Section 7 – Planning Processes seems inappropriate in a planning policy document and should be omitted from the policy section of the document.

Planning Processes should be included at the beginning of the document or form part of an entirely separate document if it is deemed required.

Missing Elements / Missed Opportunities

The following items are considered a missed opportunity to not include within the drafting of the long awaited TPPs.

Urban Design

Urban design is mentioned four (4) times throughout the policy documents and with limited reference beyond energy efficiency-related strategies. Urban design is often considered the fabric of the built environment and must be considered to create a distinctive liveable urban environment with quality design and amenity. The omission of greater urban design principles throughout the policies is arguably the most significant oversight of the draft policies. It is strongly encouraged that urban design strategies that reference building form and design, street layouts and streetscapes, place-making, and networked open spaces are considered and further developed.

Future Technology - Smart Cities Initiative (Digital Twins)

'Smart cities' or 'digital twins' is used to describe the technology integrated into the built environment that provides a built environment that allows real-time analysis. While it requires considerable data collection and processing power, the established ability to produce instantaneous real-time analysis enables real-time insights into local city environments. Technology and opportunities that are undoubtedly the next evolution beyond geographical information systems (GIS) that all planning authorities and the development industry rely on are not considered or identified.

There is an excellent opportunity to include a TPP which promotes a progressive technology initiative. The policy should provide a high-level overview to assist all levels of government in partnership with the private sector to develop the technology required to function as a development industry within real-world terms.

Open Space

Further emphasis on the provision of open space is required. Open space is inadequately mentioned throughout the policies on five (5) occasions. Further attention and clarification of Open Space should be provided to define sound Open Space planning principles and define what open space characteristics should be sought.

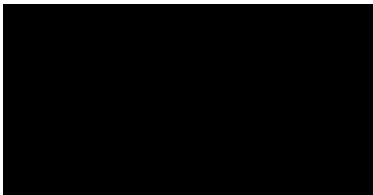
Greater emphasis on human-scale urban design principles for public open space and associated social and environmental benefits is required.

Housing Affordability

Housing Affordability as a policy should promote housing diversity to support the demand for housing to meet the needs of households as they move through life cycle changes.

If you would like to discuss the above matter, please contact [REDACTED] within Strategic Planning on [REDACTED]

Yours sincerely

A large black rectangular box redacting the signature of Shannon McCaughey.

Shannon McCaughey

STRATEGIC PLANNER

8 November 2022

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

RE: Draft Tasmanian Planning Policies – Planning for improved water quality

To the State Planning Office,

The Tamar Estuary and Esk Rivers (TEER) Program welcomes the opportunity to comment on the draft Tasmanian Planning Policies (TPPs), as set out in section 12E(4) of the Land Use Planning and Approvals Act 1993 (LUPAA 1993), and provides the following submission.

The TEER Program is a regional partnership among agencies with a statutory responsibility for waterway management and includes five local governments in the kanamaluka / Tamar estuary and Esk rivers catchment (City of Launceston, West Tamar Council, Meander Valley Council, Northern Midlands Council, George Town Council), as well as the Environment Protection Authority, Department of Health, NRM North, Hydro Tasmania, TasWater, TasPorts and Tasmanian Irrigation. The program works closely with a range of stakeholders across industry, government and business, along with research partners and community groups, to coordinate research and activities aimed at reducing pollutants entering waterways and to understand and advise on waterway health.

In 2015 the TEER Program developed a Water Quality Improvement Plan (WQIP) identifying opportunities for improvement in water quality in the kanamaluka / Tamar estuary and Esk rivers. The TEER WQIP evaluated the sources and loads of pollutants in the estuary and the catchment, including from stormwater and recommended feasible actions aimed at improving stormwater quality. Recent investment in water quality improvements in the kanamaluka / Tamar estuary and its catchment, via implementation of the River Health Action Plan, has included investigation and remediation of urban stormwater cross-connections and water quality monitoring at stormwater

outfalls. Results from water quality sampling demonstrate substantial pollutant concentrations in many locations, highlighting the need to improve the quality of stormwater entering the receiving environment.

This submission relates to effective management of urban stormwater for the purposes of maintaining and improving the health of receiving waterways and associated threatened vegetation communities. TPPs that use clear language and incorporate current best practice guidance on stormwater management – including specific guidelines for quantity and quality of stormwater – are critical to sustainable planning, as subordinate planning policies such as State Planning Provisions and Local Provisions Schedules rely on the TPPs to set their scope and tone.

It is noted that the Tasmanian Planning Scheme and Regional Land Use Strategies are scheduled for review following the finalisation of the TPPs, and that review occurs only once every five years in accordance with section 12I of LUPAA 1993. In a time of environmental deterioration and changing climate, the drafting and finalisation of the TPPs provides a particularly important opportunity to align planning policies with clear and ambitious environmental safe-guards, the precautionary principle, and best-practice management approaches.

To achieve better environmental outcomes, the TEER Program submits that the final TPPs, along with all related policies and legislation that will flow on from those policies, would benefit from several revisions to the draft TPPs.

Clarification on reference to the State Policy on Water Quality Management 1997 (SPWQM 1997)

Within the Statutory Assessment section of the Draft TPPs Supporting Report for Consultation it states that the SPWQM 1997 “...describes a framework to develop water quality guidelines and water quality objectives. That framework has never been developed to the stage implementation. The draft TPPs are considered consistent with the State Policy on Water Quality Management 1997.” [sic].

The TEER Program seeks clarification on what is meant by the statement that a framework to develop water quality guidelines and water quality objectives “...has never been developed to the stage [of] implementation”. Technical Guidance for Water Quality Objectives (WQOs) Setting for Tasmania¹ was published by the EPA Board in August 2020, followed by Default Guideline Values (DGVs) for Aquatic Ecosystems of Tasmanian Inland Waters in August 2021, in accordance with the

National Water Quality Management Strategy. In addition, the SPWQM 1997 is routinely cited by planning authorities in relation to planning scheme amendments and major project permit approvals.

While the SPWQM 1997 may not have realised its full potential, it remains one of the three long-established state policies, alongside the Tasmanian State Coastal Policy 1996 and State Policy on Protection of Agricultural Land 2009, both of which receive thorough reviews in the Supporting Report for Consultation. The TEER Program requests that the SPWQM 1997 be given the same treatment, which may highlight inconsistencies with the draft TPPs.

Consistency with the State Policy on Water Quality Management 1997

Section 12B(4) of LUPAA 1993 states that the TPPs must:

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

In the section 2.0 Environmental Values: 2.2 Waterways, Wetlands and Estuaries: 2.2.3 Strategies, (4e) states that *“Use and development located on land in, or around, waterways, wetlands and estuaries will not significantly increase the rate and quantity of stormwater or pollutants entering the water”*. The TEER Program submits that this statement does not align with the 2.2.2 Objective statement: *“To protect and improve the quality of Tasmania’s waterways, wetlands and estuaries”*, nor the objectives set out in Schedule 1 of LUPAA 1993 and the relevant State Policy (i.e., SPWQM 1997).

Specifically, Schedule 1 Part 1 clause 1 of LUPAA 1993 states that *“The objectives of the resource management and planning system of Tasmania are – (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity”*, where “sustainable development” is defined in clause 2 as (c) *“avoiding, remedying or mitigating any adverse effects of activities on the environment”*. In addition, section 31.5 of the SPWQM 1997 states that, *“Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised”*. The TEER Program suggests that the State Planning Office omit the word “significantly”, and consider rewording the statement such that the emphasis is clearly placed on minimising the rate and quantity of stormwater and pollutants entering waterways. This will bring the draft TPPs in line with its own objective statement, LUPAA 1993 and the SPWQM 1997.

¹ <https://epa.tas.gov.au/environment/water/water-quality-guideline-values-for-tasmanian-aquatic-ecosystems>

Integration of Erosion and Sediment Control into the draft TPPs

Well-designed and maintained Water Sensitive Urban Design (WSUD) systems mitigate flooding and reduce pollutants entering receiving waterways. The inclusion of this approach to planning within the 1.2 Liveability and 1.6 Design sections is supported. However, the State Planning Office should consider a supporting statement in the 3.3 Flooding section advocating for the use of WSUD as a means to manage peak flows and flooding in urban catchments.

It is well documented that runoff of sediment-laden water (and associated pollutants) from building and construction sites is a major cause of water pollution. While WSUD is an effective approach to managing stormwater during the operational phase of any development, the draft TPPs do not currently make provision for management of pollution that occurs during the construction phase of development. The appropriate management approach to mitigate the potential for construction-phase pollution is best-practice drainage, erosion and sediment control (hereafter Erosion and Sediment Control, or E&SC) as defined by the International Erosion Control Association (IECA) Australasia. The SPWQM 1997 calls for planning schemes to promote strategies that reduce the transport of pollutants off-site during both construction and operational stages of a given development (see Section 31, SPWQM 1997). To be consistent with the SPWQM 1997, the TEER Program suggests that E&SC be added to the 1.0 Settlement: 1.6 Design section of the draft TPPs as a standard, best-practice approach to managing stormwater at the construction stage of development.

Lack of Implementation Guidelines

In the submission made in response to the Scoping Paper for draft TPPs received in October 2020, the TEER Program noted that the *“indicative draft TPPs in the scoping paper do not yet contain implementation statements as to how these strategies and objectives will be achieved”*, highlighting an apparent lack of clear guidance relating to stormwater quality management in the planning scheme. The draft TPPs do not appear to have addressed the level and clarity of guidance on how the policies will be implemented. The TEER Program suggests that the State Planning Office provide further detail on the plan for implementation of the TPPs.

Vague language associated with the impacts of climate change and sustainable development

The TEER Program supports the inclusion of climate change statements in the draft TPPs, but requests that unequivocal language be used in describing the likelihood of associated impacts to

communities and the natural environment where current climate science clearly indicates that this will be the case. For example:

- 1.0 Settlement: 1.0.2 Climate Change Statement. The statement “...*some of our settlements may experience increased likelihood of: ...*”. Change “may” to “will” (i.e., some of our settlements **will** experience an increased likelihood of: ...).
- 2.0 Environmental Values: 2.0.2 Climate Change Statement. The statement “*Waterways and wetlands may experience times of flooding or reduced flow rates. This may impact aquatic habitats and present issues for water security. Periods of either excessive high or low soil moisture may stress native flora and fauna.*”. Change instances of “may” to “will”, as the scientific evidence is clear that climate extremes are increasing in frequency and severity and that some of these impacts are already being observed².

There are fourteen instances of the word “sustainable” used in association with land use or development in the draft TPPs. Given the frequent use of the term in the draft TPPs, its broad definition, and its importance to both environmental and planning outcomes, the TEER Program suggests that the State Planning Office define the term in the Glossary section of the draft TPPs. Notably, there is a clear definition of sustainable development that can be found in the Guide to the Resource Management and Planning System³ and in LUPAA Schedule 1 Part 1 clause 2.

² <https://www.climatechangeinaustralia.gov.au/en/changing-climate/state-climate-statements/tasmania/> and <https://climatefutures.org.au/projects/climate-futures-tasmania/>

³ <https://epa.tas.gov.au/about-the-epa/policy-legislation-cooperative-arrangements/about-policy-and-legislation/the-rmps>

The Premier's Economic and Social Recovery Advisory Council Final Report

The Premier's Economic and Social Recovery Advisory Council Final Report (PESRAC) was published in March 2021⁴ following an extensive consultation process. While not part of the Tasmanian Resource Management and Planning System (RMPS), the PESRAC considered many of the planning themes in the draft TPPs to provide advice to the Government on strategies and initiatives for the period 2022 – 2025. The report highlighted that the state and local government can influence, encourage and incentivise the adoption of sustainable development through (amongst others):

"Tasmania's planning and resource management system; and best practice regulation."

In its recommendations it concluded that:

"The State Government should develop a sustainability vision and strategy for Tasmania, with ambitious goals, and concrete targets and actions."

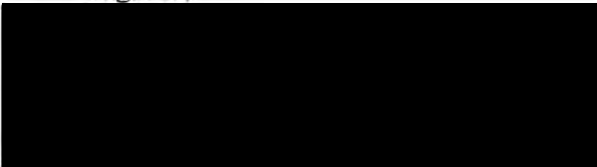
The strategy should immediately prioritise specific frameworks for (amongst others):

- *"water resource allocation, security and quality; and ensuring a consistent and coordinated government approach to sustainability."*
- *"The strategy should have a strong focus on environmental considerations, and include wider aspects of sustainability including social factors, and ensuring decisions account for the interests of future generations."*

The TEER Program believes that the TPPs provide an excellent opportunity to align with the PERSAC report recommendations mentioned and to progress towards effective stormwater management for the purposes of maintaining and improving the health of receiving waterways.

The TEER Program appreciates the opportunity to provide input into the draft TPPs and looks forward to the final versions of the TPPs that will affect the intended benefits to stormwater management through implementation.

Regards,



Rolph Vos

Chair, Tamar Estuary and Esk Rivers (TEER) Program

⁴ <https://www.pesrac.tas.gov.au/reports>

TASMANIA POLICE

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Our Ref: A22/264369

10 November 2022

Michael Ferguson
Minister for Planning
Department of Premier and Cabinet
State Planning Office
GPO Box 123
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Email to: yoursay.planning@dpac.tas.gov.au

Dear Minister

CONSULTATION ON DRAFT TASMANIAN PLANNING POLICIES

I refer to your letter of 19 September 2022, inviting feedback on the draft Tasmanian Planning Policies (TPPs).

Thank you for the opportunity to review the draft TPPs. This Department has been represented on the Tasmanian Planning Policy Project by Commander Peter Harriss who had significant involvement in the drafting stage for the TPPs, and this agency has no additional feedback.

Yours sincerely

[REDACTED]

Donna Adams
COMMISSIONER OF POLICE

3 November 2022

State Planning Office
Department of Premier & Cabinet

Online submission: yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam

Flinders Council submission to Tasmanian Planning Policies review

Council thanks the Government and the State Planning Office for progressing work on the Tasmanian Planning Policies (Policies) and the opportunity to make a submission during this consultation period.

With the dual role of local government organisation and the statutory role as a planning authority, Council supports the timing and completion of this reform.

The Tasmania Planning Scheme (TPS) was recently established for the Flinders Municipality, at significant cost to Council and community. The lack of a clear strategic and policy basis for many of the controls within the Tasmanian Planning Scheme at the State level did not assist that process and added to the cost and timeframe for the organisation and the community.

Our experience from that process was that the legislated purpose of the Policies, to set out the aims or principles to be achieved or applied through RLUS and the TPS, is critical, necessary and supported. The Policies provide strategies that do not clearly establish the aims and principles for review of the Regional Land Use Strategies (RLUS) and TPS required under section 12B of the *Land Use Planning and Approvals Act 1993* (Act).

Council's experience with the TPS suggests that the current requirement to comply with all of the RLUS and Policies on balance of an assessment and without any guidance from State on how to balance competing matters between different policy documents and within individual documents is not consistent with the RMPS objectives to reasonably address the foreseeable needs of current and future generations and for the equitable sharing of resource management obligations between the spheres of government and the community. The existing approach derogates all evaluation and balancing to applicants, Councils and the Commission.

To comply with the requirements of section 12B, the high level aims and policies must be established to inform reviews and assessments under the RLUS and TPS. Clear statements of these values is likely to assist manage the competing interests within and between each area under the Policies.

Compliance with the policies is mandatory under the Act, however many of the strategies are written to require compliance with a list of statements rather than a decision based on consideration of a list of specified matters. Multiple strategies will effectively prohibit future rezoning and development on Flinders, such as:

- Growth 1.1.3 specifically the lack of application to rural residential settlements and strategies 2, 7 (in contrast to the requirements of 2), 10;

- Liveability 1.2.3 strategies 1, 2(a), 3, 6;
- Settlement types 1.3.1 exclusion of rural residential areas and strategies 4 and 6;
- Biodiversity 2.1.3 strategies 2, 5, and generally in information and assessments required under multiple strategy statements as a forced compliance that does not recognise the varied nature of existing areas that may have compromised values;
- Waterways, Wetlands & estuaries strategies 2 and 4; and
- Flooding, in conflicts between terms such as consider and avoid.

The relevance of these strategies outside the greater urban areas is questioned. The construction of many of the strategies combined with mandated compliance is expected to place unreasonable impacts on future growth for Flinders and other settlements outside metropolitan urban areas.

Specific issues will limit future growth on Flinders through the urban-focussed wording of strategies and include examples such as:

- Growth and liveability strategies not applying to rural residential areas (arguably Whitemark and Lady Barron resulting from the mandated use of the Low Density Residential zone under the TPS);
- Liveability and social infrastructure strategies that do not reflect the real employment and activity of the rural towns and sectors, particularly in remote areas, by omission from the policy area;
- Settlement type strategy 6f (avoiding all areas with any natural, landscape, environmental, cultural or agricultural values) effectively prohibits any future expansion on Flinders and Cape Barren Islands through overly restrictive wording and mandated compliance with all other parts of the strategy;
- Biodiversity strategies require significant amounts of expert assessment and advice to progress any growth, the cumulative impacts of which are likely to be cost prohibitive on Flinders if the required information is not provided through State agencies;
- Waterways, wetlands and estuaries strategies that are worded as end outcomes rather than allowing balanced consideration of the specified matters as part of a strategic process, particularly noting the lack of guidance on balancing competing interests within and between different areas under the Policies;
- Coast strategies mandating application of the legal definition of the coast established under the State Coastal Policy, rather than adopting the scientific and hazard based data definitions that were established through the relevant Codes under the TPS;
- Tourism Strategy 1 requires that future and potential projects are known and identified as part of the RLUS and/or TPS. This does not allow for the unexpected or unique and highlights the current uncertainties around the ongoing maintenance of the existing RLUS; and
- Many of the specific areas overlap and create conflict with other strategies within and between each area, particularly around growth, environmental values and hazards, economics, tourism and heritage. A framework must be established to balance those conflicts.

It is understood that the existing policies and strategies tend to be interpreted in a conservative nature by the relevant agencies. This highlights the need to ensure the construction and language of the Policies allow for the current growth environment the Furneaux Islands and much of Tasmania, are experiencing.

We suggest that the Policies establish clear and separate requirements for dealing with existing areas that may have compromised natural values or significant existing use and

development entitlements, to new areas where those limitations do not exist. This may assist in dealing with some of the contradictions between and within policy areas.

It is suggested that the policies and strategies should clarify those requirements to be established at State, region and local levels. For example, the identification and mapping of environmental hazards or establishment of the policy basis for response to those hazards requires a response across Tasmania. Risk thresholds would reflect existing national and state frameworks, including a position on when and how mapping could be challenged. Implementation would then be through inclusion of the relevant codes through the TPS, mapping through Local Provisions Schedules and ongoing maintenance of that mapping by the relevant state agency. A regional response would not be required. Other issues, such as biodiversity, heritage or scenic values, will require different thresholds.

Failure to clearly establish the differing levels of responses is likely to frustrate future assessments of the RLUS and TPS and raise serious questions for compliance of the Policies against the statutory assessment criteria.

Many of the strategy statements do not appear to relate to their implementation through RLUS and the TPS. Given these are the only two tools for implementation of the Policies, all policies and strategies must relate to the implementation methods.

Like the rest of Tasmania, Flinders Council experienced significant growth over the last 5 to 10 years, which was confirmed with the 2021 Australian Bureau of Statistics data.

ABS revised population estimates from 1,010 in 2019 to a population of 922 following the 2021 census. Council has critical problems with the cost of construction, availability of housing for residents and workers, the conversion of existing dwellings to visitor accommodation combined with various difficulties in replacement of dwelling stock and the ongoing costs of regulatory processes to islanders to comply with contemporary requirements. Critically, the lack of available and affordable housing is placing significant economic constraints on the provision of services on Flinders, and the expansion of existing businesses locally.

This is demonstrated by the recent population and housing data following the 2021 census, which identified that unoccupied dwellings (both holiday homes and visitor accommodation) had higher growth than occupied dwellings over the reporting period. The following summary was compiled from the ProfileID site using 2022 ABS data.

Issue	2016 (adjusted)	2021 (census)	Change
Population	906	934	28
Dwellings Occupied	446 (68.7%)	463 (67.2%)	17
Dwellings unoccupied	191 (29.4%)	220 (31.9%)	29

The lack of dwellings for permanent residents and workers is a critical blockage for growth in the Flinders community. The lack of reticulated sewer services in Whitemark and Lady Barron saw those townships back-zoned from General Residential to Low Density Residential under the TPS. The Policies must ensure that this type of perverse outcome is avoided for areas like Flinders in future assessments.

It is critical that the Policies do not place such restrictive limitations on the future development of Flinders to meet existing demands for resident and worker housing, in addition to increasing demands for holiday homes and visitor accommodation (following ABS data).

The Northern Tasmania Regional Land Use Strategy provides specific recognition of the isolation and particular circumstances within the Furneaux Islands and allows for local strategy to inform growth and development, in place of strategies that apply to the remainder of the northern region. Specific examples are provided at D2.2.4, E2.1, RSN-P3, RSN-P25 and E5.1, examples of which follow:

- RSN-P3** *Recognise the isolated relationship of the Furneaux Group of islands to the settlement system of the region, and that settlement and activity centre planning will be dependent on local strategies to support sustainable outcomes.*
- RSN-P25** *Recognise that the Furneaux Group of islands are more reliant on local strategies for Rural Residential Areas and the protection of agricultural land that respond to the complexities of remote area economics and the need to retain or increase population and visitation.*

These provisions were critical to the successful implementation of the TPS to Flinders. The Policies do not establish any aims or principles to provide that strategic recognition of the particular circumstances that affect the Furneaux Islands or any other areas within similar constraints and qualities. King Island is the most obvious example, however this initiative is likely to be relevant to other areas or issues on mainland Tasmania.

The Policies must clearly provide a way to continue this type of strategic recognition for the particular circumstances of the Furneaux Islands. We suggest that such mechanisms be considered for other similar areas and potentially other issues that would benefit from such recognition such as King Island.

The exclusion of rural residential communities from the growth strategies is likely to create this very outcome, particularly noting the significance of this sector for the future growth of our main settlements.

Flinders requires specific response through the Policies to the provision of non-urban or rural lifestyle housing that does not appear to be possible under the exhibited Policies. It is critical that the future RLUS be able to include policies such as RSN-P21 to RSN-P25 under the NTLRUS and the associated actions to accommodate growth in outside traditional concepts of urban centres. Key to this is the associated criteria for considering further growth in this sector at RSN-A26, as follows:

- RSN-A26** *Consolidation and growth of Rural Residential Areas is to be directed to areas identified in local strategy, that align with the following criteria (where relevant):*
- *Proximity to existing settlements containing social services;*
 - *Access to road infrastructure with capacity;*
 - *On-site waste water system suitability;*
 - *Consideration of the impact on natural values or the potential land use limitations as a result of natural values;*
 - *Minimisation of impacts on agricultural land and land conversion;*
 - *Minimisation of impacts on water supply required for agricultural and environmental purposes;*
 - *Consideration of natural hazard management;*
 - *Existing supply within the region;*
 - *Potential for future requirement for the land for urban purposes; and*
 - *The ability to achieve positive environmental outcomes through the rezoning.*

Following the back zoning of our main urban settlements, we are unable to accept general assurances and require clear and specific commitments on these issues. We note that this is

also a significant issue for any area within Tasmania that relies on rural lifestyle locations to provide dwelling diversity, choices and opportunities. The lack of recognition in the exhibited policies must be addressed and clearly provide for such responses on Flinders, if not across Tasmania.

As noted in the ABS data, the increasing impact of short stay visitor accommodation within communities needs to be better reflected in future planning to enable their management and response through RLUS and planning schemes. This is an increasing component of growth on Flinders and other communities with high lifestyle amenity, desirability and proximity to desirable lifestyle resources such as coasts, walking or bike infrastructure. This is likely to be an increasing element in future planning, particularly in areas like Flinders that already have critical resident and worker housing shortages. Settlement and economic strategies for growth, liveability, settlement types and design within the Policies need to reflect this and must enable consideration of its impacts and requirements.

While inclusion of Aboriginal Cultural Heritage is supported, consultation with the affected communities is not clear. The strategy statements are likely to have significant impacts on how Aboriginal heritage is required to be managed under the RLUS and the TPS that must be supported by Aboriginal communities if they are to proceed as exhibited.

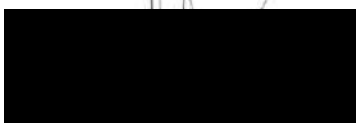
Council has significant concerns over the following:

- the Policies do not adequately provide for the established and future needs of the Furneaux Islands and other such remote communities;
- the Policies must provide framework to recognise exceptions to the generalised policies through RLUS, as exists under the Northern Tasmania Regional Land Use Strategies;
- the detailed wording of the policies forces compliance with listed criteria and does not provide for the strategic consideration of issues against listed outcomes;
- the conservative nature of the Policies is unnecessarily restrictive and does not reasonably provide for the needs of remote communities such as Flinders;
- the lack of any framework or process to balance contradictions within and between policy areas derogates a significant and expected component of the Policies to all future assessments before the Tasmanian Planning Commission;
- the Policies do not clearly establish their aims and principles; and
- there are significant questions over whether the Policies promote the fair, orderly or sustainable sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

As a result, we are concerned that the Policies do not comply with the Schedule 1 objectives of the Act and therefore, could not be approved in their current form.

Council supports continued development of the Policies and their timely completion, particularly considering their critical timing and the future program for planning reforms.

Kind regards



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General Manager

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To The State Planning Office

Subject: Tasmanian Planning Policies

Thank you for the opportunity to provide feedback on phase one of the Draft Tasmanian Planning Policies (TPPs). On behalf of members of the Tasmanian Active Living Coalition please find a consultation submission attached in response to the Draft TPPs.

The Tasmanian Active Living Coalition works together to influence and inform policies, decisions and strategies encouraging the creation of active living environments, food security and social inclusion benefiting health and wellbeing.

TALC is also consulted by the Premier's Health and Wellbeing Advisory Council for its expert views on the above matters.

Yours sincerely

Associate Professor Verity Cleland
TALC Chair



Date: 7 December 2022

Tasmanian Active Living Coalition

Submission to Draft TPPs



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Introduction

The Tasmanian Active Living Coalition (TALC) welcomes the opportunity to submit feedback to the Draft Tasmanian Planning Policies (TPPs).

The objective of TALC's submission is to embed health and wellbeing in the TPPs. TALC proposes this can be achieved by putting a 'health in all policies' lens on the TPPs and including improved or additional policy/policies supporting and promoting active living, access to open space, food security and social inclusion.

The following previous TALC publications are relevant to the development of the TPPs (see appendices A and B).

- Tasmanian Active Living Coalition, Tasmania's Planning System – Opportunities for Health and Wellbeing, 2021.
- Tasmanian Active Living Coalition, Submission to State Planning Provisions Review, Phase I – Scoping Paper, August 2022.

The rationale and supporting evidence for the recommended amendments is detailed throughout the submission with a reference list attached. Individual TALC members have contributed to this submission and may have also made separate submissions on behalf of their organisations.

This submission has been approved by TALC's Chair and endorsed by TALC's membership.

About the Tasmanian Active Living Coalition

TALC is an independent, not-for-profit coalition made up of representatives from a broad range of non-Government and Government organisations with an interest in active living.

TALC members work together to influence and inform policies, decisions and strategies encouraging the creation of active living environments.

TALC's aim is to lead, support and promote the creation of environments supporting active living, and to add value by providing a mechanism for an integrated approach and potentially drive behaviour change in relation to active living.

TALC's purpose is to:

- translate evidence into policy and practice;
- build on existing partnerships and develop new partnerships as required;
- raise the profile of active living;
- support, advise and advocate for improvements in the built and natural urban environments including improved access to our parks and open spaces;
- provide advice for consideration by the Premier's Health and Wellbeing Advisory Council; and
- highlight the importance the built and natural urban environments play in active living.

TALC has previously provided a submission to the consultation process for the State Planning Provisions (SPPs) - see Appendix B. In that submission, TALC noted health and wellbeing are

embedded in the SPPs under *Schedule 1 Objectives of the Resource Management and Planning System (RMPS)* and specifically the *Land Use Planning and Approvals Act 1993 (LUPAA)* Part 2 Objective (1)(f):

- *'To promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation...'*

TALC notes the importance to subsequently review the SPPs for compatibility with the final draft of the TPPs.

Definitions

The following terms included in this submission are defined as

Active living - a way of life that integrates physical activity into daily routines (Heart Foundation, 2016).

Active travel - travel modes that involve physical activity such as walking and cycling and includes the use of public transport that is accessed via walking or cycling and may allow for integration of multi-modal transport in the course of a day (Heart Foundation, 2016).

Built environment - the structures and places in which we live, work, shop, learn, travel and play, including land uses, transportation systems and design features (National Heart Foundation of Australia, 2017a).

Food security - the ability of individuals, households and communities to physically and economically access food that is healthy, sustainable, affordable and culturally appropriate. The domains of food security include supply, demand, utilisation and access (financial and physical) (Heart Foundation, 2016).

Health - a state of complete physical, mental and social wellbeing and not merely the absence of disease (World Health Organization, 2022a).

Liveability - a liveable community is one that is safe, socially cohesive, inclusive and environmentally sustainable. Highly liveable areas provide affordable housing that is well serviced by public transport, walking and cycling infrastructure (Department of Agriculture Water and the Environment, 2021). They have good access to employment, education, shops and services, POSs, and social, cultural and recreational facilities (Department of Agriculture Water and the Environment, 2021).

Physical activity - any bodily movement produced by skeletal muscles that requires energy expenditure encompassing all movement during leisure time, for transport to get to and from places, or as part of a person's work (World Health Organization, 2022b).

Social inclusion – is a term used to describe how government, community, business, services and individuals can work together to make sure that all people have the best opportunities to enjoy life and do well in society. It is about making sure that no one is left out or forgotten in our community (Social Inclusion Unit, 2008).

Wellbeing – mental health is a state in which an individual can realise their own potential cope with normal stresses, work productively and contribute to their community (World Health Organization, 2022a)¹.

Active Living Overview

The TPPs are a key mechanism for applying healthy planning principles to the built environment in Tasmania to create liveable locations which promote physical activity, healthy eating and social connection. TALC provides the following overview of key aspects of active living which are directly related to development of the TPPs. TALC advocates for policies providing the implementation bridge between State Policies under the *State Policies and Projects Act 1993* and regional land use strategies and the Tasmanian Planning Scheme (TPS).

The Built Environment

The way the environment is planned, designed and built can directly affect the health and wellbeing of people who use and inhabit the space. A series in *The Lancet*, one of the top-ranking medical journals in the world, *Urban Design and Transport to Promote Healthy Lives* recognises the importance of the built environment for active living (Goenka and Andersen, 2016). The series recommends creating compact cities that locate shops, schools, other services, parks and recreational facilities, as well as jobs near homes, and providing highly connective street networks making it easy for people to walk and cycle to places (Goenka and Andersen, 2016). The Heart Foundation of Australia's *Healthy Active by Design* framework (National Heart Foundation of Australia, 2017a) notes 'planning for active living calls for a commitment to applying healthy planning principles to all levels of the planning system, at every stage of the planning process and in every planning project and policy initiative' (National Heart Foundation of Australia, 2017a).

There are many co-benefits of improving planning for active living including reductions in greenhouse gas emissions, improved air quality, reduced traffic congestion, more sustainable infrastructure, increased economic productivity, improved social capital and more liveable towns and cities (Goenka and Andersen, 2016).

The COVID-19 pandemic has required people to stay close to home, further highlighting the importance of how the built environment can support health and wellbeing. The living with COVID-

¹ TALC acknowledges that Tasmania will likely develop its own definition of wellbeing as part of the development of Tasmanian Health and Wellbeing Framework.

19 landscape provides a unique opportunity to prioritise the development of built environments supportive of health and wellbeing by embedding these principles within the TPP policies.

Physical Activity

Physical activity is fundamental for good physical and mental health and wellbeing. Physical activity can help prevent heart disease, type two diabetes, numerous cancers, dementia, weight gain, gestational diabetes, and anxiety and depression (Bellew et al., 2020). Being physically active improves sleep and improves brain function at all ages (Bellew et al., 2020).

Despite this, almost half of all Tasmanians aged 18 and over do not do enough physical activity for good health (Australian Bureau of Statistics, 2016). Tasmania is below the national average and is ranked sixth out of the eight states and territories (Australian Bureau of Statistics, 2016).

Internationally, the World Health Organization's *Global Action Plan on Physical Activity 2018-2030* has as one of its four key pillars a priority focus to 'Create active environments' (World Health Organization, 2018). This includes strengthening the integration of urban and transport planning policies, delivering highly connected neighbourhoods to support active and public transport, improving walking and cycling network infrastructure, accelerating implementation of policy actions to improve road and personal safety for active and public transport users, strengthening access to public and green open spaces, and strengthening policy, regulatory, and design guidelines and frameworks. The International Society for Physical Activity and Health recommend eight key investments to address physical inactivity (International Society for Physical Activity and Health, 2020). The eight investment areas are the evidence-based domains where Governments and organisations can get the best return on investment to improve health and wellbeing through increasing physical activity. Of the eight identified domains, those that can be directly influenced by the Tasmanian Planning Policies (TPPs) include: active transport, active urban design and workplaces (International Society for Physical Activity and Health, 2020).

The Planning Institute of Australia (Tasmania) noted in their submission to the Tasmanian Planning Policies (TPPs) Scoping Paper the following which is supported by TALC

On an international level, the United Nations Sustainable Development Goals (SDGs) were adopted as a "blueprint to achieve a better and more sustainable future for all". While the SDGs are intended to be achieved by 2030, they provide a holistic summary of the elements which contribute to planning and building of sustainable communities. By aligning the TPPs with the relevant SDGs, this allows for the work of planners to contribute to a more sustainable world, and guidance of how

planners can direct efforts to a more sustainable future in line with a coherent framework adopted by government and business alike.

Incorporation of SDGs into strategic planning is not novel in Australia; a recent example is Victoria's new Guidelines for Precinct Structure Planning, which interlinks the SDGs with planning principles. Similarly, the Tasmanian Government's recent commitment to the recommendations from the Premier's Economic & Social Recovery Advisory Council (PESRAC) demonstrates clear linkages to the aspects covered by the SDGs. In addition, the PESRAC report clearly recommends alignment of its Sustainability Vision with the SDGs, and support for government wide adoption of the SDGs. (Planning Institute of Australia, 2021)

Nationally, the Heart Foundation's *Blueprint for an Active Australia* states 'reshaping the built environments in which most Australians live, work, learn and recreate can significantly increase daily physical activity levels. Community and neighbourhood design impacts on local walking, cycling and public transport use, as well as on recreational walking and physical activity' (National Heart Foundation of Australia, 2019). The *Getting Australia Active III* report identified eight policy domains for systems level action on physical activity, notably transport, the built environment, and workplaces (Bellew et. al., 2020).

It is within this context of national and international best practice evidence that TALC asserts the TPPs can make a powerful contribution to the health and wellbeing of the Tasmanian community. Other co-benefits of environments supporting physical activity include economic growth, strengthening communities, liveability, environmental sustainability/climate change mitigation, and safety.

Liveability

The Heart Foundation's *2020-21 What Australia Wants* survey measured community sentiment around qualities of active neighbourhoods and support for initiatives to increase infrastructure for physical activity in and around neighbourhoods (National Heart Foundation of Australia, 2020). Tasmanians expressed a desire to live close to shops and amenities, and in a safe area that is quiet and away from main roads. Tasmanians prioritise access to healthy food, housing diversity and a sense of place (that is, safety, community, natural elements as the most important design features) (National Heart Foundation of Australia, 2020). The report noted only 31% of Tasmanians believe their neighbourhood helps them a lot in being active (National Heart Foundation of Australia, 2020). Support for government investment in active infrastructure (67%) and public transport funding (64%) was strong, as was support for speed limit reductions in neighbourhood streets (59%) was strong (National Heart Foundation of Australia, 2020). Being close to amenities, shops and services,

safety/low crime, and having fresh food close by were important considerations for Tasmanians when deciding where to live. However, the results also indicate these attributes are not always accessible to Tasmanians and should be embedded within the planning system. The TPPs have the opportunity to shape all of these elements.

In 2021, Place Score ran the Australian Liveability Census, the largest social research project in Australia which included 3,200 records gathered from community members in Tasmania (Malshe et al., 2021). The census explored what was most important in terms of neighbourhood liveability and current performance (Malshe et al., 2021). Ideas for improving local neighbourhoods were collected and included improving walkability to local amenities and open spaces (Malshe et al., 2021).

Nationally, walking/jogging/bike paths that connect housing to community amenity was selected as being most important to their ideal neighbourhood by 55 per cent of respondents, again highlighting the value placed on liveability and the built environment by communities.

Integrated Policies in Health and Wellbeing

Improving health and wellbeing by supporting Tasmanians to live active lives requires a coordinated approach across government agencies and sectors as called for in the World Health Organization's (WHO) 'Health in All Policies' approach to preventative health (World Health Organization, 2022c). In Tasmania, key existing policies which reference active living and are relevant to the TPPs are detailed as follows to provide context and background to the existing policy landscape.

The *Tasmania Statement* supports the connection between health and wellbeing enhanced by natural open spaces. It further notes the opportunities available as Tasmania grows to plan communities to create healthy, liveable and connected spaces (Premier's Health and Wellbeing Advisory Council, 2021). The *Tasmania Statement* creates an authorising environment for those working within the Tasmanian Government to support health and wellbeing considerations within the planning scheme.

The *Healthy Tasmania Five Year Strategic Plan 2022-26* advocates for a health in all policies approach, including an analysis of the systems outside the health sector which influence the health status of populations (Department of Health and Human Services, 2022). The plan focuses on systems and supporting active living initiatives, particularly through planning and building places that support health, wellbeing and physical activity, and by building infrastructure that makes walking, cycling, accessibility, and public transport safe and viable alternatives to driving (Department of Health and Human Services, 2022). This builds on earlier work under *Tasmania's Plan for Physical Activity 2011-2021* which aimed to 'create built and natural environments that enable and encourage physical activity' (Department of Infrastructure, 2010).

In 2016, a Tasmanian Joint Parliamentary Select Committee Inquiry into Preventative Health Report outlined key findings and recommendations. The Heart Foundation previously highlighted the report's key findings and recommendations in relation to active living in its 2016 *Representation to the Final Draft State Planning Provisions* as follows (Heart Foundation, 2016):

Executive summary (page 2)

'The Committee recognises the link between health and the built environment. Liveability principles must be embedded in all Government policy decisions relating to the built environment including but not limited to transport, infrastructure and land use planning.'

Recommendation 3 (k) in relation to a preventative health strategy (page 4):

(k) The importance of active lifestyles, healthy eating and physical activity to improve the health and wellbeing of Tasmanians.

Recommendation 4 (page 4)

4. The Government's health and wellbeing policies are reflected in the Tasmanian Planning System and transport infrastructure policy.

- a) Government adopts a state-wide planning policy that ensures liveability principles are embodied in all planning decisions;*
- b) Government ensures transport infrastructure planning and policy decisions embody liveability principles; and*
- c) Provisions in the new state-wide planning scheme give consideration to active transport links (e.g. walking and cycling), especially within and between urban communities.*

Findings (page 8):

22. The built environment is a significant contributor to improving longer term health and wellbeing outcomes.

23. There is a need to recognise the link between health and the built environment, and this needs to be embodied into State policy and the TPS.

TPPs will also operate alongside a number of developing frameworks and strategies in Tasmania including: *Health and Wellbeing Framework*; *Sustainability Framework*, *Future of Local Government Review* (including *Local Government in the 21st Century*); *Population Strategy*; and *30 Year Greater Hobart Plan* all of which will have strong links to health and wellbeing of Tasmanians.

It is further noted there is significant cross over in several of the TPP Topics as they pertain to health and wellbeing.

The principal interest of TALC is for the TPPs to enhance (and not hinder) active living (including physical activity and active travel), social inclusion and access to healthy food for community health and wellbeing.

Section 12B(2)(c) of the Land Use Planning and Approvals Act 1993 (LUPA) provides for the TPPs to concern 'liveability, health and wellbeing of the community', TALC advocates to have health and wellbeing as priority outcomes from land use planning and that furthers the Objectives of the Tasmanian Planning Scheme (TPS). Further under Schedule 1 Objectives PART 2(f) of LUPA is the objective "to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient, and safe environment for working, living and recreation; , ..."

It is noted whilst outside the scope of TPPs, the achievement of the purpose of section 12B(2)(c) and objectives in schedule 1 PART 2 (f) would be more appropriately and comprehensively

addressed by a State Policy under *State Policies and Projects Act 1993 (Tas)* which would broaden their scope beyond the TPS as part of the broader Resource Planning and Management System.

TALC Recommendations

TALC's interest in the TPPs is primarily related to the Settlement and Physical Infrastructure policies. Detailed comments are provided under each policy area relevant to physical activity. Where there are co-benefits for active living and other domains, comments highlighting relevant evidence are provided. A summary of recommendations is provided on page 25.

1.0 – Settlement

1.1 Climate Change

In addition to managing flooding risk, promoting networks of green spaces also reduces the urban heat island effect. Similarly, urban vegetation supports this whilst cleaning the air through evapotranspiration and providing shade, in turn creating walkable environments and supporting active travel and public health. The Tasmania Statement supports the consideration of climate change in the TPPs. It states

"We need to continue to take a practical action on climate change and poverty because they impact the health and wellbeing of current and future generations of Tasmanians."

1.2 Growth

TALC commends strategies under the Growth policy area which impact on physical activity behaviours including prioritising infill development and consolidation, maximisation of existing physical infrastructure and active transport modes.

TALC provides the following key research findings on active living, with reference to density and distances between homes and amenities to further support and inform strategies under this policy.

- Research indicates two key factors encourage walking for transport: 'the connectivity of streets (more intersections, fewer big blocks) and a high number of local living destinations, such as supermarkets, shops, parks and public transport, within 1600m' (Giles-Corti et al., 2017).
- Other factors associated with increased active travel include safety from traffic, well-lit streets and the presence of footpaths (Sallis et al., 2012).
- Higher population and residential densities are associated with increased physical activity. There is significant research evidence linking higher residential density and mixed-use planning and walking, across all life stages (National Heart Foundation of Australia, 2017b).

- Studies also show the prevalence of using public transport is associated with higher residential density and a greater availability of walkable destinations (National Heart Foundation of Australia, 2017b).

In relation to strategies listed under 1.1.3, the TALC recommends the following:

- Strategy 5, which seeks to “actively address impediments to infill development, particularly in the major urban centers”, should also emphasise or be complemented by an additional strategy highlighting quality of design in denser areas to optimize health and wellbeing outcomes. Doing so would help to inform policies within Regional Land Use Strategies and the TPS facilitating such outcomes such as adequate soil zones to enable trees, open space of a suitable aspect to enable year-round solar access for both recreational use and growing of local produce, and ensuring adequate green infrastructure and surface permeability in new infill development to reduce heat entrapment and optimise health outcomes.
- Strategy 7 seeks to “create urban or settlement growth boundaries that clearly identifies the spatial extent of growth, including the allocation of a sufficient land to meet projected growth”. To focus the nature of land allocation to be based upon supply and demand according to parameters such as household formation, migration inflows and outflows, and housing typologies to meet changing demographics (rather than speculative growth such as property investment), a focus upon wording that avoids an over allocation of land (including deferred urban) and focuses on sustainable growth should be considered. This relates to liveability and health and wellbeing as when there is a focus on quality of housing supply, more integrated and comprehensive development outcomes can be achieved (i.e., walking distance to social infrastructure and local services, integration with public transport and active travel).
- Strategy 10 seeks to “encourage the concentration of commercial, administrative, major retail, entertainment and cultural use and development within activity centers that are highly accessible by public and active transport”. This strategy should also encourage a proportion of housing stock within the ‘missing middle’ (i.e., apartments) in proximity to supports, services, and key amenities (i.e., for particular demographics such as lone person and ageing households).

1.3 Liveability

TALC welcomes strategies under the Liveability policy area which impact on physical activity behaviours including provision of and access to public transport, access to public open and green

spaces, connectivity between residential and activity centres, active travel modes and urban greening. TALC recommends considering the following within the liveability policy area.

Public Open Spaces

TALC has previously provided comment on the lack of provisions for public open space (POS) under the State Planning Provision (SPPs). TALC notes the lack of provisions within the SPPs means responsibility for POS falls to individual Council Policies under the Local Government (Building and Miscellaneous) Act 1993, which lacks consistency and transparency for stakeholders. Consideration must be given to requirements for developer contributions to offset the financial burden on local governments for the upkeep and maintenance of POS. In addition, to addressing POS in parks and natural areas, the TPPs also need to address the creation of littoral and riparian reserves. TPPs require policies that enhance the use value of existing and the future provision of POS, through ensuring they are, accessible and have sufficient facilities to encourage maximum utilisation consistent with the purpose of the public space (such as public toilets, seating, play equipment, and shade on the one hand or that respects the environmental values of natural areas).

POS includes spaces that are freely accessible to everyone such as streets, squares, parks, such as streets, squares, parks, natural features, landmarks, building interfaces, green spaces, pedestrian and bike ways, and other outdoor places (National Heart Foundation of Australia, 2017a). POS should not be seen in isolation but in the context of adjacent buildings, its uses and location in a wider network of public and private spaces.

The quality of the POS influences how much time people spend being active or in nature, both of which directly influence health and wellbeing. Public areas that are aesthetically pleasing, safe, clean and comfortable attract people to the area thus leading to increased walking, cycling, and opportunities for social interaction. The Heart Foundation's Healthy Active by Design framework reports that residents with a larger neighbourhood parks within 1600 m engage in 150 minutes more recreational walking per week than those with smaller parks (National Heart Foundation of Australia, 2017a). Research links physical activity in or near green space to important health outcomes including obesity reduction, lower blood pressure and extended life spans (Davern et al., 2017). Sufficient provision of POS including parks and reserves, sporting facilities, community gardens and greenways is important in supporting opportunities for being active.

TALC recommends the TPPs include policies specific to the provision of Public Open Space and littoral and riparian reserves that details the manner the policies are implemented in the regional land use strategies and the TPS to help realise the consistent application of those policies.

Urban Greening

A growing body of evidence demonstrates urban green spaces, such as parks, playgrounds, and residential greenery, help keep cities cool, act as places of recreation, support physical activity and improve mental health (Byrne, 2021, National Heart Foundation of Australia, 2019, Davern et al., 2017).

TALC has previously provided comment on the lack of opportunities to encourage green infrastructure under the SPPs and through local councils. Research indicates that urban greenery including trees, vegetation and green surfaces (e.g., roofs and facades) can act as mechanisms for cooling within cities, helping mitigate the urban heat island effect and climate change (Davern et al., 2017). Urban greenery can reduce temperatures by 1- 4 °C (Davern et al., 2017).

Currently the TPS does not encourage urban greening as there is no requirement for landscaping to be provided in developments or subdivision in the residential zones.

TALC recommends the TPPs include policies specific to the provision of landscaping to provide for urban greening in residential and commercial areas particularly in street reserves and specifies the manner the policies are implemented in the regional land use strategies and the TPS to help realise the consistent application of those policies.

Food Security

Whilst TALC's primary interest in the development of the TPPs is in reference to active living, the importance of a food system providing access to healthy and affordable food locally is inter-related and an important part of sustainable economic development (see 4.0 Sustainable Economic Development). A more accessible urban environment in which active travel can be used to access healthy local food provides a range of health, wellbeing and environmental benefits (Department of Agriculture Water and the Environment, 2021).

The *Tasmanian Joint Parliamentary Select Committee Inquiry Into Preventative Health Report* specifically references access to food under finding 30 'it is important that people have access to healthy affordable food' (Parliament of Tasmania, 2016).

TALC is aware of the Heart Foundation's extensive recommendations relating to food security and how it relates to the TPS as outlined in their *Representation to the final draft State Planning Provisions 2016* (Heart Foundation, 2016). Whilst comments to this level of detail are out of scope for this submission, TALC is supportive of the Heart Foundation's food security recommendations and suggests these principles are applicable to the TPPs.

1.4 Social Infrastructure

TALC acknowledges and commends strategies under the Social Infrastructure policy area which impact on physical activity behaviours including integration of public and active transport networks with social infrastructure, location of social infrastructure close to residential areas and supporting mixed use of existing recreational, education and community facilities.

TALC notes the importance of social infrastructure to support social inclusion in Tasmanian communities. The *Tasmanian Joint Parliamentary Select Committee Inquiry Into Preventative Health Report* identified social inclusion as a key social determinant that impacts on health (Parliament of Tasmania, 2016). The report highlighted the importance of a focus on implementation of measures increasing social inclusion across all government agencies (Parliament of Tasmania, 2016).

The way density is designed should account for the varying needs of different population groups. Designing and locating safe, affordable, well-connected, higher density housing options is important for different age groups to be able to access the housing market appropriate for their lifestyle and situation (The Department for Communities and Social Inclusion, 2013). Providing a diversity of housing options increases the likelihood people of lower socioeconomic backgrounds have convenient access to public transport, health services, schools and employment opportunities (The Department for Communities and Social Inclusion, 2013). Ensuring people can work close to where they live will provide more equitable access to employment and services.

The quality of the public realm influences whether people feel safe and comfortable in that area as well as opportunities for social interaction, particularly for women and children. Design of the public realm supports social inclusion through taking into account how that space operates during different times of the day, with different demographics using it, and across all seasons of the year (Hulse et al., 2011).

Feeling unsafe in public spaces has a significant impact on whether residents, specifically women, the elderly, people with a disability or chronic health condition/s, and young children are prepared to use them. Designing spaces which support activities attract more people and promote the perception they are orderly and peaceful, can be important for social groups in enhancing active living opportunities, and support overall community liveability (Hulse et al., 2011).

It is important to consider the role of the built environment on mobility limitations and disability to ensure accessible movement networks are created and maintained. This will support older adults to age in place and improve quality of life through the encouragement of participation in physical activity, exposure to the natural environment, and social interaction with friends and neighbours (Hulse et al., 2011).

Access to local opportunities for physical activity for exercise, recreation or active transport supports social inclusion and builds a sense of community connectedness beneficial to health and wellbeing (National Heart Foundation of Australia, 2019, National Heart Foundation of Australia, 2017a). This is particularly important in Tasmania's aging population. The Heart Foundation's *Healthy Active by Design* resource asserts 'an essential part of good governance is embedding a socially inclusive and respectful approach to older people into policies and processes' (National Heart Foundation of Australia, 2017a). This principle serves as an example of how TPPs can impact on the social determinants of health in the Tasmanian context. The design of the places we live, work and play must be inclusive of all community members.

The TPPs can act as a mechanism to enhance social inclusion by ensuring the provision of safe, affordable, well-connected, higher density housing options, access to public open/green space, safe and enjoyable active travel networks to a variety of destinations with a focus on equity and inclusion (Heart Foundation, 2016, National Heart Foundation of Australia, 2019, Hulse et al., 2011).

In relation to Strategy 5 under 1.3.3, which seeks to "promote the location of social infrastructure in close proximity to, or highly accessible by, residential areas", the TALC recommends that this be expanded. For example, in areas with high levels of disadvantage, externalities on other systems such as health, justice, and public works will be reduced through inclusion of social infrastructure such as neighbourhood houses, whereas more broadly inclusion of land for community gardens and urban agriculture will optimize health and broader social sustainability outcomes across residential areas regardless of demographic. However, policy promoting social infrastructure is framed, the TPPs need to specify the manner the policies are implemented in the regional land use strategies and the TPS to help realise the consistent application of those policies.

1.5 Housing

TALC acknowledges and commends strategies under the Housing policy area which impact on physical activity behaviours including locating social and affordable housing close to services and public transport and encouraging higher density housing close to activity centres with active and public transport networks.

TALC has made a detailed submission to the Tasmanian Housing Strategy Discussion Paper with further specific recommendations related to physical activity which are relevant under this policy area (see Appendix C).

Strategy 5 under 1.5.3 seeks to "encourage higher density housing in locations" based upon a series of subsequent criteria. The TALC advocates for additional criteria that relates to improving the quality of design related to the aspect of living areas and open space (in turn, informing subsequent

policies in Regional Land Use Strategies (RLUS's) and the TPS such as north facing living areas and open space where fresh produce can flourish, further improving environmental outcomes and minimizing greenhouse gas emissions).

TALC submits the TPPs should include policies on the provision of higher density housing relating to liveability of both internal and external spaces including the relationship of the housing to the street. The TPPs need to specify the manner the policies are implemented in the regional land use strategies and the TPS to help realise the consistent application of those policies.

1.6 Design

TALC acknowledges strategies under the Design policy area which positively impact on physical activity behaviours including design considerations to improve wellbeing, the public realm, neighbourhood amenity and safety, access and egress for cyclists and pedestrians, urban greening, and access to active transport with shade and drinking fountains.

TALC has previously provided recommendations on site and building, and subdivision design related to active living and liveability through the consultation process for the SPPs (see Appendix B). While these recommendations relate to specific provisions under the SPPs, the active living principles underpinning them are also relevant to the TPPs.

Site and Building Design

Design standards around access to sunlight, outdoor areas, and quality green space are critical for health and wellbeing in the home. This has become increasingly important during restrictions in response to the COVID-19 pandemic.

The TPPs need to specify the manner the policies on house design are implemented in the regional land use strategies and the TPS to help realise the consistent application of those policies.

Subdivision Design

TALC notes a submission (see Appendix B) has already been made on the *State Planning Provisions Review, Phase 1 – Scoping Paper* addressing issues concerning subdivision standards providing health and wellbeing outcomes.

Strategies

Strategy 3 under 1.6.3 seeks to “encourage public places that are designed to promote: (a) equal access and opportunity and to cater for the various needs and abilities of the community; and (b) safety, social interaction and cultural activities, enabling a sense of wellbeing and belonging.”

Strategy 6 under 1.6.3 seeks to “support sustainable design practices that are energy and resource efficient, address temperature extremes and reduce carbon emissions, including: (a) reducing the urban heat island effect by promoting the greening of streets, buildings and open space with vegetation, preferably native species where appropriate”.

The TALC has strong interests in mitigation of the urban heat waves through built environment measures given city dwellers are at risks and more Australians have been killed by heat waves than all other natural hazards (Perkins-Kirkpatrick et al., 2016), as well as the fact both heat waves and urban heat islands will be worsened by climate change. Furthermore, some demographic groups are vulnerable such as older people, those with pre-existing medical conditions, and those with a physical disability (Paravantis et al. 2017; Hatvani-Kovacs et al. 2016; Pyrgou 2018; Tomlinson et al. 2011; Fan et al. 2021). Those from lower socioeconomic positions will also be more impacted by heat waves. The Tasmania Statement also recognises the link between climate change and poverty both for current and future generations.

Evidence identifies in addition to greening, there are a series of other measures to reduce the urban heat island effect within the realm of urban planning and design.

2.0 – Environmental Values

Whilst detailed comment on the Environmental Values policy is beyond the scope of TALC’s submission, we acknowledge the importance of the policy to protect Tasmania’s natural environment which provides valuable and diverse opportunities for physical activity.

TALC recommends highlighting the co-benefits of providing access to active transport modes in reducing emissions to mitigate climate change (International Society for Physical Activity and Health, 2020).

Strategy 13 of Section 2.1.3 (Biodiversity) seeks to “support land managers or regulators of land within the Tasmanian Reserve Estate to manage that land in accordance with approved management plans and specific reserve objectives”. Although it is acknowledged an emphasis of the Tasmanian Reserve Estate is upon suitable protection of areas under the *Nature Conservation Act 2000* and the *National Parks and Reserve Management Act 2002*, with concerns in relation to the impacts of recreation upon natural values (i.e. as expressed by certain conservation groups in relation to major projects such as the Reserve Activity Assessment for the Three Capes Track Development), the

TALC seeks to advocate for recreational opportunities to be employed as a funding mechanism (or ecosystem service) to improve conservation outcomes whilst supporting human health and wellbeing. It is well established there are strong links between positive mental health outcomes, increased physical activity levels and being in natural green environments. Should the State Planning Office and respective stakeholders support this policy position, the TALC requests it be reflected in the wording of policies that relate to Tasmania's reserve management system.

Returning to the TPPs, on the face of the strategies in 2.1.3, particularly 2.1.3/13 it is not readily apparent as to how these strategies can be realised through regional land use strategies and the TPS. TPPs should specify the manner the policies are implemented in the regional land use strategies and the TPS to help realise the consistent application of those policies.

The Supporting Report to the Draft Tasmanian Planning Policies references the *State Coastal Policy 1996*. In relation to matters of competing demands for use and development in the coastal zone; tourism development proposals in the coastal zone; and the public's common right of access to and along the coast, these are stated as being outside the scope of the TPP's.

Section 12B of the Land Use Planning and Approvals Act 1993 states contents and purposes of the Tasmanian Planning Policies (TPP's), including the TPP's are to be applied by both the Tasmanian Planning Scheme and the Regional Land Use Strategies (RLUS's). As the aforementioned matters may relate to liveability, health and wellbeing of the community.

3.0 – Environmental Hazards

Whilst detailed comment on Environmental Hazards policy is beyond the scope of TALC's submission, we acknowledge the importance of the policy to protect Tasmanians from increasing risks of environmental emergencies and to build resilient communities.

TALC's primary interest in this policy area is in the protection of human life from hazards, particularly those which impact on physical activity behaviours such as air quality. Research demonstrates that a cities' existing characteristics, such as air quality, can increase or decrease the benefits associated with active transport policies (Bellew et al., 2020). This highlights the cross-sectoral impact of the Environmental Hazards policy area on existing and future active travel policy.

4.0 – Sustainable Economic Development

Workplace health

Sustainable economic development in Tasmania will require the growth of a healthy and happy workforce. TALC acknowledges the draft Liveability TPP's objective to improve the liveability of settlements by promoting a pattern of development improving access to services and amenities and employment. TALC recommends further consideration of how to support a happy and healthy workforce through design features and infrastructure in and around workplaces. Food Security will be an important component of this (see the section on Food Security).

The Global Action Plan for Physical Activity III and the Heart Foundation's 'Blueprint for an Active Australia' outlines evidence on the importance of being active in the workplace.

The workplace is increasingly being recognised (nationally and internationally) as a priority high reach setting for health behaviour interventions, extending from a labour-based approach to a public health 'healthy workers' approach (National Heart Foundation of Australia, 2019).

In general, a physically active workforce can improve physical and mental health, reduce absenteeism and increase productivity, thereby providing important benefits to individuals and workplaces (National Heart Foundation of Australia, 2019). Workplaces should see the implementation of physical activity programs as a strategic business enhancement opportunity (National Heart Foundation of Australia, 2019).

TALC is aware of and supports the Heart Foundation's previous detailed recommendations related to workplace health in their 2016 *Representation to the final draft State Planning Provisions* (Heart Foundation, 2016). The representation asserts that workplaces can 'support increased levels of physical activity through the design of a building's circulation system, encouragement of stair use, the provision of end-of-trip facilities (such a secure bicycle storage and change facilities), and there is convenient and safe access to public transport' (Heart Foundation, 2016). In addition, 'safe access to workplaces by active travel is enhanced where buildings provide for natural surveillance of outside spaces and the street' (Heart Foundation, 2016).

The TPPs can provide a mechanism for supporting healthy workplaces through policy that address these barriers and enablers to physical activity in the workplace and during commutes. TALC recommends including strategies related to workplaces to enhance physical activity in line with recommendations previously made by the Heart Foundation in 2016 (Heart Foundation, 2016).

5.0 – Physical Infrastructure

TALC acknowledges and commends strategies under the Physical Infrastructure policy area which impact on physical activity behaviours.

5.1 Roads

TALC commends Strategy 5 under the Roads policy area to allocate space for public transport, walking and cycling modes in key urban and local corridors. However, TALC's preference is for a separate Sustainable Transport and Mobility Policies.

As already stated TALC has previously made recommendations to the consultation process for review of the SPPs which are also relevant to the TPPs.

5.2 Transport Modes

TALC welcomes the comprehensive strategies for the Transport Modes policy area listed under 5.4.3 aiming to increase travel mode choices, expand public transport services and design subdivisions which encourage walking, cycling public transport use.

TALC is supportive of strategy 11 under the Transport Modes policy area to recognise carparking as a key travel demand management measure, and appropriately manage carparking provision to support a modal shift. The TPPs provide the policy settings for SPPs for example a liveable Streets Code (Heart Foundation, 2016). Such a code would support active travel through provisions that include standards for footpaths suitable for walking and requirements for safe cycling infrastructure.

TALC supports Bicycle Network Tasmania's previous recommendations to the TPPs including:

- Provision of bike parking in residential buildings and workplaces and end of trip facilities.
- Provision of cycleways separated from moving vehicles in residential and commercial developments.
- Residential and commercial development intersections are designed to protect and prioritise people walking and riding.
- Residential and commercial development cycleways/paths to provide frequent access points to existing and planned cycleways/paths.

TALC notes the Transport Modes policy area does not refer to ferry services. The TPPs should provide the policy settings for the infrastructure that supports this active public transport mode.

6.0 - Climate change

TALC acknowledges the State Planning Office's decision to address climate change through integrated strategies under each policy area, rather than a stand-alone policy. Tasmania's climate change action plan (Climate Action 21) concluded in June 2021. TALC understands the integrated strategies plan will build on the themes and actions from Climate Action 21 and initiatives will be developed in consultation with the community.

Key state, national and international policies reference the link between health and wellbeing and climate change. The Tasmania Statement refers to climate change and health, stating 'we need to continue to take practical action on climate change and poverty because they impact on the health and wellbeing of current and future generations of Tasmanians' (Premier's Health and Wellbeing Advisory Council, 2021). Australia is a signatory to the United Nations 2030 Agenda for Sustainable Development which includes 17 Sustainable Development Goals which include addressing climate change (UN General Assembly, October 2015). The robust research evidence and direct reference in the *Tasmania Statement* create a call to action to consider climate change across all policies and is critically relevant in developing the TPPs.

The Medical Journal of Australia's 2021 report on the health impacts of climate change found that 'Australians are increasingly exposed to and vulnerable to excess heat and that this is already limiting our way of life, increasing the risk of heat stress during outdoor sports, and decreasing work productivity across a range of sectors' (Paul J Beggs et al., 2021). In addition, the report notes that 'other weather extremes are also on the rise, resulting in escalating social, economic and health impacts' (Paul J Beggs et al., 2021).

The Heart Foundation's *Blueprint for an Active Australia* asserts 'emphasising urban resilience, through inclusive, safe and sustainable design is critical to addressing climate change. Also, the national and international uptake of renewable energy can also help propel a required energy efficiency mode-shift toward more public transport and active transport modes' (National Heart Foundation of Australia, 2019). *Getting Australia Active III: A systems approach to physical activity for policy makers* highlights the policy co-benefits for active transport and physical activity including climate change mitigation (Bellew et al., 2020). This policy guide asserts interventions to promote active transport need to be implemented in conjunction with interventions that address the built form and land use to achieve co-benefits of health and climate change mitigation (Bellew et al., 2020).

The Supporting Report to the Draft Tasmanian Planning Policies references the *State Policy on Water Quality Management 1997* and that implementation of a framework under this State Policy has not occurred. The TALC would like to understand why the framework proposed under the State Policy has not been developed and seeks further detail as to how the draft TPP's are consistent with this

State Policy. Water quality is key to public health, liveability and wellbeing. Under climate change projections, weather patterns will shift and rainfall will intensify. Broadly, it is both prudent and urgent to take a comprehensive, strategic approach to water management in Tasmania across all forms of water (i.e. groundwater, surface water, brackish water). However, whilst these broader issues are outside the remit of TALC's scope, increasing a holistic and integrated approach to ecological management of stormwater, water sensitive urban design, and flood management (both fluvial and pluvial flooding) is in the interests of supporting liveability, health, wellbeing and resilience of populations. It is noted that identification of land serviced by Tas Water for water and sewer (as shown on the List Map) is not consistent in major settlements such as Hobart and Launceston which may be a reflection of a lack of a strategic, comprehensive approach.

Throughout this submission, TALC recommends provisions which support active and public transport, urban greening, and public open space all of which address the impact of climate change on health and wellbeing. TALC recommends prioritising these provisions which provide contemporary responses to climate change.

Summary of TALC recommendations

1. Consider how the TPPs will be developed and integrated with existing relevant policies and planned policies.
2. Develop a specific Public Open Spaces Code which includes detailed provisions on public open space within the TPS.
3. Review the Heart Foundation's extensive recommendations relating to food security outlined in their *Representation to the final draft State Planning Provisions 2016* (Appendix D).
4. Consider how the TPPs can promote social inclusion.
5. Review detailed housing recommendations outlined in - *TALC submission - Tasmanian Housing Strategy* (Appendix C).
6. Highlight the co-benefits of providing access to active transport modes in reducing emissions to mitigate climate change across the Environmental Values and Environmental Hazards policy areas.
7. Include strategies under the Sustainable Economic Development TPP related to workplace physical activity to build a happy and healthy workforce.
8. Improve provisions for active transport which provide:
 - 8.1. Permeability and connectivity of streets and paths;
 - 8.2. Limited dead end cul-de-sacs; and
 - 8.3. Varying street widths and alignment to suit the street function.
9. Review and adopt Bicycle Network Tasmania's previous recommendations related to provisions for bike path access and residential and workplace bike parking and end of trip facilities.
10. Incorporate existing and future ferry services under the Transport Modes policy area.
11. Prioritise development of a policy which provides contemporary responses to climate change.
12. Consider coastal zone matters within the scope of the TPP's through references to ecosystem services and mutually beneficial recreational and environmental outcomes (i.e., using tourism and recreational opportunities to fund coastal mitigation and adaptation works).
13. Develop a framework to support the State Policy on Water Quality Management 1997, including detail of how the draft TPPs are consistent with this State Policy.

References

- AUSTRALIAN BUREAU OF STATISTICS 2016. Census of Population and Housing 2016. *Australian Bureau of Statistics*, .
- BELLEW, B., NAU, T., SMITH, B. & BAUMAN, A. 2020. Getting Australia Active III: A systems approach to physical activity for policy makers. *The Australian Prevention Partnership Centre and The University of Sydney*. .
- BYRNE, J. 2021. Our cities need more green spaces for rest and play — here's how. *The Conversation* [Online].
- COMMONWEALTH OF AUSTRALIA 2019. Hobart City Deal. In: DEPARTMENT OF INFRASTRUCTURE REGIONAL DEVELOPMENT AND CITIES (ed.).
- COMMONWEALTH OF AUSTRALIA 2022. The National Obesity Strategy 2022-2032. In: HEALTH MINISTERS MEETING (ed.).
- DAVERN, M., FARRAR, A., KENDAL, D. & GILES-CORTI, B. 2017. National Heart Foundation Quality Green Space Supporting Health Wellbeing and Biodiversity: A Literature Review, . *University of Melbourne*.
- DEPARTMENT OF AGRICULTURE WATER AND THE ENVIRONMENT 2021. Australia State of the Environment 2021. Commonwealth of Australia.
- DEPARTMENT OF HEALTH 2021. National Preventative Health Strategy 2021-30. *Commonwealth of Australia*,.
- DEPARTMENT OF HEALTH AND HUMAN SERVICES 2022. Healthy Tasmania Five Year Strategic Plan 2022-26. *Government of Tasmania*,.
- DEPARTMENT OF INFRASTRUCTURE, E. A. R. 2010. Tasmanian Walking and Cycling for Active Transport Strategy. *Government of Tasmania*,.
- GILES-CORTI, B., BADLAND, H. & MAVOA, S. 2017. Findings Brief - Creating healthy liveable neighbourhoods. In: THE AUSTRALIAN PREVENTION PARTNERSHIP CENTRE (ed.).
- GOENKA, S. & ANDERSEN, L. B. 2016. Urban design and transport to promote healthy lives. *The Lancet*, 388, 2851-2853.
- HEART FOUNDATION 2016. Representation to the final draft State Planning Provisions. Tasmania.
- HULSE, K., JACOBS, K., ARTHURSON, K. & SPINNEY, A. 2011. At home and in place? The role of housing in social inclusion. *AHURI Final Report No. 177*. Melbourne: Australian Housing and Urban Research Institute Limited.
- INTERNATIONAL SOCIETY FOR PHYSICAL ACTIVITY AND HEALTH 2020. ISPAH's Eight Investments That Work for Physical Activity *ISPAH*.
- MALSHE, A., VANN, G., BAIG, J., LEGGE, K., COURTEMANCHE, M. B. & MORPHETT, V. 2021. State of Place 2021 Australian Liveability Census. In: PLACE SCORE (ed.).
- NATIONAL HEART FOUNDATION OF AUSTRALIA. 2017a. *Healthy Active by Design* [Online]. National Heart Foundation of Australia, .
- NATIONAL HEART FOUNDATION OF AUSTRALIA. 2017b. *Healthy Active by Design: Housing Diversity* [Online]. National Heart Foundation of Australia, .
- NATIONAL HEART FOUNDATION OF AUSTRALIA 2019. Blueprint for an active Australia. *National Heart Foundation of Australia*.
- NATIONAL HEART FOUNDATION OF AUSTRALIA 2020. What Australia Wants – Living locally in walkable neighbourhoods: National Heart Foundation of Australia.
- PARLIAMENT OF TASMANIA 2016. Joint Select Committee Inquiry Into Preventative Health Report.
- PAUL J BEGGS, YING ZHANG, ALICE MCGUSHIN, STEFAN TRUECK, MARTINA K LINNENLUECKE, HILARY BAMBRICK, HELEN L BERRY, OLLIE JAY, LUCIE RYCHETNIK, IVAN C HANIGAN, GEOFFREY G MORGAN, YUMING GUO, ARUNIMA MALIK, MARK STEVENSON, DONNA GREEN, FAY H JOHNSTON, CELIA MCMICHAEL, IAN HAMILTON & CAPON, A. G. 2021. The 2021 report of the MJA–Lancet Countdown on health and climate change: Australia increasingly out on a limb. *Medical Journal of Australia*, 215, 390-392.

PREMIER'S HEALTH AND WELLBEING ADVISORY COUNCIL 2021. Tasmania Statement – Working Together for the Health and Wellbeing of Tasmanians. *Government of Tasmania*, .

SALLIS, J. F., FLOYD MF FAU - RODRÍGUEZ, D. A., RODRÍGUEZ DA FAU - SAELENS, B. E. & SAELENS, B. E. 2012. Role of built environments in physical activity, obesity, and cardiovascular disease.

SOCIAL INCLUSION UNIT 2008. A Social Inclusion Strategy for Tasmania: a consultation paper. *In: CABINET, D. O. P. A. (ed.)*.

STATE PLANNING OFFICE 2010. Southern Tasmania Regional Land Use Strategy 2010-2035 *In: SERVICE TASMANIA (ed.)*. Hobart.

THE DEPARTMENT FOR COMMUNITIES AND SOCIAL INCLUSION 2013. Housing Strategy for South Australia 2013 – 2018 *In: INCLUSION, T. D. F. C. A. S. (ed.)*.

UN GENERAL ASSEMBLY October 2015. UN General Assembly, Transforming our world : the 2030 Agenda for Sustainable Development, .

WORLD HEALTH ORGANIZATION 2018. Global action plan on physical activity 2018–2030: more active people for a healthier world. . *Geneva: World Health Organization*,.

WORLD HEALTH ORGANIZATION. 2022a. *Health and well-being* [Online].

WORLD HEALTH ORGANIZATION. 2022b. *Physical activity* [Online].

WORLD HEALTH ORGANIZATION. 2022c. *Promoting Health in All Policies and intersectoral action capacities*

Appendices

Appendix A Tasmanian Active Living Coalition, Tasmania's Planning System – Opportunities for Health and Wellbeing, 2021



TALC Planning
Report Final for circ

Appendix B: Tasmanian Active Living Coalition Submission to State Planning Provisions Review, Phase I – Scoping Paper



FINAL - TALC
submission - SPP Re

Appendix C: Tasmanian Active Living Coalition Submission to the Tasmanian Housing Strategy Discussion Paper



FINAL DRAFT - TALC
submission - Tasmari

Appendix D: Heart Foundation's Representation to the final draft State Planning Provisions 2016



Heart_Foundation_
representation_on_5

Appendix E

Summary of Active Living Integrated Policies

Tasmanian

- Tasmania Statement – Working Together for the Health and Wellbeing of Tasmanians (Premier’s Health and Wellbeing Advisory Council, 2021)
- Healthy Tasmania Five-Year Strategic Plan 2022-26 (Department of Health and Human Services, 2022)
- Joint Select Committee Inquiry Into Preventative Health Report (Parliament of Tasmania, 2016)
- Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016 (Heart Foundation, 2016)
- Tasmania’s Walking and Cycling for Active Transport Strategy 2011-2021 (Department of Infrastructure, 2010)
- Hobart City Deal (Commonwealth of Australia, 2019)
- The Southern Tasmanian Regional Land Use Strategy (STRLUS) 2010-2035 – Regional Policies 10, 11, 13, 18 and 19 (State Planning Office, 2010)

National²

- National Preventative Health Strategy 2021-30 (Department of Health, 2021)
- National Obesity Strategy 2022-32 (Commonwealth of Australia, 2022)
- Getting Australia Active III – a Systems Approach to Physical Activity for Policy Makers (Bellew et al., 2020)
- National Heart Foundation - Blueprint for an Active Australia (National Heart Foundation of Australia, 2019)
- National Heart Foundation – Healthy Active by Design (National Heart Foundation of Australia, 2017a)

International

- Global Action Plan on Physical Activity 2018-30 (World Health Organization, 2018)
- International Society for Physical Activity and Health- Eight Investments that Work for Physical Activity (International Society for Physical Activity and Health, 2020)
- United Nations Sustainable Development Goals (UN General Assembly, October 2015)

² There is no **National Physical Activity Plan** to provide an overarching framework for addressing physical inactivity and guide future action. In 2020, the Australian Prevention Partnership Centre published [Getting Australia Active III : A systems approach to physical activity for policy makers](#) which identifies eight key areas for action to address physical inactivity. This serves as a guide for policy makers in Australia in the absence of a national plan.

11 November 2022

Department of Premier and Cabinet
State Planning Office
GPO Box 123
HOBART TAS 7001

Email: yoursay.planning@dpac.tas.gov.au

Re: Consultation on draft Tasmanian Planning Policies

Thank you for the opportunity extended to TasRail to submit comment on the draft Tasmanian Planning Policies (**TPPs**) and to provide input on ways to support and manage the use of the rail network and associated rail corridor.

TasRail congratulates the government on the TPP initiative, and it views the consultation process as positive step to establishing high-level strategic policy direction for effective land use planning within Tasmania.

TasRail has reviewed the draft TPPs focusing on the key topics and issues related to physical infrastructure, specifically the State Rail Network. Due to resourcing and timing constraints, TasRail's submission is however limited to high level comments, but we welcome the opportunity for further discussion and elaboration of the points made which endeavor to highlight the critical role of strategic land use planning to better inform and recognise the exclusive status of State Rail Network land as well as associated legal and regulatory requirements.

The State Rail Network comprises land corridors that are designed for the exclusive purpose of safe and efficient rail operations and associated activities – current and future - including ancillary logistical and other freight-related activities. As such, State Rail Network land is not available for other land use or development by 3rd parties, although permission may be granted for specific underground service installations subject to application and relevant terms and conditions. In the case of the State Rail Network, such applications must be made to TasRail as the Rail Infrastructure Manager and if approved a TasRail Permit Authority will be issued in accordance with the provisions of the *Rail Infrastructure Act 2007 (Tas)*. In the case of a Declared Strategic Infrastructure Corridor (**SIC**), such application would be made to the relevant Corridor Manager in accordance with the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016 (Tas)*.

In August this year, TasRail took the opportunity to provide a submission to the consultation phase of the 'Scoping the State Planning Provisions Review (**SPP Scoping Review**)'. In its submission TasRail acknowledged that since the Road and Rail Assets Code (**Code**) was

developed, the legal, regulatory and administrative framework that governs rail operations in Tasmania and nationally has changed considerably to the point that many of the elements covered in the Code are not in alignment with Rail Safety National Law (**RSNL**) nor the requisites and expectations of the Independent Office of the National Rail Safety Regulator (**ONRSR**). This inconsistency creates both potential and real conflicts and inefficiencies in the administration of the Planning Scheme that can be detrimental to planning applicants and TasRail.

TasRail understands the TPPs will not be used to assess individual development applications. However, the issues raised in TasRail's submission to the SPP Scoping Review which provided examples of the inconsistencies between the Code and RSNL and TasRail's obligations to ONRSR under its rail safety accreditation are also relevant to the TPP consultation process. These examples also underscore the need for strict policy direction to better inform Tasmania's Regional Land Use Strategies and ultimately the effectiveness and efficiency of the Tasmanian Planning Scheme. The TPPs will also play a fundamental role in supporting the protection of State Rail Network land to ensure it remains available and unencumbered for its intended purpose.

In recent years there have been multiple examples of how misunderstandings and false assumptions about the status and/or availability of State Rail Network land on both operational and non-operational rail corridors. Such misunderstandings can lead to delays and financial imposts associated with redesign works or unbudgeted expenditure with respect to the rail interface. These situations underline the importance of the proposed TPPs and demonstrate how the absence of clear land-use policy direction for State Rail Network land is leading to significant frustration for developers, local government authorities and other stakeholders including TasRail. In some cases, the lack of clarity and understanding about the status of State Rail Network and/or TasRail's obligations under RSNL and its rail safety accreditation has created an unnecessarily adversarial environment.

The false assumption by many project proponents/developers including local government is that the land either side of existing tracks (within a rail corridor) is surplus to TasRail's requirements and therefore available for development. Unfortunately, this is not uncommon, but typically TasRail will only become aware of the situation through the planning process and only after a Development Application has been accepted by the planning authority. Ensuring the TPPs recognise the exclusivity of State Rail Network land and Declared Strategic Infrastructure Corridors is therefore paramount.

Similarly with housing subdivisions or industrial estates or other developments that have potential to change conditions at an existing level crossing or may require a new access over/under a railway or the installation of service infrastructure within rail corridor land boundaries. The consequences of inadequate due diligence or failure to appropriately consider rail requirements can result in significant setbacks to planned land use including delays, deferral or abandonment of developments.

Tasmania is no different to other rail jurisdictions in that it is often necessary for service infrastructure assets to be installed within rail corridors, typically to connect into adjoining utility connections such as water, stormwater, telecommunications, electricity etc. Such installations are often subject to a permit of approval from the relevant Planning Authority, but they also

require a separate approval (terms and conditions apply) from TasRail as the Rail Infrastructure Manager. This requirement is consistent with the *Rail Infrastructure Act (Tas) 2007* and TasRail's ONRSR accredited Safety Management System. TasRail recommends that where a service installation within a rail corridor is contingent on a development requiring planning approval, it is prudent that the Rail Infrastructure Manager's approvals and permits be subject to a planning referral to TasRail within a strict timeframe. This would allow the planning permit to be conditional on the TasRail Permit & Licence being issued but also provide for the applicant and TasRail to manage their interactions in the knowledge the development is approved. Importantly, it would also enable the applicant to move forward with the rest of the development in parallel with finalising the TasRail Permit. TasRail believes this would better protect the interests of all parties and improve the efficiency of the dual processes.

Although it is necessary for permit approvals from the planning authority and TasRail to remain separately dispensed for such installations, the integration, alignment and sequencing of the two processes needs to be more clearly articulated and recognised not only in the TPPs but also in Regional Land Use Strategies and the Tasmanian Planning Scheme including the SPPs and the Code. Achieving this will in TasRail's view, substantially reduce red tape and approval timeframes and ultimately improve the planning experience for stakeholders.

For all of the above reasons, TasRail also considers it imperative the TPPs explicitly recognise that:

- (1) That State Rail Network land is for the exclusive purpose of supporting safe and efficient rail operations and activities (current and future) and is not available for third party developments **except** where such developments are directly related to the core business interests of the Rail Infrastructure Manager and are pre-agreed by the Rail Infrastructure Manager; and
- (2) The State Rail Network is Open Access, meaning that the rail corridors for which TasRail is responsible for as the Below Rail Manager can be accessed by eligible third-party Above Rail operators (subject to a Network Access Agreement). This is consistent with the Tasmanian Rail Access Framework Policy and noting that the principles of the National Access Regime and Competition Principles Agreement apply in Tasmania regardless of the form of the access framework.

Inclusion of the above key points in the TPPs will help guide and inform Land Use Strategies but also take into account all of the legal, regulatory and administrative obligations that will ultimately have influence on the design of developments adjoining or interfacing with State Rail Network land.

As an Open Access Rail Network, eligible third-party Above Rail access seekers may include other freight or passenger rail service providers including the Tourist and Heritage Rail sector. Where a third-party seeks access, augmentation of the existing rail infrastructure within the State Rail Network corridors may be required to facilitate the requested access. Examples include the construction of passing loops or additional tracks, rail platforms and/or station buildings and facilities, upgrade of level crossings etc. All of these factors must be

considered when developing Land Use Strategies and subsequently the design, approval and budgets for relevant developments.

Protection of rail corridors and a clear recognition of their strategic importance to Tasmania is also consistent with government policy and legislation and must be enshrined in the TPPs.

A policy framework that guides effective and efficient land use planning will also help reduce the potential for incompatible development and encroachment of land adjoining rail corridors and other rail interfaces including railway crossings and minimise situations that impose constraints and risk to current and future freight rail operations.

The Draft TPPs establish strategic policies that provide high-level direction to guide Tasmania's land use planning system. Section 5 sets out five (5) policies relating to Provision of Services, Energy Infrastructure, Roads, Transport Modes and Ports and Strategic Transport Networks. Each policy sets out an objective and subsequent strategies to achieve the objective.

Policy 5.5 Physical Infrastructure of the TPPs provide specifically for Ports and Strategic Transport Networks and set an objective to recognise and protect Tasmanian's strategic freight system, including key freight networks, ports, intermodal hubs and industrial estates. Although the strategies of this policy reference freight corridors and include a recognition of the strategic value of non-operational rail corridors, TasRail suggests the strategies could go further by identifying the importance of supporting and managing the use of State Rail Network land and its rail corridors. This will help to reduce conflicts about incompatible adjoining land use and encroachments, both of which increase risk (and cost) to the Rail Infrastructure Manager and compromise the safety and efficiency of operations and activities with potential to constrain and/or impede current and future operations.

TasRail therefore believes Rail warrants its own standalone policy in the same way as Road is seen in policy 5.3. This will allow the TPPs to set a clear strategic approach for the protection of State Rail Network land to feed into future Regional Land Use Strategies and the Tasmanian Planning scheme alike. It is therefore recommended that the following policy be inserted into Section 5 Physical Infrastructure of the Draft Tasmanian Planning Policies:

5.6 Rail

5.6.1 Application

Statewide.

5.6.2 Objective

To support the safety, efficiency and operability of current and future rail transport operations and activities.

5.6.3 Strategies

1. Recognise the State Rail Network is a strategic infrastructure asset that includes railway lines that are declared National Land Transport Network Corridors.
2. Recognise that freight rail is an integral transport mode for Tasmania's Heavy Industries and Freight Forwarders which supports economic development and growth, employment and export supply chains for Tasmania.
3. Recognise that the State Rail Network is Open Access, with the rail corridors able to be accessed by eligible third party Above Rail operators which may include other freight or passenger rail service providers including Tourist and Heritage Rail.
4. Protect Rail Corridors, Rail Infrastructure, Terminals, Hubs and other rail assets by applying appropriate buffers that prevent the encroachment of incompatible use and development.
5. Protect the current and future use of State Rail Network land by not permitting third party developments above ground on State Rail Network land except where such developments are directly related to the core business interests of the Rail Infrastructure Manager.
6. Promote the installation of appropriate physical barriers to separate State Rail Network land from incompatible land use adjacent to/adjoining State Rail Network land boundaries.
7. Implement a moratorium on the construction of new level crossings.
8. Require all rail crossings on private roads/land to be subject to Safety Interface Agreement (Licence) issued by the Rail Infrastructure Manager
9. Require formal risk assessment processes where there is a proposed, perceived or action change in conditions associated with a railway crossing or other rail interface to identify and eliminate or control safety and operational risks SFAIRP.
10. Provide appropriate zoning for State Rail Network land to protect and support current and future permitted (and exclusive) use.

TasRail is not suggesting any change to Draft Policy 5.5 Ports and Strategic Transport Networks as a result of the inclusion of a Rail specific Policy. TasRail supports and agrees with the objective to recognise and protect Tasmania's strategic freight system including key freight networks, ports, intermodal hubs and industrial estates is appropriate and necessary. Similarly, strategies 4, 8, 9 and 12 of 5.5.3 remain relevant and should be retained.

Rather, the strategies presented in the proposed new policy for Rail are designed to specifically recognise the broader strategic value of State Rail Network land corridors and to expand this beyond freight only considerations, consistent with the Tasmanian Rail Access Framework Policy.

The proposed new policy for Rail also includes new strategies to specifically protect these corridors from inappropriate and incompatible development which has potential to impede or constrain future use; and seeks to align land use strategies and development generally to consider the legal, regulatory obligations of railway operators in Tasmania, noting that there are currently other railways operating in Tasmania that are not part of the State Rail Network but that also fall under the jurisdiction of ONRSR and the RSNL.

TasRail believes the inclusion of these rail-specific strategies will enhance Land Use Planning and Strategies and better inform stakeholders, leading to a reduction in red tape and thereby delivering greater efficiencies for developers and clients of the planning process.

The strategies set out in the proposed new policy for Rail are therefore necessary to align planning policy and land use strategies with the requisites of the legal, regulatory and administrative framework that governs rail operations in Tasmania. For example, section 52 of *Rail Safety National Law Act 2012* obligates TasRail (as the Rail Infrastructure Manager) to ensure, so far as is reasonably practicable (SFAIRP) the safety of the operator's railway operations". This extends to formal risk assessment to identify and eliminate or control any risks in relation to railway operations and interfaces. Formal risk assessment may also be triggered by a potential, proposed or actual change in conditions. Examples may include increases in traffic through a level crossing; the introduction of or increases in pedestrian or cyclists at or interfacing with a level crossing.

RSNL also obligates Rail Infrastructure Managers and Road Owners to enter into Safety Interface Agreements for the management of risks at all rail crossings (private and public). Compliance with this obligation is subject to regular audit by ONRSR.

Further, it is the firm policy position of ONRSR (also adopted by TasRail) that there be no new level crossings constructed. The ONRSR Policy states that investment in early planning to avoid the creation of level crossings has long-term safety benefits and should be adopted by governments and industries. Where it is unavoidable that road and railway lines must cross, then grade separation is considered the most effective option for minimizing risks to safety.

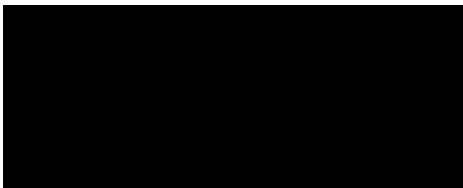
Inclusion of the above strategies in the TPPs will ensure the integrity of the State Rail Network land corridors, rail infrastructure, operations and activities will be appropriately protected from incompatible development and land use which is critical for both the current and future operations of the State Rail Network in Tasmania.

Should you have questions or require clarification of the matters set out in this submission, please do not hesitate to contact me at [REDACTED].

Copies of the ONRSR Level Crossing Policy and other RSNL provisions referred to in this submission can be made available by request.

TasRail looks forward to consulting further on the drafting and finalisation of the TPPs.

Yours sincerely

A large black rectangular box redacting the signature of Jennifer Jarvis.

Jennifer Jarvis
Group Manager – Property & Compliance

Department of Justice

Email: haveyoursay@justice.tas.gov.au and
StatePlanning@dpac.tas.gov.au

14 November 2022

To Whom it May Concern,

RE: Second Submission on the Scope of the draft Tasmanian Planning Policies (TPPs)

Thank you for the opportunity to comment on the updated draft Tasmanian Planning Policies (TPPs), and for the time extension to allow time to provide our comments. NRM South supports the intent of the policies and notes the changes made to them since the first draft. We acknowledge and commend the inclusion of a statement on climate change in various policies.

We would like to offer the following suggestions, which we believe will improve the TPPs, particularly in respect to aligning them with contemporary approaches to environmental management that are occurring nationally and in other states.

Alignment with recent developments in how the environment will be protected and restored

Since the first draft of the TPPs were released, there have been important developments in the approach to the quantification and management of climate change impacts, and restoring the environment through mechanisms such as Natural Capital Accounting and biodiversity credits at the state and Commonwealth levels. Minister Plibersek's recently announced commitment to protect 30% of habitat to halt the decline in threatened species and biodiversity is likely to have relevance to Tasmania with implications for the clearing of habitat for developments, including housing. The TPPs could better align with the Commonwealth position, and consider the response by other State Governments and organisations such as the UN Sustainable Development Goals. These changes in approach are relevant to a number of policies, but particularly those on Settlement and Sustainable Economic Development.

Stronger responses are required in most sections

In all policies, there is a reliance on responses that are vague, for example through use of terms such as "avoid", "encourage", "support" etc. In many cases the response would be clearer and in line with the intent if the word "prevent" was used instead (particularly in relation to prevention of pollution) or to identify specific actions or directions. These terms read as aspirational, with little indication of how they will be achieved, and are open to interpretation and dispute. They are also inconsistent with the more assertive positions being made by other State and Local Governments in Australia.

There is an opportunity to incorporate actions or direction that will build greater resilience to the impacts of climate change in Tasmania. For example, it is clear from modelling and experience that Tasmania will suffer increased risk of flooding, fire, and coastal erosion, yet the TPPs are unclear in outlining actions that will assist with ameliorating or preparing for these. In the Settlement Policy,

there is not a clear position that coastal development at risk from sea level rise or storm surges should not be permitted, which is an action that would prevent harm to members of the community.

Evaluation of the effectiveness of the policies

While objectives are included in each Policy section, there are no targets or goals, making it impossible to measure their success and more importantly whether modifications are required to achieve the objectives. We encourage the use of Key Performance Indicators or similar, with a review of these at specific times (such as during the five yearly review).

Terms are not defined

To meaningfully implement the Policies, there needs to be clarity about what some terms mean. Some terms are subjective and need to be defined – examples include:

- “high environmental or landscape value”,
- “incompatible use”,
- “consider the biodiversity values”,
- “viable ecological process”.

Insufficient recognition of relevant regulation and work that has been conducted

While some Policies recognise relevant legislation and data that exist, there are others that do not, particularly those relating to the environment and its management.

A number of the policies refer to mapping or identifying values or usage as a response (including threatened species, sea level rises, areas at risk of flooding, tourism activity for example), yet this work has and is being done. The relevant datasets and models should be identified and their use required. It would be helpful if a gap analysis was conducted to identify other monitoring or modelling that is required to inform the policies, and that a commitment to continue critical monitoring and modelling occur over the long-term to inform the Policies going forward.

Policies remain siloed

While the Environment Policy identifies many of the issues that need to be considered, other Policies (e.g. Settlement, Sustainable Economic Development, and Physical Infrastructure) do not adequately reflect and provide direction to achieve these requirements. The Environmental Hazards Policy does not reflect environmental issues adequately.

Some specific examples include:

- Agriculture section does not recognise relevant environmental issues such as biodiversity, waterways, etc, yet this is where a lot of the protection and careful management is required. In NRM South’s previous submission, it was suggested to include a mechanism to recognise or encourage development that conserves natural capital, such as establishing tree shelter belts to reduce impacts of erosion, which results in indirect economic benefit. This would align with Commonwealth objectives. In addition, there is a very strong focus of agriculture on land, however the economic value of sea fisheries (wild caught and farmed), has not being recognised (where it is applicable under LUPAA jurisdiction).
- The references to environmental impacts by extractive industry are minimal. As mentioned previously, clear plans for remediation, or limiting impact to associated natural or cultural values, is required.

- Within tourism, the key risks to the natural and cultural values of the state through overuse have not been captured. This is a significant issue for the Tasmanian Parks and Wildlife Service and if not managed appropriately, may risk causing significant environmental damage and impacting the Tasmanian brand. This is where application of a sustainable model that strives for well-considered, sensitive, and sustainable developments that recognises and protect the natural and cultural values, while not impacting on the amenity for other users is required.

Environmental values

While we agree that the environment provides a “backdrop to our settlements” it is now widely accepted that the environment also provides critical services to humans, including clear air, water, wellbeing value etc. The focus needs to be broader than the goods and services that the environment provides, a position which the Natural Capital Accounting and the Commonwealth biodiversity policies are recognising.

There are a number of key issues that are not adequately addressed in this Policy, including:

- Cumulative impacts and the need for coordinated regional and/or statewide planning. Focussing on the environmental impact of individual developments and activities does not adequately protect the environment and its values. This is now recognised by Commonwealth as outlined in the review by Professor Graham Samuel of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
- The inclusion of offsets in point 4 of this Policy. The review of the Commonwealth by Professor Graham Samuel highlighted the flaws of the offset mechanism used under the EPBC Act and it is likely that this approach will be modified at all jurisdictional levels.
- Biosecurity. The Ports and strategic Transport Networks section in the “5. Physical Infrastructure Policy” is silent on biosecurity risks to Tasmania, yet this is a key risk to both the environment and agriculture (including in the marine environment, where applicable).
- Biodiversity needs to recognise values beyond flora and fauna. For example, soil contains a very high biodiversity which is critical to soil health.
- Water quality – greater emphasis on measures to protect water quality (e.g. implementation of the Tasmanian *Policy on Water Quality Management 1997*, stronger stormwater management provisions etc).

Environmental hazards

It is pleasing to see the recognition of land zoning to prevent some of these impacts. This section is helpful as it provides specific responses to reduce the risk of these hazards.

Other comments:

- Bushfire should be considered in a broader sense than just protecting human life, it needs to be considered in respect of loss of biodiversity values, water quality, erosion etc.
- This section is silent on cultural burning to manage land. While this tool is unlikely to be suitable across the entire (contemporary) landscape, it will have value in specific parts of the landscape, and is important to the Aboriginal community.
- Management measures need to be science-informed. In the era of climate change, backburning may no longer be feasible in some landscapes.

- Flooding can exacerbate the spread of other threatening processes such as weeds and diseases, and erosion/soil loss. Removing vegetation and development in riparian areas and flood plains will exacerbate these impacts, and should be prevented.

First Nations inclusion

We are not familiar with the extent of engagement that has occurred with the Aboriginal community, but from our understanding of their priorities, we would expect they would be seeking greater opportunities for co-management and leadership roles in land management.

Thank you for the opportunity to provide comment. If you have further queries, please contact [REDACTED]

Yours sincerely,

[REDACTED]

Nepelle Crane
Chief Executive Officer
NRM South

Representation on Tasmanian Planning Policies from North East Bioregional Network



As an opening comment it is disappointing that the Tasmanian Planning Policy process is not seeking to address a glaring deficiency in Tasmanias planning system which is the ever increasing range of land uses and activities with full or partial exemptions from LUPA. It is simply not possible to implement holistic and strategic long term land use planning. Because of these exemptions the objectives of Schedule 1 can never be fully achieved.

It is also equally evident that applying neoliberal principles to planning whereby planning regulation is branded as “red or green tape” means that the Governments planning “reform” agenda is primarily about facilitating development for the benefit of vested interests rather than regulating development in the public interest. It is telling that the only policy with an implementation strategy comes under the heading of Growth highlighting the fact that the Government prioritises population and economic growth above and beyond any other considerations.

In addition the Draft Tasmanian Planning Policies Supporting Report (September 2022) is little more than a box ticking exercise where it is claimed that the TPP process and proposed TPP’s are consistent with every element of Schedule 1 and the various State Policies without providing any substantive evidence to support the assertions being made. Genuine compliance with Schedule 1 and the State Policies requires far more than just a cursory acknowledgement of their existence followed by glib statements of supposed compliance. For example Schedule 1 Part 1 1.(a) aims “***to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;***”

This aspiration requires a level of ecological understanding, regulatory enforcement, land use planning and oversight well beyond anything that actually occurs currently in Tasmania and despite this being a requirement for a number of decades environmental laws and their enforcement have declined rather than strengthened since Schedule 1 commenced. In other words the state of Tasmanias environment is declining. Likewise many of the provisions of the State Coastal Policy are routinely ignored or paid lip service to by both Local and State Governments. It is also important to acknowledge that it is also not possible to meet all of the various aspirations in this document as they are

in conflict. **That is you cannot have a range of goals which entail continual expansion and growth without a loss or degradation of ecological values.**

It is also our view that Population should be considered as a stand alone policy given population is so strongly related to so many of the policies identified. When launching the Tasmanian Population Strategy in 2015 the then Premier Will Hodgeman proclaimed that:

“It is a great time to be in Tasmania and an even better time to be a Tasmanian. We want more people to call Tasmania home because a bigger Tasmania is a better Tasmania”

In our view there has been no consensus either sought or reached regarding an optimal population size for Tasmania, however, every poll conducted on population growth in recent years has demonstrated the majority of Australians do not support population growth for a number of very good reasons including creating housing stress and affordability issues, increased traffic congestion, pressure on services including the health system, damage to the environment and loss of residential amenity and quality of life.

It also needs to be clarified that addressing climate change should not be used as an excuse for fast tracking destructive renewable energy proposals such as Marinus/Battery of the Nation or be conflated with addressing the decline in biodiversity and ecological condition of natural areas.

Finally given the wide range of topics being considered there should have been a far longer period of time provided for the community to provide feedback. It is simply quite unrealistic to expect the community to respond to such a vast range of issues in a relatively short time frame.

Foreword

Implementation

1.0 Settlement

1.1 Growth

Genuine sustainable development principles rely on an understanding of limits to growth and carrying capacity. Growth should not be framed as an inevitable and desirable goal as there is clearly a law of diminishing returns for both the environment and residents when development degrades and destroys ecological and social values.

There is dismal circularity to the principles put forward in this policy as it revolves mostly around stimulating growth through the Governments population, industry and mass tourism growth agenda and then requiring endless planning responses which don't reflect the Schedule 1 or State Policy requirements but rather just respond to the demand created by the Governments growthist policies and strategies

We support the general thrust of

- a) prioritise and encourage infill development, consolidation, redevelopment, re-use and intensification of under-utilised land within existing **SERVICED** settlements, prior to allocating land for growth outside existing settlements;

with the caveat that serviced should be inserted in front of settlements so that the priority for development is serviced settlements. This makes sound strategic planning and economic sense as investment in services comes at a considerable cost and therefore should be fully utilised before consideration of any development outside of serviced areas

In relation to point 6. We don't support the use of Structure Plans to guide land use planning at a municipality level unless the Structure Plans are independently assessed by the Tasmanian Planning Commission. There is a clear conflict of interest and potential for major corruption when Planning Authorities (Local Councils) who openly, publicly and unreservedly support development at any cost partner with private planning consultants to produce Structure Plans which significantly influence municipal land use planning outcomes. The Structure Plan or other in house Land Use Strategy "process" has nowhere near the transparency or accountability of the Tasmanian Planning Commission processes which involve extensive consultation, publication in full of all submissions, public hearings and an independent arbiter.

Likewise the previous Regional Land Use Strategy process for northern Tasmania was fatally compromised due to a blatantly pro development lobby group Northern Tasmania Development being given the role of facilitating the process.

1.2 Liveability

1.3 Social Infrastructure

1.4 Settlement Types

We support the following principle but with the same caveat as for our comment made under growth which is serviced settlements (in this case on the coast) should be the focus of development. In the case of the Break O Day municipality many of the unserviced settlements are adjacent to conservation areas and high value coastal wetlands and waterways where either intensification or sprawl can adversely impact on natural values.

3. Establish urban or settlement growth boundaries around coastal settlement to ensure that growth in coastal areas is directed to existing **SERVICED** settlements areas and prevents linear development along the coast

The TPP's need to specifically address the issue of tourism accommodation and strata in the coastal zone as density controls for residential subdivision and use are being undermined because the State Government decided a few years ago that it would allow tourism accommodation and multiple dwellings across a range of zones. This has led to multiple dwellings and strata approvals which are impacting on residential amenity and ecological values particularly in unserviced coastal settlements and also permitting multiple dwellings in zones which are supposed to be primarily for the purpose of protecting scenic and ecological values such as the Environment Living Zone or the newly created Landscape Conservation Zone.

Planning Directive no 6 is a weak and entirely inadequate planning provision to deal with the problem of uncontrolled tourism accommodation and the incremental impacts on coastal values are multiplying as this is allowed to continue.

The TPP should seek to rectify this situation which also highlights a weakness in the State Coastal Policy where ribbon development and unrelated cluster developments are not permitted for residential development but are not as clearly regulated when it comes to tourism accommodation leading to ribbon development and unrelated cluster developments by stealth.

1.5. Housing

As with some of our previous comments we note there is a fundamental problem with the approach being taken because the Government is not seeking to address the causes of the “housing crisis” which include aggressive population and mass tourism growth policies, Air BnB, negative gearing, foreign ownership etc etc but instead uses increased demand as an excuse to weaken planning laws; a demand that the Government actively and incessantly seeks to fuel mainly for the benefit of the property development industry but to the detriment of most Tasmanians.

As with our previous comments housing provision should be focused in serviced settlements. In the case of Break O Day municipality there is an enormous surplus of General Residential land in both St Helens and Scamander which will take many decades to utilise.

1.6 Design

We support the following principles however without a commitment in terms of both funding and having the requisite expertise at Local Government level they will most likely not be implemented especially where Councils lack the land management skills and prioritise development over maintaining local amenity. While there is a bottomless pit of money for industry/corporate welfare or tourism when it comes to resources for maintain or restoring environmental quality and amenity the State Government and our Local Council seem content to promote Tasmania’s natural beauty but contribute very little to its actual maintenance and protection

2. Provide public places that are designed to connect with, and respond to, their natural and built environments, enhancing and integrating environmental values that contribute to a sense of place and cultural identity.

6. Support sustainable design practices that are energy and resource efficient, address temperature extremes and reduce carbon emissions, including:
a) reduce the urban heat island effect by promoting the greening of streets, buildings and open space with vegetation, preferably native species where appropriate

There needs to be specific requirements in this policy to protect scenic amenity via strict and prescriptive requirements related to height, bulk, location and colour of buildings and other structures especially in the coastal zone. In the Break O Day municipality there is little adherence to scenic protection principles when development applications are assessed.

2.0 Environmental Values

2.1 Biodiversity

On page 17 it is noted that:

“A significant proportion of Tasmania’s environmental values are protected by mechanisms outside the planning system”.

This is one of the key problems. How can you implement holistic, strategic and ecologically sustainable planning when there are so many exemptions. Of course these exemptions including more recently the Government excluding the Agriculture Zone from the Natural Assets Code are by design to release a range of industries and uses from proper oversight, community input and proper regulatory controls.

All land uses in Tasmania should be subject to LUPA to ensure that the requirements of Schedule 1 and the relevant State Policies can be enforced’

One of the problems with biodiversity management and planning is that biodiversity considerations are primarily focused on “important” “high” or “significant” values. This means that most native vegetation escapes regulatory oversight as by its nature threatened vegetation or habitat comprises only a relatively small component of the overall natural estate of Tasmania. This narrow approach allows ongoing destruction and fragmentation of habitat and vegetation while even threatened species are often subject to “offsets” and approvals from NRE to “take” threatened species.

As such we propose that the a key strategy must be

- **Net gain in the condition and extent of native vegetation and habitat across the State**

We support the following with the proviso that wording be changed to

6. **PROTECT**, maintain **AND RESTORE** connectivity between isolated and fragmented vegetation communities to support habitat corridors and promote viable ecological processes.

Ecological Restoration is a critical conservation strategy because sustainability requires that we leave our environment in better condition than we found it and this can only be accomplished through active ecological restoration interventions. **The definition of Habitat Corridor needs to be inserted into the Policy means an area or network of areas, not necessarily continuous, which enables migration, colonisation or interbreeding of flora or fauna species between two or more areas of habitat**

Regarding point 13. Sadly a huge number of Conservation Areas do not have Management Plans

13. Support land managers or regulators of land within the Tasmanian Reserve Estate to manage that land in accordance with approved management plans and specific reserve objectives **AND PROVIDE RESOURCES FOR MANAGEMENT PLANS TO BE UNDERTAKEN SO THAT TASMANIAS RESERVE ESTATE CAN BE EFFECTIVELY PROTECTED, MAINTAINED AND WHERE NECESSARY RESTORED**

2.2 Waterways, Wetlands and Estuaries

The Tasmanian Rural water Use Strategy proposes a quantum leap in agricultural productivity and water storage and extraction by 2050.

This is completely unsustainable and contrasts with a recently released report from DPIPWE which identified decline in the health of numerous waterways in Tasmania

Strategy

- **Align water extraction either off site or in stream with genuinely scientifically credible targets which maintain and restore aquatic ecosystem health**

One of the other biggest threats to water quality is urban development

Strategy

- **Focus urban development in serviced settlements to limit urban sprawl and ribbon development and improve stormwater management in urban settlements**

2.3 Geodiversity

2.4 Landscape Values

- **All Local Council Planning Schemes are to include a Scenic Protection overlay**
- **The Scenic Protection Overlay and associated Code must include prescriptive provisions related to location, height, bulk and colour of buildings and other structures which provide clear guidance on what is permissible or not in scenically sensitive areas**

- **2.5 Coasts**

This section is very light on and basically just reiterates requirements already in the State Coastal Policy.

Strategy

- **Limit multiple dwelling tourism development outside of serviced settlements that constitute ribbon development or unrelated cluster developments**
- **Stabilise rather grow Tasmanias population and tourism numbers to reduce development pressure on the coastal zone**

See also attached documents from Simon Roberts highlighting the link between urban development and degradation of wetlands and waterways in the coastal zone

3.0 Environmental Hazards

3.1 Bushfire

Tasmanias is likely to become a higher fire risk in coming decades.

A recent report from the Actuaries Institute (see map below) predicts higher bushfire premiums across most of Tasmania with Break O Day the most affected.

Strategy

- **Residential and tourism accommodation uses should in future be required to be located away from high fire risk areas to avoid risk to inhabitants and firefighters as well as impacts on the environment (ie clearing native vegetation for hazard reduction or increasing pressure for fuel reduction burns to protect new subdivisions from fire)**

Actuaries Institute “Home insurance affordability and socioeconomic equity in a changing climate”

GREEN PAPER

AUGUST 2022



Figure 4.4 – Average bushfire premium by LGA – current, and changes under low and high emissions scenarios (\$2022 values)

3.2 Landslip

Strategy

- **No development should be permitted in areas with high risk of Landslip such as the area between St Helens Point road and Treloggen Track at St Helens.**

3.3 Flooding

3.4 Coastal Hazards

3.5 Contaminated Air and Land

4.0 Sustainable Economic Development

4.1 Agriculture

4.2 Extractive Industry

4.3 Tourism

One of the strategies is:

g) alignment with regional destination plans supporting the visitor economy;

This should be deleted. There was no proper public consultation regarding the Break O Day Destination Action Plan and a DAP committee was established without it being publicly advertised . As such the Break O Day DAP has no legitimacy and further and more generally DAPS should have no legal status as they are not strategic planning documents but rather wish lists compiled by vested interests supporting development rather than protection of assets such as the coastline

Suggested strategy

- **Visitor numbers should be capped at a level which is ecologically sustainable**

4.4 Renewable Energy

The renewable energy industry should not be given any exemptions which allow fast tracking of scenically and environmentally destructive developments such as the Robbins Island Industrial Wind Turbine development

4.5 Industry

4.6 Business and Commercial

4.7 Innovation and Research

5.0 Tasmanian Planning Policy: Physical Infrastructure

5.1 Provision of Services

It should not be assumed that the provision of water and sewerage services is a panacea that will solve concerns related to water quality and stormwater in unserviced settlements. In many cases it will do the opposite by enabling intensification of development as well as increasing pressure for urban expansion.

Strategy

- **Focus service maintenance and consolidation on existing serviced settlements**
- **Avoid provision of services in unserviced settlements in ecologically sensitive areas and instead limit development to the carrying capacity of the unserviced settlement using planning controls such as appropriate lot sizes and site coverage (including limiting multiple dwellings)**

- **Ensure stormwater is managed to decrease the amount exiting each lot and increasing the quality of stormwater that leaves each lot and enters local waterways and wetlands**
- **All service construction should be subject to environmental assessment. No exemptions.**

5.2 Energy Infrastructure

5.3 Roads

There needs to be stricter controls on the roll out of major road “upgrades” to ensure they do not destroy the scenic and natural values in sensitive areas as has occurred near St Helens recently

Strategy

- **Any new road upgrades need to be constructed in such a way that scenic and natural values are not degraded or destroyed but rather maintained or preferably enhanced through ecological restoration works**

- 5.4 Transport Modes

5.5 Ports and Strategic Transport Networks

6.0 Tasmanian Planning Policy: Cultural Heritage

6.1 Aboriginal Cultural Heritage

Aboriginal Heritage Tasmania is not a suitable organisation to assess Aboriginal Heritage at risk of damage as a result of proposed development applications. In the Break O Day area a number of DA's were assessed by AHT as low probability for there being Aboriginal heritage values present when they were located in high probability locations

6.2 Non-Indigenous Cultural Heritage

7.0 Planning Processes

7.1 Consultation

Strategy

- **On critical planning issues such as a Tasmanian Population Strategy the Government should hold**

community referendums/plebiscites to ensure that their strategies have a genuine social licence.

7.2 Strategic Planning

Strategies

- **All municipal Land Use Strategies or Structure Plans must be assessed by the Tasmanian Planning Commission before being accepted as valid planning documents**

Delete point 4. And replace with

4. Promote the integration and coordination of land use planning with population strategies and social and physical infrastructure.

4. Population strategies should not be based on stimulating demand for property development but rather on goals which ensure the strategy is compatible with the maintenance and enhancement of the natural, scenic and amenity values that all Tasmanians enjoy

7.3 Regulation

The Objective of this “policy” is as follows

7.3.2 Objective

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

As mentioned previously planning laws, regulation and enforcement have all declined in recent years yet the Government is mandating further neoliberal planning “reforms” which will entrench even less oversight and further diminishment of proper regulation of land uses.

It is notable the guidelines make no reference to any obligation to regulate in accordance with the required legislation.

We propose

- **Ensure all regulation is consistent with Schedule 1 and State Policies**

- **Strengthen planning laws to reflect the urgent need to protect biodiversity from further decline**

12B. Contents and purposes of Tasmanian Planning Policies

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

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

(2) The TPPs may relate to the following:

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

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

(4) The TPPs must –

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

Todd Dudley

President

North East Bioregional Network



Review of residential development on the ecological health of receiving waters

Simon Roberts Nov 2021

1. Introduction

This report reviews the current understanding of the impact of residential development on the ecological health of receiving waters. Most of the literature on the effect of urbanisation has focused on impacts at the stream level as this is the most common surface water directly impacted by changes in land use. Many factors contribute to the quality of a stream and how it is affected by residential development. Fundamentally, stream ecological function is controlled by five variables: climate, geology, soils, land use, and vegetation. These variables directly affect two of the key drivers of change in stream function of discharge and sediment load, which in turn has an impact on the hydrology, morphology and ecology of the stream (Brabec et al., 2002). Of these variables, land use and vegetation are generally the only ones that can be controlled through land use planning and are therefore often the focus of studies examining degradation, protection or rehabilitation of streams.

Studies in the late twentieth century tried to define thresholds of urban development (defined by different measures of urbanisation; see below) where ecological impacts occur. Many of these studies concluded that degradation occurred in a continuous rather than at a defined threshold, although there can be distinct break points and for many indicators a maximum level of impact at low or intermediate levels of land use change. Additionally, the concept of degradation at a particular site in a catchment fails to incorporate potential cumulative or synergistic impacts within a catchment that may be missed by studying a single site at the end of a sub-catchment.

More recent studies have examined the ecological impact of increasing urbanisation on the aquatic values of waterways by examining physical and biological changes in catchments across urban to rural gradients. A common feature of these studies is that biological effects are often observed in streams at very low levels of urban development within catchments. Determining the exact mechanisms of degradation is often confounded by the many correlated landscape changes that disrupt the natural biological and geomorphic processes in streams in urbanising catchments. Key drivers of change have been identified as decreased vegetation cover, a reduction in organic material supply, increased impervious areas, more efficient delivery of stormwater to waterways, increased overland flows, increased catchment erosion and increased nutrients and toxicants (Grimm et al., 2008; Sheldon et al., 2012). Additionally it is also recognised that restoration of these values in previously impacted catchments is often complex and expensive (Hughes et al., 2014; Prosser et al., 2015; Urrutiaguer et al., n.d.) even at low levels of development (Walsh et al., 2015).

Urbanisation exerts a disproportionately large influence compared to most other land use changes on stream function (Paul & Meyer, 2001). Degradation of stream ecological function is driven by increased frequency and magnitude of storm flows, increased total flow, reduced dry-weather flows, changes to riparian and in-stream habitat and increased loads of nutrients and toxicants (Paul & Meyer, 2001; Roy et al., 2009; Urrutiaguer, 2016; Walsh, Roy, et al., 2005). All of the principal

mechanisms by which land use influences stream ecosystems identified by Allan, (2004) in Table 1 are associated with changes driven by urbanisation.

TABLE 1. Principal mechanisms by which land-use activities influence stream ecosystems. (From Allan 2004.)

<i>Environmental factor</i>	<i>Effect</i>
Sedimentation	Increases turbidity, scouring, and abrasion; impairs substrate suitability for periphyton and biofilm production; decreases primary production and food quality causing bottom-up effects through food webs; in-filling of interstitial habitat harms crevice-occupying invertebrates and gravel-spawning fishes; coats gills and respiratory surfaces; reduces stream depth heterogeneity leading to decrease in pool species
Nutrient enrichment	Increases autotrophic biomass and production, resulting in changes to assemblage composition, including proliferation of filamentous algae, particularly if light also increases; accelerates litter breakdown rates and may cause decrease in dissolved oxygen and shift from sensitive species to more tolerant, often nonnative species
Contaminant pollution	Increases heavy metals, synthetics, and toxic organics in suspension, associated with sediments, and in tissues; increases deformities; increases mortality rates and impacts to abundance, drift, and emergence in invertebrates; depresses growth, reproduction, condition, and survival among fishes; disrupts endocrine system; physical avoidance
Hydrologic alteration	Alters runoff–evapotranspiration balance, causing increases in flood magnitude and frequency, and often lowers base flow; contributes to altered channel dynamics, including increased erosion from channel and surroundings and less-frequent overbank flooding; runoff more efficiently transports nutrients, sediments, and contaminants, thus further degrading instream habitat. Strong effects from impervious surfaces and stormwater conveyance in urban catchments and from drainage systems and soil compaction in agricultural catchments
Riparian clearing/canopy opening	Reduces shading, causing increases in stream temperatures, light penetration, and plant growth; decreases bank stability, inputs of litter and wood, and removal of nutrients and contaminants; reduces sediment trapping and increases bank and channel erosion; alters quantity and character of dissolved organic carbon reaching streams; lowers retention of benthic organic matter owing to loss of direct input and retention structures; alters trophic structure
Loss of large Woody debris	Reduces substrate for feeding, attachment, and cover; causes loss of sediment and organic material storage; reduces energy dissipation; alters flow hydraulics and therefore distribution of habitats; reduces bank stability; influences invertebrate and fish diversity and community function

2. Measures of urbanisation

In order to study effects on of urbanisation on waterways a measurement of urbanisation intensity is required. It seems logical that a good measure of urbanisation would be residential density, however there is a general pattern of higher amounts of impervious area per residence as urban density decreases (National Research Council, 2009). Where aquatic ecological impact is concerned the percentage impervious cover in a catchment is commonly used as impervious surfaces (local and regional roads, shops, sheds, driveways and utilities) are the main source of increased runoff, which is implicated in many of the direct biotic and abiotic effects on stream function (Arnold & Gibbons, 1996). The proportion of **Total Impervious (TI)** area in a catchment is frequently highly correlated with ecological impacts (Taylor et al., 2004). However some studies have shown that areas of impervious surface directly connected (via pipes or channels), referred to as **Effective Impervious (EI)** provides a better fit to some parameters (Hatt et al., 2004). A more sophisticated measure, **Attenuated Impervious (AI)** combines both the directly connected surfaces and weights none connected surfaces or ends of pipes according to their distance from the stream. A proxy for directly connected impervious (EI) that is sometimes used is road density, expressed as kilometres of road per square kilometre of land (km/km²) and is considered appropriate as roads are often the main component of EI (Hopkins et al., 2015; National Research Council, 2009).

3. Hydrology

Urbanisation alters the hydrological function of streams in a number of ways (Hopkins et al., 2015; Vietz et al., 2014). The most common affect is larger and more frequent runoff generated flows primarily from the replacement of previously pervious landscapes (forest and grasslands) with impervious urban surfaces that are in close proximity (<50m) or directly connected to streams. These increased runoff events from urban infrastructure (buildings, driveways, local roads) lead to more frequent and higher peak flows that can modify the stream channel either through the delivery of increased sediment loads or through scouring and transport downstream. Increased flows even after small rainfall events can have profound effects on the water balance of catchments by reducing the amount of water that would have infiltrated into the local groundwater leading to reduced base flows during dry periods. Residential development in forested catchments also leads to a reduction in forest area, through clearing for housing and sheds, bushfire mitigation and increased road access. Replacement of forest cover with grassland or urban infrastructure reduces the rate of transpiration and increases the likelihood of surface flows through reduced interception by vegetation. Removal of streamside vegetation can also lead to bank instability and increased incision of the channel that lowers the groundwater level of the riparian zone.

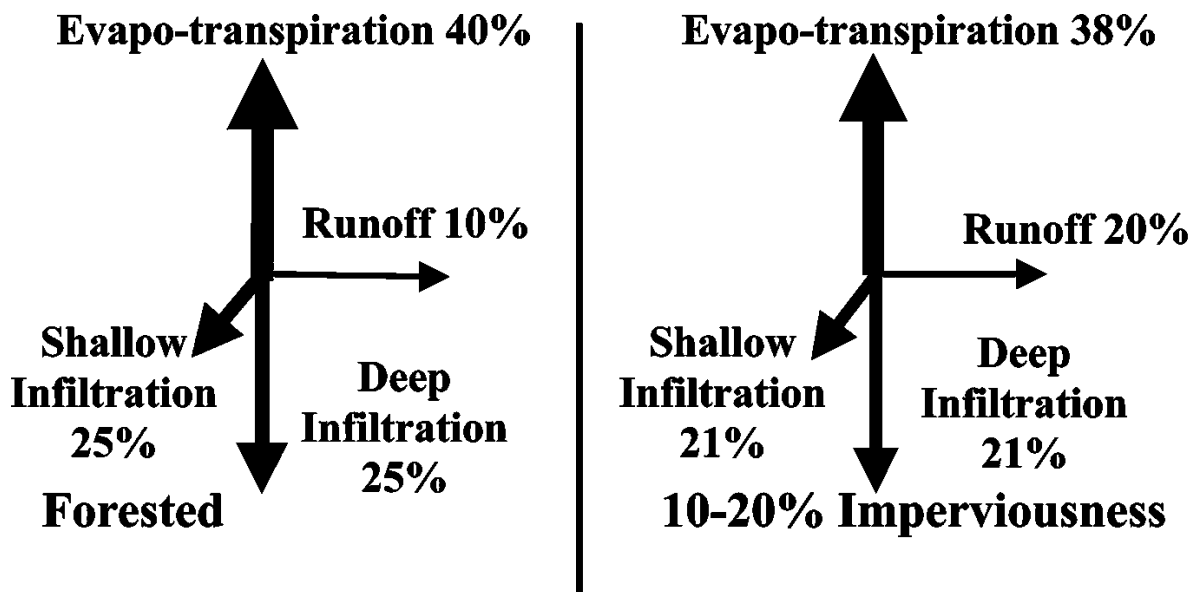


Figure 1. Changes in hydrologic flows with increasing impervious surface cover in urbanizing catchments (after Arnold & Gibbons 1996).

A number of studies have shown linear increases in both the magnitude and frequency of high flow events as the proportion of impervious cover increases in a catchment. Hopkins et al (2015) reported linear increases in high flow events with shorter duration across 8 of 9 urban gradients ranging from 0% to 60% impervious cover in the USA. In Australian cities the volume of runoff is typically 5-10 times the pre-urban volumes (Walsh et al., 2010). Arnold & Gibbens (1996) estimated a doubling in total stream flow with an increase in impervious surfaces from 0% to 20%.(Figure 1). Vietz et al. (2014) studied the effect of increased flow events on geomorphology of streams and estimated that an increase from 0% to 2% EI would increase the duration of discharges likely to transport sediments by 12% in a Melbourne stream. Similarly Vietz et al. (2014) found that urbanisation significantly

impacts a number of geomorphic attributes of streams (presence of bars/benches, bank instability and presence of large wood) at EI values <2% which is equivalent to TI of 4-5%. They concluded that measurable geomorphic change occurs at very low levels of EI (0-3%) and that stream management of degradation should focus on stormwater drainage (Vietz et al., 2014). One study found that a small increase in EI to >3% led to streams being almost entirely scoured to bedrock or clay (Sammonds et al. (2014) cited in (Vietz et al., 2016)).

4. Nutrient cycling

Urbanisation rapidly leads to increased loads of nutrients (primarily nitrogen and phosphorus) that are often drivers of eutrophication in fresh and saline waters (Hatt et al., 2004; Lintern et al., 2018; Taylor et al., 2004). Increased nitrogen loads are derived from increased depositional sources associated with urban land use (fertilizers and atmospheric deposition, domestic animal manure (Bettez & Groffman, 2013; Lintern et al., 2018)) which can be efficiently delivered to streams by storm flows through pipes and channels. Septic tanks deliver most of their nitrogen output as soluble nitrate (NO_3) primarily to groundwater which can be delivered to streams through sub-surface flows (Hatt et al., 2004; Walsh & Kunapo, 2009).

Reduced forest and shrub cover leads to decreased assimilation by vegetation and lower levels of supply of wood and organic carbon to streams (Lammers & Bledsoe, 2017). Reduced in stream carbon cycling can decrease nitrogen (and soluble phosphorus) retention times in the terrestrial and aquatic environment (Grimm et al., 2005). Urban derived hydrological and geomorphic changes (less ground water supply and channel incision) can also disrupt groundwater and flowing water interactions in both the riparian and hyporheic zones of the stream which can decrease the natural loss of nitrogen as N_2 gas through denitrification (Lammers & Bledsoe, 2017; McClain et al., 2003).

Increased soluble phosphorus concentrations in streams come from diffuse and point sources associated with urban land use (septics, sewage treatment plants, fertilizers and organic contaminants such as animal wastes). Reduced riparian vegetation decreases in-stream organic carbon which can decrease phosphorus assimilation (Lammers & Bledsoe, 2017). In many Australian soils phosphorus is a limiting nutrient for plant growth, increased phosphorus supply from urban sources generally promotes weeds which are more adapted to higher nutrient soils (Buchanan, 1989). A large amount of terrestrial and aquatic phosphorus is bound to soil and sediments particles, mostly fine sand, clays and silts (Houshmand et al., 2014) and is typically mobilised to streams from increased erosion of pre-existing upland sources (Lovett et al., 2007). The increased power of storm flows in the stream channel also leads to mobilisation of bank and bed sediment which can have high concentrations of particulate phosphorus (Lammers & Bledsoe, 2017). Most of this particulate phosphorus is delivered to aggrading sections of the stream system or downstream receiving waters (lake, estuary and marine ecosystems).

A large scale study in the Melbourne region measured concentrations (at base flow and during storm events) of a number of nutrients and analysed their distribution in relation to TI (range: 0.1% to 49%) and EI (Hatt et al., 2004; Taylor et al., 2004). These studies only used catchments where land use was either urban or forested land and so removed confounding results that may have been driven by other land use such as industry, agriculture or horticulture. Median concentrations of total phosphorus (particulate and soluble) doubled and soluble phosphate quadrupled (~0.003 to 0.012

mg/L⁻¹) with increases in TI. Further analysis of the this data using step wise regressions indicated that soluble phosphate concentrations were best fitted to EI and that a value of 5% EI represented a break point where concentrations tended to stabilise (Walsh, Roy, et al., 2005). Nitrogen showed a different pattern with dissolved inorganic nitrogen (NO₃, NO₂ and NH₃ combined) and total nitrogen rising with septic tank density (0 to 141 septic/km²) with highest septic densities between 4-12% TI and very few below 2% TI and above 30% TI as piped sewer systems became more common. Median dissolved inorganic nitrogen concentrations showed a 5 fold increase (0.3 to 1.8 mg/L⁻¹) with increased septic tank density, total nitrogen followed the same trend and doubled in concentration from ~0.8 to 2 mg/L⁻¹. Nearly the entire rise in total nitrogen and dissolved inorganic nitrogen concentration occurred in the range of 0-3.9% TI and 0-0.4% EI.

Although the concentration of nutrients is relevant to in-stream biological function (in particular algal or bacterial production) the sum of concentration and flow (defined as the load) determines the amount of nutrients delivered to downstream habitats. In the Melbourne study there was an increase in load per unit area of catchment as TI and IE increased. Loads of suspended solids, total phosphorus, total nitrogen, soluble phosphate and dissolved inorganic nitrogen increased by around 10 times as TI increased from 0.1 to 49% (Hatt et al., 2004). This data shows that although nutrient concentrations may drop under very high urban densities this may be a consequence of runoff increasing faster than the source of nutrients. An important implication of these results is that with decreased concentrations but higher efficiency of downstream transport nutrients are much less likely to be assimilated or processed in the stream leading to higher loads delivered to downstream water bodies.

5. Pollutants

Urban land use has long been associated with a range of pollutants in surface runoff (Weeks, 1982). Urban drainage from impervious areas has been shown to commonly contain a mixture of oil, grease, polycyclic aromatic hydrocarbons (PAH), polychlorinated biphenyl (PCB) and heavy metals (Allinson et al., 2014). Many of these pollutants are considered as toxicants but heavy metals and PAHs are of greatest concern because of their biological toxicity, persistence in the environment and potential for bio-accumulation. Another group of toxicants of emerging concern are micro-pollutants including pesticides, herbicides, hormones, pharmaceuticals and personal care products which can be biologically active at very low concentrations (Allinson et al., 2014). Many of the hydrological changes associated with urbanisation also increase the efficiency of delivery of these pollutants to streams and downstream receiving waters.

A final area of concern is the contamination of waterways with potential human pathogens sourced from urban infrastructure (primarily septic tanks but also domestic animals). Levels of *E. coli* are used as a tracer for warm blooded animal faecal contamination of water. In developing catchments septic tank density is considered the main potential risk of human faecal contamination. Additional factors that may determine the level of risk are the proximity of the septic tank to a waterway or the integrity and level of maintenance of the septic tank (Walsh & Kunapo, 2009).

6. *Algal biomass and composition*

As for nutrients benthic algal biomass increased by approximately tenfold (3 to 30 mg/m²) with increasing TI and EI in the Melbourne study (Taylor et al., 2004). The increase in algal biomass was postulated to be primarily driven by release of filamentous green algae from phosphorus limitation through increased PO₄ concentrations in runoff (Taylor et al., 2004). Further analysis of this data indicated that maximum algal biomass was attained at between 2% and 5% EI depending on season (Walsh, Fletcher, et al., 2005).

Examination of benthic diatom species/taxa across the Melbourne urban gradient showed a clear distinction between sites above and below 1% EI in compositional structure (Newall & Walsh, 2005). European diatom derived indices of water quality showed a strong negative correlation with urbanisation indicating that diatom species/taxa composition was responding to degradation in general water quality (electrical conductivity, temperature, suspended sediments), similarly two other diatom indices designed to detect nutrient enrichment also showed a strong negative relationship with urbanisation (Newall & Walsh, 2005). Overall changes in both the biomass and composition of benthic algae was postulated to be driven by a combination of changes in salinity (measured as electrical conductivity median range across all sites 70-700 $\mu\text{S cm}^{-1}$ with a break point in diatom composition at $\sim 300 \mu\text{S cm}^{-1}$) and increased supply of soluble phosphorus through frequent small flow storm events (Newall & Walsh, 2005; Taylor et al., 2004).

7. *Macroinvertebrates*

Macroinvertebrates species have a central ecological role in many stream ecosystems and may be vital for the “health” of whole river networks (Clarke et al., 2008; Urrutiaguer, 2016). Many studies have shown a decrease in invertebrate diversity and abundance across urban gradients (Paul & Meyer, 2001) and this group of organisms has been considered as one of the most useful for comparing inter-regional responses to urban land use (Walsh, Roy, et al., 2005). In Australia the response of invertebrate communities to urban effects has been extensively used as surrogate for aquatic condition and in particular the SIGNAL score (Stream Invertebrate Grade Number –Average Level) has been used for many decades in the Melbourne region (Urrutiaguer, 2016). Typical responses of invertebrates to urban stress are a loss of taxa sensitive to disturbance and an increase of taxa typical of highly urbanised streams (Walsh et al., 2007).

Two studies of urban and forested land effects around Melbourne have shown rapid decreases in invertebrate diversity at very low levels of impervious cover, with very few sensitive species occurring at levels of TI of 4% in the Yarra River (Walsh et al., 2007) and 6-15% EI in small streams of the Melbourne region (Walsh et al., 2004). A more detailed study of both species and families of macro invertebrates from 572 sites across the Melbourne region (Walsh & Webb, 2016) used a more refined measure of effective impervious which weights the effect of the impervious area by the distance to the nearest stream or drain and is termed **Attenuated Impervious (AI)** (Walsh & Kunapo, 2009). Walsh and Webb (2016) showed a decline in 51 of the 60 families recorded with increasing AI, with 24 families showing a steep decline and their probability of occurrence reducing to near zero at AI values of 3%, three of these families were not found at AI values >1%. A further 6 families showed a steep decline to low or intermediate probability of occurrence at 3% AI. A comparison of the effect of AI on genera/species versus families (figure 2) showed a much greater impact on genera/species

at AI levels above 2.5% with 11 out of 60 families (18%) never recorded at AI >2.5% compared to 296 of 477 (62%) of genera/species (Walsh & Webb, 2016). The sharp decline in the probability of occurrence in whole families of invertebrates at AI values of <1% suggest a lack of resistance to small levels of urban stormwater stress (Walsh & Webb, 2016) with the results indicating that the lowest level of AI that at which a decline in the SIGNAL score could be inferred was 0.1 to 0.3% (equivalent to 1000-3000m² of directly connected impervious area per km²). A comparison of the effect of AI versus **Attenuated Forest Cover (AF)** showed that intact riparian forest can marginally reduce the impact of AI for a small number of families that are tolerant to some level of urban impact, indicating that retaining riparian buffers is only likely to have a small effect on family occurrence if urban-stormwater derived stress is not addressed (Walsh & Webb, 2016).

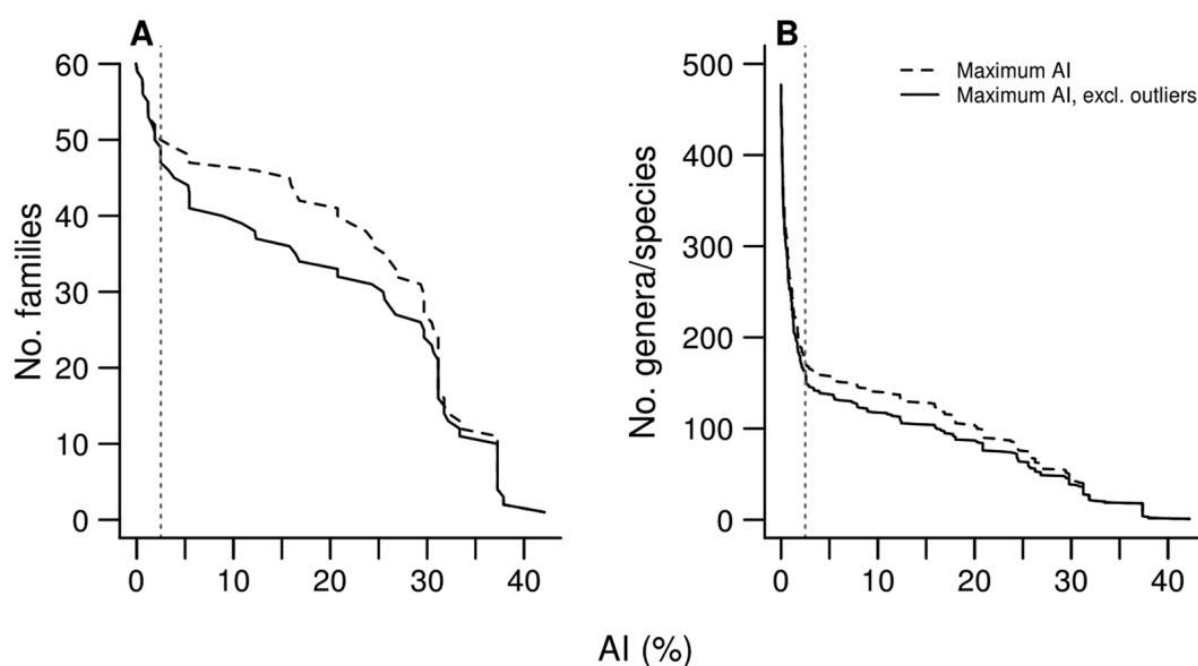


Figure 2. (Figure 7 of (Walsh & Webb, 2016)) Plots of the cumulative number (no.) of taxa that occur up to a particular value of attenuated imperviousness (AI) for family-level records (A) and the same records identified to genus or species (B). Data are for taxa recorded in the Melbourne region from the 60 families modeled in our study including data from additional locations (Fig. S1C). In each plot, taxon occurrences are ordered by the maximum AI value from which they have been recorded (maximum) and the maximum AI value $\leq 1.5 \times$ the interquartile range (maximum excluding [excl.] outliers). The plots show that most families were collected from streams with >2.5% AI (dotted vertical line), but that most genera/species were not recorded from streams with >2.5% AI.

8. Indicators of stream ecological condition

A number of water column and stream bed physical, chemical and biological indicators are commonly used to assess stream “health”. Many of these indicators have been chosen due to their association with primary drivers to ecological degradation in running waters (Table 2). Increased values of abiotic indicators that typically increase with reductions in ecological values are; nitrate (NO₃), ammonia (NH₄), Total Nitrogen (TN), phosphate (PO₄), total phosphate (TP); dissolved organic carbon (DOC); total suspended solids (TSS); electrical conductivity (EC) and temperature (°C). Increases in the water column concentration of all of the nutrients (NO₃, NH₄, TN, PO₄ and TP) as well as DOC and TSS generally lead to greater loads of these elements being delivered downstream waters.

Commonly used biotic indicators that often increase in association with decreased ecological function are algal biomass both in the water column and on the stream bed. More sophisticated biotic indicators of biological diversity are benthic algal species composition (Newall & Walsh, 2005) and the presence or absence of macroinvertebrates at the family and order level (Gooderham & Tsyrlin, 2002). All of these indicators have been shown to vary in response to ecological stress and in many cases indicator variables have been selected due to their high sensitivity to impacts of urbanisation (e.g. SIGNAL, the Stream Invertebrate Grade Number –Average Level) (Stewardson et al., 2010).

TABLE 2. The primary threats to streams and rivers. (Modified from (Allan & Ibañez Castillo, 2009).)

	Proximate causes	Abiotic effects	Biotic effects
Habitat alteration	Land-use change including deforestation, urban development	Loss of natural flow variability, altered habitat. Reduced habitat and substrate complexity, lower base flows Altered energy inputs, increased delivery of sediments and contaminants, flashy flows	Reduced dispersal and migration, changes to water quality and assemblage composition. Reduction in biological diversity favoring highly tolerant species. Changes in assemblage composition, altered trophic dynamics, can facilitate invasions
Invasive species	Aquaculture, sports fishing, pet trade, ornamental plants	Some invasive species modify habitat, otherwise minor	Declines in native biota, biotic homogenization, can result in strong ecosystem-level effects
Contaminants	Nutrient enrichment from agriculture, municipal wastes, urban deposition, atmospheric deposition, waste disposal, organic toxins.	Increased N and P, altered nutrient ratios. Reduced pH. Increased trace metal concentrations (e.g., Hg, Cu, Zn, Pb, Cd). Organic toxins Increased levels of PCB, endocrine disruptors, some pesticides	Increased productivity, algal blooms, altered assemblage composition Physiological and food chain effects Toxic effects through biomagnification Physiological and toxic effects

At higher trophic levels indicators such as the ratio of the sensitive coho salmon to the more tolerant cutthroat trout have been used as indicators of urban stress with in the USA (Kennen et al., 2005; National Research Council, 2009). Similarly the likelihood of encountering male, female or immature platypus in the Melbourne region has been used to indicate urban stress (Martin et al., 2014).

In the USA the Index of Biological Integrity (IBI) is a integrated quantitative measure that has be used to distinguish among a range of aquatic conditions (poor through excellent). It uses a range of data including invertebrate species richness and composition, trophic composition, and fish abundance and condition but also incorporates professional judgment based on the relative sensitivity of each of these parameters to stressors (National Research Council, 2009). IBI indices have been developed

for a number of USA states and are used to detect the effect of non point source stressors to ecosystems that may not be detected by reliance on water quality or a more limited biological indicator alone (Kennen et al., 2005). Figure 1 shows the significant relationship ($P < 0.0001$) between the North Carolina IBI and percent urban land use.

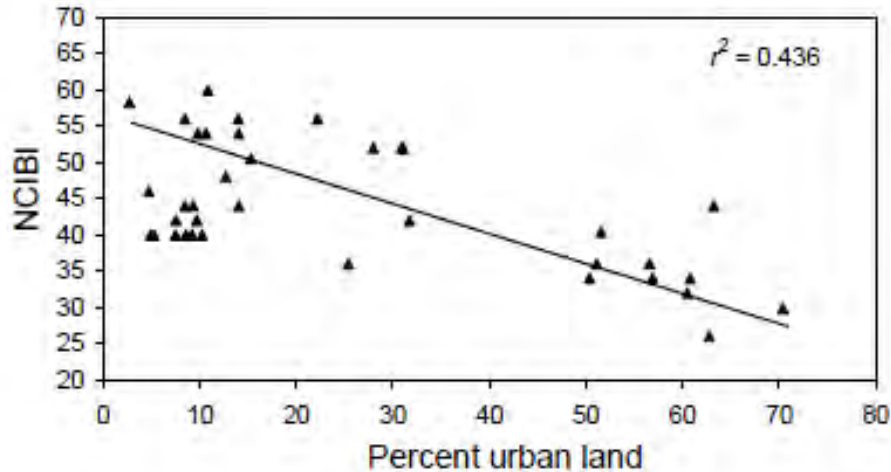


Figure 1. (from (Kennen et al., 2005)) Regression relation between percent urban land and the North Carolina index of biotic integrity (NCIBI).

9. Summary of impacts on stream ecological function of low urban density

Studies in Australia have shown that biological indicators (algal biomass, macroinvertebrate biodiversity and platypus numbers) show steep declines from 0% to <10% TI. Similarly A broad scale study in Connecticut showed that all catchments with TI >12% failed a macro invertebrate index for stream health (Figure 3). Results from the Connecticut study clearly show the high level of variability in stream ecosystem response to TI at low levels of imperviousness. Most streams in the range of 5-12% TI failed the macroinvertebrate index and a substantial proportion of streams at 2-3% TI also had very low scores (Figure 3). All streams with greater than 12% TI failed the index of stream health (Coles, 2012).

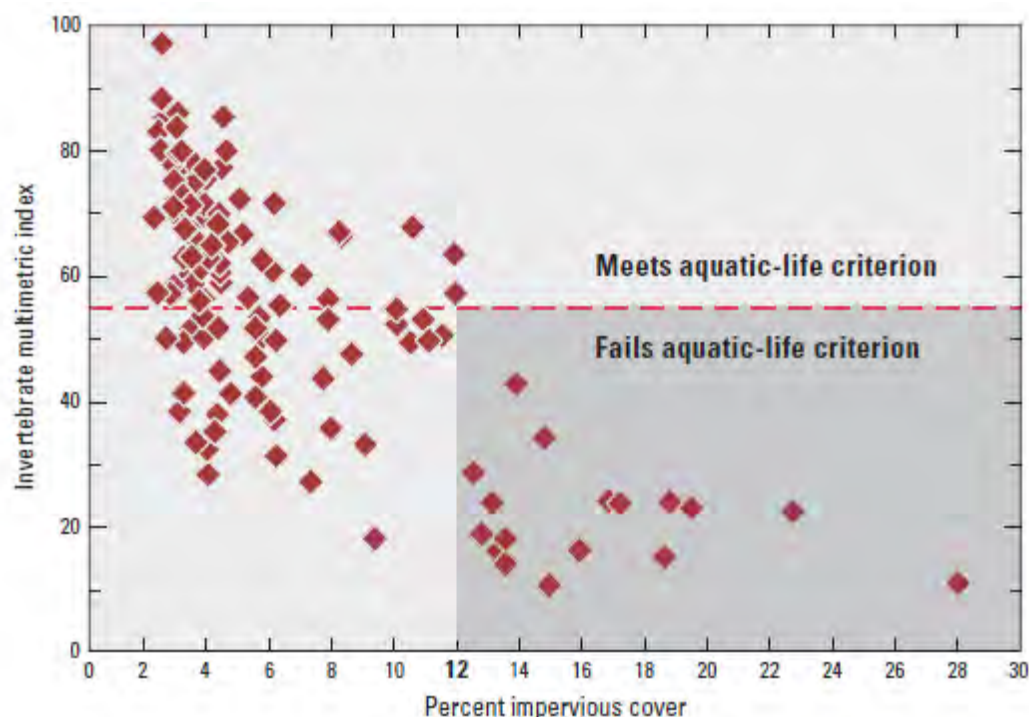


Figure 3. (Figure 7-1 of (Coles, 2012)) The Eagleville Brook impervious cover TMDL (Total Maximum Daily Load) is based on a Connecticut Department of Environmental Protection study that indicated streams in watersheds with impervious cover exceeding approximately 12 percent (the darker area) failed to meet the Connecticut aquatic-life criterion for healthy streams.

There is a growing body of literature that has studied the impacts of urbanisation on abiotic and biotic components of stream function. A consistent result of these studies is that stream quality begins to decline from the lowest level of urbanisation measurable by current land use data (Walsh & Webb, 2016) and that degradation of aquatic biological communities begins at the onset of urban development (Coles, 2012). The extent which ecological function is compromised at low levels of urbanisation is not always clear as biological indices of stream health are often designed to detect changes in the occurrence of species known to be sensitive urban stressors. The rapid decline of organisms higher in the food chain (such as platypus) to very low levels of imperviousness (<3%) indicates a substantial change in ecological function. The data shows that macroinvertebrate biodiversity at both the stream reach and catchment level can be severely impacted at very low levels of urban density with macroinvertebrate species richness rapidly declining between 0% and 2.5% AI (King et al., 2011; Walsh & Webb, 2016).

A consistent impact of urbanisation is increases in concentrations of soluble and particulate nitrogen and phosphorus which are detectable at low levels of urbanisation (<2% EI) which are implicated in changed nutrient processing rates in the stream and increased algal biomass. Increased depositional nutrients delivered from impervious surfaces are almost always associated with increased contaminant loads, with many of these contaminants having not been assessed for their aquatic toxicity as they are relatively novel compounds. A study in Melbourne of eight urban sites sampled on two occasions detected 14 metals with copper and zinc found in all samples, in addition 15 herbicides and 93 semi-volatile organic chemicals were found in at least one sample (Allinson et al., 2014). This study also tested all samples against a toxicity bio-assay using bacteria and algae and found that all samples were moderately or strongly toxic to bacteria and all but two sites were toxic to microalgae (Allinson et al., 2014). The close association of a new suite of toxicants with the more

commonly assessed nutrients, sediments, pesticides, metals and physicochemical changes in water quality has not been assessed at low levels of urban impact; however they remain a potentially important stressor to the biotic integrity of streams and receiving waters at very low levels of concentration.

It is still unclear which stressors cause the declines in stream biota observed at low levels of urbanisation. It is quite probable that different stressors may be more important under different catchment conditions and with different types of urbanisation (townships, clustered versus diffuse development). There are a number of commonly measured stressors that can be directly related to changes in biota such as nutrient enrichment leading to increased algal biomass; salinity and toxic metals impacting bacterial, algal or macroinvertebrate survival; or sediment smothering invertebrates or fish gills. Many of these stressors frequently increase together; hence the influence of one factor is often difficult to distinguish from a suite of potential impacts. Similarly there may also be a synergistic effect of multiple stressors or toxicants that lead to a greater impact than would be predicted from each stressor individually.

10. Threats to ecologically sensitive waters

Loads of nitrogen, phosphorus and sediments generated from urban areas delivered to downstream waters shown a linear increase with increasing urbanisation. Increases in upper watershed catchment urbanisation are almost always going to lead to increased loads of nutrients and sediments to slower flowing water bodies (reservoirs, lakes, low land rivers, coastal waters and estuaries). The magnitude of the increased loads will be determined by the level of urbanisation, proximity to watercourses, direct connection of impervious areas, climate, topography, vegetation cover and geomorphology (soils types). Increased loads of both nutrients and sediments to estuaries have been a primary concern for the ecological health of these systems. In particular smaller estuaries are more susceptible to eutrophication due to their low buffering capacity and limited nutrient processing and assimilation rates. This is particularly the case in intermittently open or permanently closed estuaries or coastal lagoons.

- Allan, J. D. (2004). Landscapes and Riverscapes: The Influence of Land Use on Stream Ecosystems. *Annual Review of Ecology, Evolution, and Systematics*, 35(1), 257–284.
<https://doi.org/10.1146/annurev.ecolsys.35.120202.110122>
- Allan, J. D., & Ibañez Castillo, M. M. (2009). *Stream ecology: Structure and function of running waters* (2. ed., reprinted). Springer.
- Allinson, G., Allinson, M., Myers, J., & Pettigrove, V. (2014). *Use of novel rapid assessment tools for efficient monitoring of micropollutants in urban storm water* (Technical Report No. 37). Centre for Aquatic Pollution Identification Management (Melb Uin).
- Arnold, C. L., & Gibbons, C. J. (1996). Impervious Surface Coverage: The Emergence of a Key Environmental Indicator. *Journal of the American Planning Association*, 62(2), 243–258.
<https://doi.org/10.1080/01944369608975688>
- Bettez, N. D., & Groffman, P. M. (2013). Nitrogen Deposition in and near an Urban Ecosystem. *Environmental Science & Technology*, 47(11), 6047–6051.
<https://doi.org/10.1021/es400664b>
- Brabec, E., Schulte, S., & Richards, P. L. (2002). Impervious Surfaces and Water Quality: A Review of Current Literature and Its Implications for Watershed Planning. *Journal of Planning Literature*, 16(4), 499–514. <https://doi.org/10.1177/088541202400903563>
- Buchanan, R. (1989). *Bush regeneration: Recovering Australian landscapes*. TAFE Student Learning Publications.
- Clarke, A., Mac Nally, R., Bond, N., & Lake, P. S. (2008). Macroinvertebrate diversity in headwater streams: A review. *Freshwater Biology*, 53(9), 1707–1721. <https://doi.org/10.1111/j.1365-2427.2008.02041.x>
- Coles, J. (2012). *Effects of urban development on stream ecosystems in nine metropolitan study areas across the United States* (p. 138) [Circular].
- Gooderham, J., & Tsyrlin, E. (2002). *The waterbug book: A guide to the freshwater macroinvertebrates of temperate Australia*. CSIRO publishing.

- Grimm, N. B., Foster, D., Groffman, P., Grove, J. M., Hopkinson, C. S., Nadelhoffer, K. J., Pataki, D. E., & Peters, D. P. (2008). The changing landscape: Ecosystem responses to urbanization and pollution across climatic and societal gradients. *Frontiers in Ecology and the Environment*, 6(5), 264–272. <https://doi.org/10.1890/070147>
- Grimm, N. B., Sheibley, R. W., Crenshaw, C. L., Dahm, C. N., Roach, W. J., & Zeglin, L. H. (2005). *N retention and transformation in urban streams*. 24, 17.
- Hatt, B. E., Fletcher, T. D., Walsh, C. J., & Taylor, S. L. (2004). The Influence of Urban Density and Drainage Infrastructure on the Concentrations and Loads of Pollutants in Small Streams. *Environmental Management*, 34(1). <https://doi.org/10.1007/s00267-004-0221-8>
- Hopkins, K. G., Morse, N. B., Bain, D. J., Bettez, N. D., Grimm, N. B., Morse, J. L., Palta, M. M., Shuster, W. D., Bratt, A. R., & Suchy, A. K. (2015). Assessment of Regional Variation in Streamflow Responses to Urbanization and the Persistence of Physiography. *Environmental Science & Technology*, 49(5), 2724–2732. <https://doi.org/10.1021/es505389y>
- Houshmand, A., Vietz, G. J., & Hatt, B. E. (2014). *Improving Urban Stream Condition by Redirecting Sediments: A Review of Associated Contaminants*. 7th Australian Stream Management Conference - Full Paper. <http://rgdoi.net/10.13140/2.1.1228.6080>
- Hughes, R. M., Dunham, S., Maas-Hebner, K. G., Yeakley, J. A., Schreck, C., Harte, M., Molina, N., Shock, C. C., Kaczynski, V. W., & Schaeffer, J. (2014). A Review of Urban Water Body Challenges and Approaches: (1) Rehabilitation and Remediation. *Fisheries*, 39(1), 18–29. <https://doi.org/10.1080/03632415.2013.836500>
- Kennen, J. G., Chang, M., & Tracy, B. H. (2005). Effects of Landscape Change on Fish Assemblage Structure in a Rapidly Growing Metropolitan Area in North Carolina, USA. *American Fisheries Society Symposium*, 47, 39–52.
- King, R. S., Baker, M. E., Kazyak, P. F., & Weller, D. E. (2011). How novel is too novel? Stream community thresholds at exceptionally low levels of catchment urbanization. *Ecological Applications*, 21(5), 1659–1678. <https://doi.org/10.1890/10-1357.1>

- Lammers, R. W., & Bledsoe, B. P. (2017). What role does stream restoration play in nutrient management? *Critical Reviews in Environmental Science and Technology*, 47(6), 335–371. <https://doi.org/10.1080/10643389.2017.1318618>
- Lintern, A., Webb, J. A., Ryu, D., Liu, S., Bende-Michl, U., Waters, D., Leahy, P., Wilson, P., & Western, A. W. (2018). Key factors influencing differences in stream water quality across space. *Wiley Interdisciplinary Reviews: Water*, 5(1), e1260. <https://doi.org/10.1002/wat2.1260>
- Lovett, S., Price, P., & Edgar, B. (2007). *Salt, Nutrient, Sediment and Interactions: Findings from the National River Contaminants Program* (p. 160). Land & Water Australia.
- Martin, E. H., Walsh, C. J., Serena, M., & Webb, J. A. (2014). Urban stormwater runoff limits distribution of platypus: Stormwater Limits Platypus Distribution. *Austral Ecology*, 39(3), 337–345. <https://doi.org/10.1111/aec.12083>
- McClain, M. E., Boyer, E. W., Dent, C. L., Gergel, S. E., Grimm, N. B., Groffman, P. M., Hart, S. C., Harvey, J. W., Johnston, C. A., Mayorga, E., McDowell, W. H., & Pinay, G. (2003). Biogeochemical Hot Spots and Hot Moments at the Interface of Terrestrial and Aquatic Ecosystems. *Ecosystems*, 6(4), 301–312. <https://doi.org/10.1007/s10021-003-0161-9>
- National Research Council. (2009). *Urban Stormwater Management in the United States*. National Academies Press. <https://doi.org/10.17226/12465>
- Newall, P., & Walsh, C. J. (2005). Response of epilithic diatom assemblages to urbanization influences. *Hydrobiologia*, 532(1–3), 53–67. <https://doi.org/10.1007/s10750-004-9014-6>
- Paul, M. J., & Meyer, J. L. (2001). *STREAMS IN THE URBAN LANDSCAPE*. 35.
- Prosser, T., Morison, P. J., & Coleman, R. A. (2015). Integrating stormwater management to restore a stream: Perspectives from a waterway management authority. *Freshwater Science*, 34(3), 1186–1194. <https://doi.org/10.1086/682566>
- Roy, A. H., Purcell, A. H., Walsh, C. J., & Wenger, S. J. (2009). Urbanization and stream ecology: Five years later. *Journal of the North American Benthological Society*, 28(4), 908–910. <https://doi.org/10.1899/08-185.1>

- Sheldon, F., Pagendam, D., Newham, M., McIntosh, B., Hartcher, M., Hodgson, G., Leigh, C., & Neilan, W. (2012). *Critical Thresholds of Ecological Function and Recovery Associated with Flow Events in Urban Streams* (Technical Report No. 99; p. 120). Urban Water Security Research Alliance.
- Stewardson, M., Vietz, G., & Thompson, R. (2010). *Appendix 4 Stream Ecology Literature review*. Centre for water sensitive cities.
- Taylor, S. L., Roberts, S. C., Walsh, C. J., & Hatt, B. E. (2004). Catchment urbanisation and increased benthic algal biomass in streams: Linking mechanisms to management. *Freshwater Biology*, 49(6), 835–851. <https://doi.org/10.1111/j.1365-2427.2004.01225.x>
- Urrutiaguer, M. (2016). *Management of the ecological impacts of urban land and activities on waterways Issues paper: Understanding the science*. Melbourne Water.
- Urrutiaguer, M., Rossrakesh, S., Potter, M., Ladson, A., & Walsh, C. J. (n.d.). *Using Directly Connected Imperviousness Mapping to Inform Stormwater Management Strategies*. 8.
- Vietz, G. J., Rutherford, I. D., Fletcher, T. D., & Walsh, C. J. (2016). Thinking outside the channel: Challenges and opportunities for protection and restoration of stream morphology in urbanizing catchments. *Landscape and Urban Planning*, 145, 34–44. <https://doi.org/10.1016/j.landurbplan.2015.09.004>
- Vietz, G. J., Sammonds, M. J., Walsh, C. J., Fletcher, T. D., Rutherford, I. D., & Stewardson, M. J. (2014). Ecologically relevant geomorphic attributes of streams are impaired by even low levels of watershed effective imperviousness. *Geomorphology*, 206, 67–78. <https://doi.org/10.1016/j.geomorph.2013.09.019>
- Walsh, C. J., Fletcher, T. D., Bos, D. G., & Imberger, S. J. (2015). Restoring a stream through retention of urban stormwater runoff: A catchment-scale experiment in a social–ecological system. *Freshwater Science*, 34(3), 1161–1168. <https://doi.org/10.1086/682422>

- Walsh, C. J., Fletcher, T. D., Hatt, B. E., & Burns, M. J. (2010). *New generation stormwater management objectives for stream protection Implementation at multiple scales to restore a small stream.*
- Walsh, C. J., Fletcher, T. D., & Ladson, A. R. (2005). *Stream restoration in urban catchments through redesigning stormwater systems: Looking to the catchment to save the stream.* 24, 16.
- Walsh, C. J., & Kunapo, J. (2009). The importance of upland flow paths in determining urban effects on stream ecosystems. *Journal of the North American Benthological Society*, 28(4), 977–990. <https://doi.org/10.1899/08-161.1>
- Walsh, C. J., Leonard, A. W., Ladson, A. R., & Fletcher, T. D. (2004). *Urban stormwater and the ecology of streams* (p. 44).
- Walsh, C. J., Roy, A. H., Feminella, J. W., Cottingham, P. D., & Groffman, P. M. (2005). *The urban stream syndrome: Current knowledge and the search for a cure.* 24, 18.
- Walsh, C. J., Waller, K. A., Gehling, J., & Nally, R. M. (2007). Riverine invertebrate assemblages are degraded more by catchment urbanisation than by riparian deforestation. *Freshwater Biology*, 52(3), 574–587. <https://doi.org/10.1111/j.1365-2427.2006.01706.x>
- Walsh, C. J., & Webb, J. A. (2016). Interactive effects of urban stormwater drainage, land clearance, and flow regime on stream macroinvertebrate assemblages across a large metropolitan region. *Freshwater Science*, 35(1), 324–339. <https://doi.org/10.1086/685105>
- Weeks, C. (1982). Pollution in Urban Runoff. In *Water quality management: Monitoring programs and diffuse runoff* (1st ed., p. 158). Water Studies Centre, Australian Society for Limnology.

Threats of residential development to aquatic natural values in the Break O'Day Municipality

Simon Roberts Dec 2021



Urban development in proximity to Grants Lagoon, Binalong Bay and Skeleton Bay. Source: LISTmap.

1. Introduction

This report looks at potential nutrient and toxicant issues of aquatic systems in the BOD council area arising from residential development in rural areas (often referred to as exurban development) and townships. There is a trend of expanding exurban development in Australia driven by the desire for both amenity and lifestyle changes. Increasing residential development has led to concern about potential degradation of ecological values in rural areas and in particular the impact on waterways and the coastal environment (Tasmanian Planning Commission 2009). Similarly the desire to live in a coastal location has lead to increased pressure to expand existing townships within the coastal zone which has the potential to lead to ecological degradation of adjacent water bodies and the marine environment (Victorian Coastal Council et al. 2011).

It has been recognised for some time that changes in land use can have profound and often irreversible impacts on both freshwater and estuarine systems. Harris (2001) reported that land clearing in catchments can lead to far reaching “deleterious changes to soil properties, vegetation and surface and ground water quality and quantity”(Harris 2001). Harris (2001) concluded that at 50% vegetation clearance there is a sharp increase in the export of salinity, suspended solids and nutrients to waterways with a corresponding decline in water quality. He also noted that clearing natural vegetation leads to

increased runoff with greater stream power which can cut down into the soil and subsoil of watercourses.

Australian catchments have naturally low levels of export of nutrients to waterways due to low rainfall, generally low relief and low nutrient status of our soils. Freshwater ecosystems, estuarine and coastal lagoons in Australia are therefore particularly susceptible to anthropogenic impacts that can lead to changes in flow or eutrophication (Hadwen and Arthington 2006). Increased nutrient and sediment loads from urban development, waste disposal, agriculture and aquaculture have all been implicated in changes to both river, estuary and coastal lagoon ecology through a deterioration in water quality (Kennish 2002). In general long term water quality monitoring of waterbodies has been restricted to rivers and dams in Tasmania with analysis of land use impacts being mostly attributed to broad scale land use such as grazing, forestry or conservation land (DPIPWE 2020; Hardie and Bobbi 2018; Wagenhoff et al. 2017).

The Resource Management and Planning System (RMPS) of Tasmania has the primary objective of the sustainable development of natural and physical resources and the maintenance of ecological processes. State legislation and State Policies of the RMPS govern the management of freshwater resources and their ecosystems throughout the State. Legislation that contributes to the RMPS shares a common set of high-level objectives (Schedule 1 Objectives of Land Use Planning and Approvals Act 1993). The RMPS also has two State policies that are relevant to protection of both freshwater and marine ecosystems; the Tasmanian State Coastal Policy 1996 and State Policy on Water Quality Management 1997. However, there are few prescriptions within the planning system that consider broadscale ecological impacts of development on aquatic systems.

There is currently a paucity of physical, chemical and benthic invertebrate data from estuaries within the state required to assess the ecological status of these water bodies. This data would be particularly relevant when assessing the potential impacts of current and proposed planning provisions on aquatic environmental values (Edgar, Barrett, and Graddon 1999).

This report details the potential direct and indirect environmental impacts of increased residential development both within and outside established urban zones on waterways in the Break O'day Municipality (see (Roberts 2021) for a more detailed review on residential land use impacts). It summarises the current status and threats to estuaries and coastal lagoons based on reports and studies done to date. Finally it considers various prescriptions that may be considered at the planning level to mitigate or remedy potential impacts of urbanization.

2. Potential direct and indirect environmental impacts of increased residential development on waterways

Increased residential development is a significant driver of decreased aquatic and terrestrial biodiversity (Cuffney et al. 2010; Gagné and Fahrig 2010; King et al. 2011). Urban development or residential development is considered as one of the most potent land use changes likely to cause degradation to streams on a per area basis (Barmuta et al. 2009; Edgar, Barrett, and Graddon 1999; Urrutiaguer 2016). Increased nutrient, toxicant and sediment loads are highly positively correlated with increases in urban

density (Hatt et al. 2004). Edgar *et al* (1999) calculated an “environmental impact factor (EIF)” for natural lands (unmodified vegetated land and water bodies) of 1, an EIF of 5 for cleared forest and an EIF of 20 for urban land. These EIF values are considered to represent the relative increases in nutrient and sediment loads in runoff from each type of land use (Edgar, Barrett, and Graddon 1999). State wide analysis of broad scale effects of land use on 95 environmental factors in Tasmania found that urban land use ranked in the top six factors negatively effecting water quality for four of the six indicators examined (DPIPWE 2020).

Current understanding of the impacts of residential development has lead to the realization that a very small area of impervious area as a percentage of total area of a catchment (<2%) can have significant effects on stream ecology (Urrutiaguer 2016). There is also a clear threshold of ~5% catchment imperviousness beyond which ecosystems are substantially damaged (Ewart 2018). In Tasmania urban land use has been implicated in changes in river water quality indicators whilst representing very low levels of the catchment area (DPIPWE 2020). A key message of the DPIPWE (2020) report was the limited information about factors likely to influence river ecosystem health such as the effect of diffuse pollution or temporal changes in land use.

Estuaries and coastal lagoons are considered as particularly susceptible to impacts from changes in land use as they are generally nitrogen limited and are sensitive to increased inputs of nitrogen from fertilizers, urban run-off and land clearing.(Harris 2001) Increased pollution from both point sources (sewage treatment plants, stormwater outfalls) and non-point sources (septic tanks, fertilizer, urban run-off) lead to higher nutrient and organic carbon loading as well as pathogens and chemical contamination of estuarine waters and sediments (Kennish 2002). Urban runoff can have substantially higher concentrations of phosphorus and has a higher pH which can significantly change the vegetation in impacted areas, a common consequence is the establishment of weed species in formally low nutrient soils (Buchanan 1989). Similarly changes in hydrology either as increased or decreased or altered flow regimes can have profound effects on estuaries and coastal lagoons through increased transport of sediments and shifts in salinity and temperature regimes. Artificial opening or expansion of natural outlets by dredging can also significantly affect the ecology of estuaries and coastal lagoons through increased marine flushing or import of coastal derived organic matter. Artificially changed flushing regimes have been implicated in large changes in fish and invertebrate populations (Clark and Johnston 2016) as well as fish kills brought about by low oxygen concentrations from decomposing plant matter in re-flooded areas of the system (Hadwen and Arthington 2006).

Despite the potential threats to coastal lakes and lagoon ecosystems from antropogenic activities there is still a paucity of data on water quality or inventories of estuarine biota. The latest Australian State of the Environment Report 2016 indicates that the most likely trend is a decrease in the ecological state of coastal lagoons however a robust assessment is difficult due to a lack of baseline data (Clark and Johnston 2016). The State of the Environment Report 2016 concluded that the outlook for lagoons was tightly coupled with human population growth and that current development and land use decisions are likely to lead to ongoing deterioration.

Examination of trends in long term datasets of six river health indicators across 85 sites in Tasmania has shown a decline in at least one water quality indicator in 41% of the sites (DPIPWE, 2020). Sites with stable or improving trends were typically at higher elevations (ie higher in the catchment) whereas sites with declining trends were at lower elevations. The impacted sites occurred across all the sampled areas of Tasmania (north, east and south of the state). Differences in trends were attributed to the level of development in catchments with upstream sites generally being undisturbed or with low levels of development. Although few of the sites analysed for long term trends in water quality in Tasmania were in the BOD municipality the general trend of increased development in the lower reaches of catchments is typical of most catchments in the municipality.

Cumulative and increasing ecological pressures in coastal environments have been recognized as having direct effects on both estuaries and coastal embayments. The Victorian Coastal Council (Victorian Coastal Council et al. 2011) identified a key issue to be “understanding the cumulative ecological consequences of coastal development”, and identified the direct pressures of increased development to be:

- Roads and other infrastructure, which affect runoff, input of toxicants, change access for wildlife, influence patterns of recreational use of undeveloped areas, etc;
- Development places new demands on nutrient management, with an increase in the volume of nutrients that must be accommodated;
- Use of undeveloped land (recreation, access by pets, etc.) and potential impacts on biodiversity (species that use particular coastal habitats, such as dune-or beach-nesting birds);
- Biosecurity issues with transport of marine pest species by recreational activities (boats, trailers, wet gear, etc.);
- Increased pressure on marine resources (e.g. recreational fish stocks);
- Potential impacts to marine environments from increased off-shore activities (e.g. off-shore oil and gas, marine renewable energy); and
- Increased exposure to risk associated with greater population densities being located in current and future hazardous areas.

Potentially important cumulative or broad scale diffuse effects of development is considered a key consideration for landscape planning in coastal areas (Victorian Coastal Council et al. 2011). In Tasmania other than through local planning schemes there is little integration between the management of catchments and the coastal and marine zones. The recently adopted Rural Water Use Strategy had little consideration of catchment water use on the ecological function of estuarine or coastal ecosystems. The strategy stated that;

“Whilst water quality is a consideration in executing functions under the WMA, catchment management and management of water quality more generally are principally managed through other suitable frameworks and instruments outside the water management framework as it relates to the Rural Water Use Strategy.”

The “other suitable frameworks and instruments” are not listed in the Rural Water Use Strategy. Land use planning would be one such mechanism that could be used to control broad scale effects on water quality by limiting potentially threatening types of use or development and designating mitigation actions when uses are potentially threatening to ecological function of waterbodies.

3. Status and threats to estuaries and coastal lagoons in the BOD municipality

Apart from threats to the ecological health of streams, rivers and open estuaries by residential development the BOD council area has a large number of intermittently open/closed estuaries and coastal lagoons that are potentially threatened by increased residential activity and development in their catchments (Bushways 2009; Crawford, Ross, and Gibson 2011; Edgar, Barrett, and Graddon 1999; North Barker 2009). Intermittently open and closed estuaries are considered more vulnerable when they are closed as any nutrient or pollutant entering the water body cannot be flushed out by tidal activity (Crawford, Ross, and Gibson 2011; Hadwen and Arthington 2006; Kennish 2002). Similarly permanently closed coastal lagoons have to process any additional nutrient or toxicant loads internally.

Hadwen et al (2006) reviewed threats to intermittently open/closed estuaries in Australia and concluded that “relatively little is known of the ecology of these intermittently open systems” and that “lack of knowledge of how these systems respond to anthropogenic activities threatens their long-term sustainability”. Intermittently open/closed estuaries are functionally different to open tidal estuaries as they typically have low tidal ranges with infrequent periods of connection to the sea. During periods of low connection to the marine environment intermittently open/closed estuaries may behave more like saline lakes, but with unique biogeochemical and limnological processes (Hadwen and Arthington 2006). Intermittently open/closed estuaries were found to support a wide array of invertebrate and fish taxa and this diversity was strongly influenced by entrance opening and closing regimes (Hadwen and Arthington 2006).

Hadwen et al (2006) considered the major processes threatening the ecological health of coastal waterways and in particular intermittently open/closed estuaries in Australia where:

- Eutrophication and contamination – excessive nutrient and contaminant inputs from agricultural, industrial and urban sources;
- Fisheries – impacts of excessive harvesting of fish and macroinvertebrates by commercial and recreational fishers;
- Modification of flow regimes, including water allocation to industry, urban settlements and agriculture, and specifically for intermittently open/closed estuaries, the artificial breaching of berms;
- Tourism – increasing tourist and resident recreational demand and use; and
- Coastal development – increasing land clearing for urban, industrial and agricultural land uses, and habitat loss through in-system modifications.

Crawford et al (2011) noted that estuaries on the east coast of Tasmania are predominantly poorly flushed or intermittently open/closed and that these types of estuaries are either moderately or highly susceptible to degradation to nutrient stress derived from catchment agriculture and urban settlement. The East coast of Tasmania was considered to be particularly sensitive to anthropogenic stressors due to generally lower rainfall and a greater variability in river and stream flow, in addition lower tidal ranges and longshore sand transport increased the likelihood of restricted flow or closure of entrances (Crawford, Ross, and Gibson 2011).

There are only a small number of studies that have individually considered the ecological status of estuaries and coastal lagoons in the Break O’Day municipality. Edgar *et al* (1999) reported on 24

Tasmania estuaries of which three were within the Break O'Day municipality (Grants Lagoon, Templestowe and Douglas). Edgar *et al* (1999) concluded that there were nine major threats to Tasmanian estuaries;

- increased siltation resulting from land clearance and urban and rural runoff,
- increased nutrient loads resulting from sewage and agricultural use of fertilisers,
- urban effluent,
- foreshore development and dredging,
- marine farms,
- modification to water flow through dams and weirs,
- acidification of rivers and heavy metal pollution from mines,
- the spread of introduced pest species, and
- long-term climate change.

Edgar *et al* (1994) reported that virtually all the medium sized typically open mouthed estuaries along the east coast of Tasmania were degraded by pollution, siltation, nutrient loads and shore development.

The most comprehensive analysis of estuaries within the Break O'Day municipality is the North Baker report from 2009 for NRM North and Break O'Day Council (North Baker 2009). This report assessed 22 lagoons and wetlands within the Council area to provide a "health check" and to identify current and future stressors on these water bodies. The North Baker (2009) report considered threats to each water body with particular attention paid to catchment activities and disturbances. Each wetland/lagoon had a 100m buffer area around the perimeter examined in detail. Consistent with previous studies urban development posed a current and potential threat through a number of mechanisms (numbers in brackets refer to wetland/lagoon number in report; see below);

- Increased use of the area by people especially over summer leading to increased impacts, such as rubbish, pollution, weeds and vegetation loss (3, 4, 6)
- Potential spill or leaching from the nearby sewage treatment systems or rubbish dumps (3, 8, 10)
- Vegetation clearance from additional development in buffer zone (3, 4, 6, 8, 10, 11, 14, 15)
- Storm water runoff from currently developed areas and seepage from septic systems (3, 4, 6, 8, 10, 11, 14, 15, 18, 21, 24)
- Runoff from highway or roads (7, 8, 10, 13, 14)
- Additional urban development in buffer and catchment (3, 4, 6, 8, 10, 11, 14, 15, 17, 18, 19, 21)

(3. Moriarty & Windmill Lagoons; 4. Diana's Basin & Crockers Arm; 6. Grants Lagoon; 7. Parkside Lagoon; 8. Chimneys Lagoon; 10. Wrinklers Lagoon; 11. Scamander River Mouth Backwater; 13. Lower Marsh Creek and Chain of Lagoons; 14. Boggy Creek Wetland; 15. Yarmouth Creek; 17. St Helens Point- other lagoons; 18. Upper Medeas Cove Marshes; 19. Onion Creek & St Helens Point (other); 21. Four Mile Creek; 24. Douglas River & wetlands)

Eleven of the water bodies studied by North Baker (2009) were found to be under threat from current urban development with five under high threat, four under moderate threat and two under low threat

in 2009. Two of the remaining eleven water bodies were considered to be under threat from runoff from roads (North Barker, 2009). Significantly the North Baker (2009) report considered future urban development to be an additional threat for twelve water bodies however there has not been any additional assessment of this threat since 2009.

Concomitant with the North Baker study Bushways Environmental Services produced a Falmouth and Henderson Lagoon environmental management plan (Bushways 2009) for the Falmouth Community Centre. This detailed report considered a number of threats and potential management issues in relation to the water bodies including:

- Land use impacts from urban development including large subdivisions.
- Roads increasing stormwater runoff and pollutants.
- Vegetation clearance for new developments, infrastructure and fire hazard reduction.
- Impacts of pets, stormwater pollution and “tidying up” of native vegetation around homes and roads.
- Insufficient information on nutrient and toxicant levels in the systems or their potential sources (septic tanks, fertilizer, herbicide and pesticides from agriculture or residential areas).
- Increased pressure on shore birds and other fauna from visitors or road kill.
- Artificial opening and closing of the lagoon.

All the reports produced to date highlight the threat from urban development on many of the estuaries and coastal lagoons in the Break O’Day municipality. Most of these waterbodies are directly threatened by current or potential urbanization which leads to increased amounts of impervious surfaces—roads, parking lots, roof tops, and so on—and a decrease in the amount of forested lands. Similarly increased recreational or domestic use of these areas also has potentially significant impacts such as rubbish, pollution, weeds and vegetation loss.

Many of the drivers of these ecological threats are relatively simple to quantify (vegetation clearance, new roads, number of dwellings) however their ecological impact is often difficult to assess directly or in combination with other stressors. Cumulative impacts on water bodies such as eutrophication or loss of macro-invertebrate diversity is able to be monitored but very little data is available to make these assessments.

4. Recommendations for avoiding or mitigating impacts from urbanization on estuaries and coastal lagoons

A common feature of all the studies into estuaries and coastal lagoons in the BOD council area is a recommendation for the collection of data to determine the current physical and biological function of these water bodies. Currently there is a lack of data on physio-chemical (salinity, flow, temperature, pH), biodiversity, nutrients or toxicants in either the water column or sediments. Most of the data collected is more than 10 years old has been opportunistic, limited in extent and has not captured seasonal or annual trends.

The hydrology of east coast catchments is more typical of arid areas with long periods of low precipitation with low or zero flow punctuated by very large flow events. The ecology of water bodies

are generally highly attuned to natural flow regimes. Ecological management of flow in rivers and streams primarily tries to mimic or retain the natural variability in flows (Bobbi, Warfe, and Hardie 2014). A near natural flow regime is required to maintain the natural values present in the system (endemic or threatened species, floodplains and riparian communities), however in most of these systems these values have not been assessed with a level of rigour that provides certainty that all the values have been identified. The North Baker (2009) report recommended water quality monitoring over the summer months in order to assess how recreational activities and the increase in local populations are affecting the lagoons.

Restrictions on the level of residential development and the protection of currently undeveloped crown land in proximity to lagoons and wetlands are a common recommendation of the North Barker (2009) report. Similarly, a common recommendation of the North Barker (2009) report was that restrictions on the type and scale of development on private land be put in place in the buffer areas and catchments around many of the lagoons and wetlands; in some cases they also recommended that current zoning that would allow development be changed to a conservation zoning.

There is now a general recognition that residential development will lead to increased stormwater runoff with high levels of associated pollutants. Other jurisdictions have implemented mechanisms to try and mitigate or minimise the effect of residential development (and its associated infrastructure) on water bodies. In Victoria there is now state wide guidance from the EPA in relation to urban stormwater (EPA (Vic) 2021). In Victoria residential developments are encouraged to mitigate the amount of stormwater generated through on-site infiltration or use of stormwater as their “general environmental duty”. There is also a required reduction in pollutant loads of 45% for nutrients (nitrogen and phosphorus) and 80% for suspended sediment compared to the untreated runoff (EPA (Vic) 2021). The *Tasmania the State Policy on Water Quality Management 1997* requires that:

31.1 Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.”; and

33.1 Regulatory authorities must require that erosion and stormwater controls are specifically addressed at the design phase of proposals for new developments, and ensure that best practice environmental management is implemented at development sites in accordance with clause 31 of this Policy.

There are many high ecological value estuaries and lagoons that are drained by relatively small catchments on the coast of the BOD municipality. The current and potential increase in residential development adjacent too and in the catchment of these waterbodies is highly relevant to the implementation of the planning scheme. Protecting the natural flow regime of adjacent and upstream waterways and ensuring good water quality are critical to maintaining their biodiversity and ecological processes. Residential development should as much as possible be restricted to the current serviced townships with appropriate mitigation of stormwater impacts through water sensitive urban design principles (Fletcher et al. 2015).

Water sensitive urban design (WSUD) principles can be implemented in any development that has the potential to change the water balance of a parcel of land through the construction of impervious surfaces and/or artificial drainage. The original aims of WSUD were to (cited in (Fletcher et al. 2015)):

1. manage the water balance (considering groundwater and streamflows, along with flood damage and waterway erosion),
2. maintain and where possible enhance water quality (including sediment, protection of riparian vegetation, and minimise the export of pollutants to surface and groundwaters),
3. encourage water conservation (minimizing the import of potable water supply, through the harvesting of stormwater and the recycling of wastewater, and reductions in irrigation requirements), and
4. maintain water-related environmental and recreational opportunities.

A simpler aim for new developments would be to achieve:

- Natural frequency of surface run-off.
- Natural volumes of run-off.
- Natural infiltration rates.
- Natural concentrations of pollutants

These aims are consistent with objectives of the State Policy on Water Quality Management 1997 and would better protect adjacent and downstream water bodies if implemented for new developments.

Varying levels of stormwater infrastructure are in place in many of the townships of the BOD municipality. Traditionally storm water management has been to convey additional flows generated by increased impervious surfaces to the nearest water course in order to reduce the risk of flooding. In most cases this infrastructure increases the risk of environmental damage by reducing the possibility of infiltration or trapping of sediments if this water had followed a natural flow path over pervious areas. Increased connection to current or planned flood mitigation stormwater infrastructure is therefore likely to be an ongoing threat to adjacent water bodies. Potentially mitigation of some of these impacts from “end of pipe” flows from serviced stormwater areas could be directed to appropriately designed retention systems.

A further consideration is the provision of sewage infrastructure including its proximity to water bodies, level of treatment and risk of overflow or leakage. In areas not serviced by sewage pipes septic tanks are the primary waste water treatment. Risks from septic tank to adjacent water bodies are dependent on the proximity to the water course, type and size of system and level of maintenance. An audit of septic systems to check that they are working properly or require upgrading in areas close to sensitive aquatic assets may be appropriate.

5. Planning as a tool to minimise degradation of aquatic resources

The implementation of the planning scheme should further the objective of protection and or enhancement of the ecological function of waterways consistent with the objectives of Schedule 1 of LUPPA; objectives 1 (c) & (e) of the Water Management Act 1999; objectives 3 (a), (c) & (h) of the Environmental Management and Pollution Control Act 1994; and objectives 6.1 (a), (b) & (d) of the State Policy on Water Quality Management 1997.

Residential development will in many cases be located in the coastal zone. All developments within one kilometer of the coast will be subject to the objectives and principles of the State Coastal Policy 1996 and its outcomes. Of particular relevance are the outcomes;

1.1.1 The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.

1.1.5 Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.

1.1.9. Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised.

2.1.1. The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.

2.1.2. Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.

2.1.5. The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.

2.4.1. Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.

2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

2.4.3. Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.

There are limited opportunities within the planning scheme to influence changes in land use that may affect water quality within the BOD municipality. One area where the planning scheme has a significant influence is on the type, size and intensity of residential development and where this may occur. Strategies to manage urban development in undisturbed catchments, such as zoning and land use planning can be important tools to prevent or minimise the degradation of aquatic environments. Similarly planning tools have also been used to initiate stream-rehabilitation efforts that can have a positive effect on the biological condition and health of streams (Coles 2012; Prosser, Morison, and Coleman 2015; Vietz et al. 2016). Using impervious cover (or connected impervious cover) as a surrogate for the many correlated stressors driven by urbanisation has the potential to be used as a planning tool to trigger the implementation of “end of pipe” measures to protect the ecological function of water

bodies. Alternately “source control” at the lot or individual development stage using WSUD or other treatment methods to mimic predevelopment conditions is likely to be more effective and consistent with the “user pays” principle. Retrofitting of WSUD measures may also be appropriate when intensification of development is proposed in a semi-developed area.

The most effective method to prevent additional impacts from residential development in sensitive areas is to rezone privately zoned land to zonings where residential use is discretionary and subject to performance standards that will protect or enhance ecological values. Similarly zoning that restricts subdivision or encourages consolidation of lots will generally reduce the pressure for additional residential development and its associated additional infrastructure such as roads and services.

The Break O’Day LPS include a proposed Stormwater Specific Area Plan which has an objective that requires; *“That development provides for adequate stormwater management.”*. The acceptable solution in this plan is to either (A1) *“be capable of connecting to public stormwater system”* or (P1) *“have regard to” “stormwater quality and quantity management targets identified in the State Stormwater Strategy 2010”*. The stormwater SAP applies to specific zones within coastal communities that have been identified to have limited stormwater infrastructure, historic flooding, are at risk to due to local topography or have low permeability or erodible soils. All the coastal communities covered by the Stormwater SAP are poorly serviced by the existing infrastructure and the potential for additional environmental impacts from further development of existing properties could be significant. In addition, some of the properties are small may not have sufficient space to absorb additional flows if developed even if appropriate WSUD infrastructure were required.

The Stormwater SAP has been proposed so *“stormwater quality and quantity is managed to protect natural assets, infrastructure and property.”* There is no information provided in relation to how it will protect natural assets. The fundamental purpose of the Stormwater SAP appears to be to decrease the impact of additional stormwater flows from development on other infrastructure. The explanatory document provided to support the Stormwater SAP states it has been proposed to *“to protect off site stormwater impacts on both private land and public infrastructure for the benefit of the whole community.”*

A key requirement of both the *State Policy on Water Quality Management 1997* and the *State Stormwater Strategy 2010* are the promotion of source control strategies that treat, store and infiltrate stormwater on-site with an aim of reducing flows and decreasing pollutant concentrations. The *State Policy on Water Quality Management 1997* Clause 33.2 requires that:

“State and Local Governments should develop and maintain strategies to encourage the community to reduce stormwater pollution at source.”

Section 3 of this report summarises the results of the North Baker (2009) report into 22 wetlands/lagoons in the municipality of which half were considered under threat from urban impacts, it is highly likely that these threats have increased in the past 11 years. The Stormwater SAP does not reflect the potential impact of stormwater flows either through the existing stormwater infrastructure or through development outside the council stormwater system on natural values. The generation of additional stormwater from new developments being connected to the existing stormwater

infrastructure is likely to be detrimental to many of the aquatic assets of the municipality. Additionally extra flows from developments not connected to the stormwater system are also likely to increase pressures on aquatic habitats.

A key objective of a Stormwater SAP should be to reduce the overall quantity and improve the quality of urban stormwater flows to waterbodies as part of a comprehensive stormwater management program that is premised on the identification of important aquatic ecosystem values and the need to avoid or minimise any potential ecological impacts. A priority should be the management of stormwater to reduce overland flow and to increase water quality at source and where this is impractical then as part of a local treatment process incorporated into the council stormwater infrastructure.

Many studies into the effect of urbanisation on aquatic systems have shown that ecological impacts can occur at very low levels of residential development. Overall impacts of new developments on aquatic systems can be much more effectively managed and lead to less cost if these developments are primarily in already serviced areas and are discouraged in unserviced settlements or in cluster developments outside serviced areas.

- Barmuta, L, A Watson, A Clarke, and J Clapcott. 2009. *The Importance of Headwater Streams*. Canberra: National Water Commission.
- Bobbi, C. J., D. M. Warfe, and S. A. Hardie. 2014. 'Implementing Environmental Flows in Semi-Regulated and Unregulated Rivers Using a Flexible Framework: Case Studies from Tasmania, Australia'. *River Research and Applications* 30(5): 578–92.
- Buchanan, Robin. 1989. *Bush Regeneration : Recovering Australian Landscapes*. Sydney: TAFE Student Learning Publications.
- Bushways. 2009. *Falmouth and Henderson Lagoon Environmental Management Plan*.
- Clark, G.F., and E.L. Johnston. 2016. 'Coasts: Coastal Waterways'. *Australia State of the Environment Report*. <https://soe.environment.gov.au/theme/coasts/topic/2016/coastal-waterways> (November 9, 2020).
- Coles, J. 2012. *Effects of Urban Development on Stream Ecosystems in Nine Metropolitan Study Areas across the United States*. . Circular.
- Crawford, Christine, Jeff Ross, and John Gibson. 2011. *A Decision Tree for Monitoring and Management of Tasmanian Estuaries*. Landscape Logic.
- Cuffney, Thomas F, Robin A Brightbill, Jason T May, and Ian R Waite. 2010. 'Responses of Benthic Macroinvertebrates to Environmental Changes Associated with Urbanization in Nine Metropolitan Areas'. *Ecological Applications* 20(5): 18.
- DPIPWE. 2020. *Temporal and Spatial Patterns in River Health Monitoring across Tasmania, and the Influence of Environmental Factors*.
- Edgar, G J, N S Barrett, and D J Graddon. 1999. 'A Classification of Tasmanian Estuaries and Assessment of Their Conservation Significance Using Ecological and Physical Attributes, Population and Land Use.' : 199.
- EPA (Vic). 2021. *Urban Stormwater Management Guidance*. Environmental Protection Authority of Victoria.
- Ewart. 2018. *Review of Stormwater Science*. Cooperative Research Centre for Water Sensitive Cities.
- Fletcher, Tim D. et al. 2015. 'SUDS, LID, BMPs, WSUD and More – The Evolution and Application of Terminology Surrounding Urban Drainage'. *Urban Water Journal* 12(7): 525–42.
- Gagné, Sara A., and Lenore Fahrig. 2010. 'The Trade-off Between Housing Density and Sprawl Area: Minimizing Impacts to Carabid Beetles (Coleoptera: Carabidae)'. *Ecology and Society* 15(4): art12.
- Hadwen, Wade L, and Angela H Arthington. 2006. *Ecology, Threats and Management Options for Small Estuaries and ICOLLS*. Gold Coast, Qld.: Sustainable Tourism CRC.

- Hardie, Scott A., and Chris J. Bobbi. 2018. 'Compounding Effects of Agricultural Land Use and Water Use in Free-Flowing Rivers: Confounding Issues for Environmental Flows'. *Environmental Management* 61(3): 421–31.
- Harris, Graham. 2001. *A Nutrient Dynamics Model for Australia Waterways: Land Use, Catchment Biogeochemistry and Water Quality in Australia Rivers, Lakes and Estuaries*. Canberra: Dept. of the Environment and Heritage.
- Hatt, Belinda E., Tim D. Fletcher, Christopher J. Walsh, and Sally L. Taylor. 2004. 'The Influence of Urban Density and Drainage Infrastructure on the Concentrations and Loads of Pollutants in Small Streams'. *Environmental Management* 34(1). <http://link.springer.com/10.1007/s00267-004-0221-8> (November 27, 2019).
- Kennish, Michael J. 2002. 'Environmental Threats and Environmental Future of Estuaries'. *Environmental Conservation* 29(1): 78–107.
- King, Ryan S., Matthew E. Baker, Paul F. Kazyak, and Donald E. Weller. 2011. 'How Novel Is Too Novel? Stream Community Thresholds at Exceptionally Low Levels of Catchment Urbanization'. *Ecological Applications* 21(5): 1659–78.
- North Barker. 2009. *Break O'Day Coastal Lagoon Assessment*. NRM North & Break O'Day Council.
- Prosser, Toby, Peter J. Morison, and Rhys A. Coleman. 2015. 'Integrating Stormwater Management to Restore a Stream: Perspectives from a Waterway Management Authority'. *Freshwater Science* 34(3): 1186–94.
- Roberts, Simon. 2021. *Review of Residential Development on the Ecological Health of Receiving Waters*.
- Tasmanian Planning Commission. 2009. *State of the Environment Report Tasmania 2009*. Hobart, Tas.: Tasmanian Planning Commission.
- Urrutiaguer, Marion. 2016. *Management of the Ecological Impacts of Urban Land and Activities on Waterways Issues Paper: Understanding the Science*. Melbourne Water.
- Victorian Coastal Council, Science Panel, Victorian Coastal Council, and Science panel. 2011. *Emerging Scientific Issues on Victoria's Coast: 2011 Update*. East Melbourne: Victorian Coastal Council.
- Vietz, Geoff J., Ian D. Rutherford, Tim D. Fletcher, and Christopher J. Walsh. 2016. 'Thinking Outside the Channel: Challenges and Opportunities for Protection and Restoration of Stream Morphology in Urbanizing Catchments'. *Landscape and Urban Planning* 145: 34–44.
- Wagenhoff, Annika et al. 2017. 'Thresholds in Ecosystem Structural and Functional Responses to Agricultural Stressors Can Inform Limit Setting in Streams'. *Freshwater Science* 36(1): 178–94.

15 November 2022

State Planning Office
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Dear Sir/Madam,

**AGRITOURISM REGULATORY MAPPING AND REFORM PROJECT
SUBMISSION TO THE TASMANIAN PLANNING POLICIES**

ERA Planning and Environment (ERA) have been engaged by the Department of State Growth to provide a response to the Tasmanian Planning Policies, particularly as they relate to the agritourism business sector and the interaction with Rural and Agricultural land policies.

ERA's experience in the agritourism sector has primarily involved assisting proponents in obtaining planning approvals for agritourism ventures, with a more recent project being the lead consultant on the Tasmanian Agritourism Regulatory Mapping and Reform Project. This project provided an opportunity to engage directly with a broad range of agritourism operators to understand their experiences and identify key pinch points in the regulatory system.

In addition to this, the regulatory mapping enabled identification of challenges in navigating regulations and legislation, and areas where there was duplication of assessment. It is acknowledged that some feedback received by the project is not relevant to the Tasmanian Planning Policies (TPPs) review process. However, there were a range of key findings from the project that are relevant and these should inform subsequent policy development and in due course, be reflected within the Tasmanian Planning Scheme.

Agritourism offerings serve a range of purposes. They support the viability of agricultural enterprises, they represent a tourism initiative that is particularly Tasmanian, they provide employment opportunities in regional economies, and in many instances, they provide opportunities for innovation in both the agriculture and resource development sectors. To that end, trying to limit agritourism to an issue only related to agriculture, diminishes its value in the broader Tasmanian economy particularly to regional communities.

The final Agritourism Regulatory Mapping and Reform project report, which is yet to be publicly released, made recommendations in relation to a number of issues. Many of these issues are not relevant for inclusion in a planning policy, such as the level of experience and expertise of practitioners, costs involved in gaining approvals, and the regulation taking a one size fits all approach. However, two specifically should be considered within the drafting of these policies. These include:

- Promotion of the inclusion of agritourism specific policies in the TPPs

- Requesting that the State Planning provisions be amended to emphasise the role of agritourism in the Agricultural and Rural zones, including creating new exemptions and permitted pathways for small scale agritourism activities.¹

1. Agritourism Regulatory Mapping and Reform Project

This project has run over a 12-month period, with a project report incorporating a consultation summary report, a Fact Sheet and Toolkit all being completed. The Fact Sheet and Toolkit have been released for internal State Agency feedback but not released more broadly at this time, and we understand feedback has been received from the State Planning Office on the Fact Sheet and Toolkit.

The initial engagement process involved agritourism operators, together with regulatory bodies like Councils and state government agencies such as Department of Natural Resources and Environment, Department of State Growth, Department of Treasury and Finance, Parks and Wildlife Service, Tasmanian Heritage Council, Aboriginal Heritage Tasmania, and Tasmania Fire Service. There were mixed responses in relation to operators' experiences, with a common issue being in relation to interactions with Councils.

Engagement with Agritourism businesses

The Agritourism businesses ERA engaged with included:

- Farms producing, serving, and selling food and alcohol on site (including cheese, beer, dairy, egg and meat products, fruit, and cider)
- Distilleries or breweries with a cellar door and sales
- Seafood businesses offering tours and dining
- Medium to large working farms offering onsite accommodation, tours, events, and a dining experience
- Wineries producing, serving, and selling wine with a cellar door, offering onsite tours, events, and a dining experience
- Food producers with a garden, foraging or paddock-to-plate experience
- Farms producing, serving, and selling produce on site and offering tastings, tours and/or dining experiences
- Businesses producing, serving, and selling honey onsite and offering tastings, tours and/or a meet and greet experience.

Feedback received highlighted a range of challenges in engaging with the regulatory approvals process including:

- A lack of clarity around the pathway to obtaining approvals

¹ The purpose of this submission is to address these recommendations, as well as address a further concern held specifically by those in the distillery industry regarding the interpretation that bond stores for distilleries, should be located within industrial estates, and not on rural or agricultural properties.

- Lack of clarity around signage
- A desire for flexibility of use for functions and accommodation on rural and agricultural land
- A scaled approach of applying regulations that considers small producers
- Clarifying the accurate business classification and subsequent applicable food regulation for distilleries, wineries, and breweries.

A clear message was a desire for farms to have functions, accommodation, sales, and experiences as a permitted use.

Other messages highlighted that most of these businesses were in agricultural zones, with many diversifying into agritourism businesses after running the farm for some years. For 38% of respondents, it was financially necessary to diversify into agritourism to continue to run a viable farm.

Engagement with Regulatory bodies

The experiences of approving agritourism ventures varied depending on the regulatory agency being engaged with. However, in engaging with local Councils, it was identified that there is a significant diversity of views on how Councils view agritourism, what they believe it is or should be classed as under the planning scheme, and diversity on whether the agritourism should be reliant upon a rural location and how this reliance can be demonstrated. No Councils felt confident in their understanding of agritourism operations, with all responding Councils except for one, indicating they would appreciate further training in this area.

Some Councils opined that the regulations did not adequately address agritourism operations and that this was in part due to a lack of flexibility for applications that are 'outside of the box' and concerns that planning schemes are overly protective of agricultural land making it difficult to diversify.

Some recommendations from Council regulators included providing an option to review whether temporary approvals could be given to agritourism businesses wanting to trial something low-risk and small. Other suggestions included amending allowable uses in the agricultural and rural zones to facilitate functions and visitor accommodation that is subservient to the primary agricultural use.

2. Tasmanian Planning Policies

The Tasmanian Planning Policies address a range of matters including settlement drivers, environmental values, environmental hazards, sustainable economic development, physical infrastructure, cultural heritage, and planning processes.

Agriculture is specifically identified within the Sustainable Economic Development section. However, policies to support agritourism ventures should be considered within the Tourism section, and within the Innovation and Research section. Currently agritourism is not represented in these policies and this highlights a particular challenge for agritourism offerings, as the unique nature of agritourism means that as a business offering, it represents a range of sectors in the commercial market.

Agriculture policies

The agriculture policies, which sit under the Sustainable Economic Development header, reflect and respond to the broader *State Policy on the Protection of Agricultural Land 2009* which has informed the drafting of the Tasmanian

Planning Scheme, as well as the application of the Rural and Agriculture zone in the individual Council's Local Provisions Schedules.

At first principles, this policy intends to give agricultural land the highest level of protection from fettering, fragmentation, and conflicting land uses. The agricultural policies within the Tasmanian Planning Policies appear to continue and expand on this approach.

For agritourism operators who are running businesses reliant upon agricultural activities, there is a level of acceptance of the need to protect agricultural land, however as previously noted 38% of agritourism business survey respondents had to diversify their agricultural businesses to enable them to be financially viable.

The agriculture objective under clause 4.1.2 is:

To promote a diverse and highly productive agricultural sector by protecting agriculture land and the resources on which agriculture depends, while supporting the long-term viability and growth of the agricultural sector.

This objective identifies the need for diversification, as well as the need to support long-term viability in the sector.

A number of the corresponding strategies also support diversification such as strategy 3, strategy 7, strategy 8 and strategy 10, which reference compatible land uses occurring on site, the conversion of agricultural land to support the viability of the broader property, support for diversification and agritourism to enable sustainable growth and recognising the role that small farms on the outskirts of urban areas play in the agritourism economy. It is further noted that strategies such as facilitating the provision of infrastructure which supports the diversification and improved productivity of the primary industries sector, should also be encouraged.

However conversely strategies 2 and 4 seek to protect land with agricultural capabilities and seek to prevent any loss or conversion of agricultural potential, including offering the highest level of protection for agricultural land within irrigation districts. These strategies appear to be in conflict with the other strategies previously identified. While ERA understands strategies should be considered in conjunction with others, our experience has been that various planning authorities both at Local and State level, do not take the same interpretation. This could result in authorities considering strategies 2 and 4 in isolation by making determinations focussed solely on the protection of the agricultural land, without giving consideration to the policies that support diversification into agritourism which is a valid method by which a business might expand in order to support their long term viability. Without implementation guidelines on how to interpret strategies, and implement them in a way that considers how some policies need to be balanced against others, there are risks this error in approach will be perpetuated.

Furthermore, the approach of applying a higher level of protection to land that is within an irrigation district, does not necessarily acknowledge that subject to the type of farming operations or the size of the property, that the viability of the enterprise may still benefit from the inclusion of agritourism on site, particularly within an area of the site that has less viability.

In addition, it is noted that there is no consideration of scale of the agritourism venture, both in terms of use and/or development, or of the farms in question, and whether this scale should influence the type of approvals necessary to be obtained. Whether a regulatory scale could be implemented to reduce the requirements for small operators proposing low-risk, low-impact offerings should be considered. Policies like this would not only align with the diversification supported by policies 3, 7, 8 and 10, but they would also align with policies 2 and 4 because ensuring the diversification is small in scale would also ensure the protection of the agricultural land.

Scale considerations are particularly pertinent for smaller operators that may be entering the market. It is noted provision is already made to support smaller cottage industries through a planning scheme and associated policies, an example of this is how support is provided through the Home Occupation exemptions, but no such provision or support is provided through these policies for agritourism.

Examples of small scale agritourism ventures that may benefit from a less complex planning process, include farm gate purchasing, not just of fresh produce but of processed goods such as jams, relishes, or small cellar doors. These operations when first commenced may only attract small numbers of visitors, but they represent a good opportunity to test the market and understand whether further investment is likely to be successful.

Some potential new exemptions for small scale agritourism activities that could be acknowledged within policies, to then be reflected within the State Planning Provisions, include:

- Conversion of outbuildings for visitor accommodation up to a certain number of people;
- Visitor tours of existing farming operations;
- Small scale functions, such as occasional weddings, or cultural or music events, up to a certain size and intensity.

Providing an exemption pathway for small scale agritourism operations reduces regulation and enables diversification of agricultural enterprises, improving their viability without introducing a conflicting land use. To enable this approach to be incorporated within the State Planning Provisions, it should be referenced within the TPP's.

Tourism policies

The objectives of the Tourism policies are simply to promote the sustainable development of the State's tourism industry.

The promotion of Tasmania both locally and abroad is spearheaded by the campaign "Come Down for Air". This campaign is broader than the agritourism industry, but the industry features heavily with the promotion of Tasmania's produce. Additionally, the campaign promotes the ability for visitors to learn more about farming operations by visiting the farm site and purchasing direct from producers.

Discover Tasmania, promotes self-drive tours based around the ability for visitors to drive and visit different agritourism operations around the state, and identifies a range of agritourism locations that tourists may enjoy.

The T21 Visitor Economy Action Plan undertook to implement the Tasmanian agritourism strategy, which included helping businesses engage with agritourism, reducing barriers that constrain the development of agritourism and driving investment in new experiences. As part of this strategy key projects have been delivered. These include the Tasmanian Agritourism Regulatory Mapping and Reform Project, and the Opening the Gate: Accelerating Agritourism in Tasmania project, which was an initiative delivered to help farmers, food producers and existing agritourism business to explore and embrace tourism opportunities to connect with visitors.

Fundamentally, agritourism plays a significant role in the Tasmanian Tourism industry and reflects the Tasmanian brand promoted both in Australia and overseas.

The Tourism policies identify the need to promote use and development that supports unique, diverse, and innovative tourism experiences, and identify and protect attributes that attract and enhance tourism experiences. Many of these

policies could apply to agritourism and could reflect the requirement to support agritourism in an agricultural or rural setting. However, none specifically identify the importance of agritourism as part of the broader Tourism economy in the state. Agritourism should be recognised within these policies to ensure consistency between the policies and agritourism's significance to the state from a tourism perspective. This recognition should extend to agritourism's identification within agricultural policies in recognition of their uniqueness and importance to the Tasmanian tourism economy.

Innovation and Research

The objective of the Innovation and Research policies are:

To promote innovation and research, and the institutions and infrastructure that drives learning and prepares a skilled workforce, that will support existing and emerging opportunities and contribute to a diverse and resilient economy.

On initial consideration it would seem that these policy provisions do not relate to the challenges experienced within the agritourism industry, however particularly strategy 3 has relevance. This states:

Promote existing and emerging innovation and research opportunities, especially those that promote Tasmania's assets, facilitates diversification of our economy, makes use of our geographical location and furthers our brand values, by providing planning mechanisms that are adaptive and flexible to respond competitively to opportunities as they arise.

Many of the agritourism industries could be considered as emerging industries with enterprises such as sheep cheese vodka, or the production of herbal oils on site. It has been clearly established during the regulatory framework review that the current regulations in place do not adequately understand or efficiently respond to these industries, which should be supporting these emerging opportunities and contributing to a diverse and resilient economy. Many of these challenges are related to the building, plumbing and environmental health. However, challenges can be brought about by planning requirements, including supporting infrastructure such as car parks, and access requirements.

Given the level to which the Tasmanian economy is supported by tourism and agritourism, recognition of the importance of innovation within this industry, would support the industry more broadly.

3. Distilleries

The distilling of spirits, and in particular whisky, is a growing industry within Tasmania receiving accolades both within Australia and overseas. The industry forms a significant part of the Tasmanian brand with the total value of production in 2020 financial year being \$350 million.

Distilleries are often located within rural settings. This is a result of a number of factors including that distilleries can use locally grown barley and there is greater access to substantial areas of land to accommodate the associated distilling infrastructure. , . Locating the distilling equipment and in turn, the bond stores, at the same site, provides a level of provenance, as well as providing for a more attractive agritourism experience. Furthermore, the storage of

whisky within barrels in these bond stores enables the barrels to take up the flavour of their physical location, distinguishing one whisky from another².

Bond stores require substantial areas of land, and it is both cost effective, and more achievable to obtain such land, in a rural setting. They do not however require substantial additional infrastructure. Bond stores do not require large capacity energy or wastewater, nor do they benefit from being in proximity to other industrial uses. There are not regular visitors to the site. In terms of infrastructure requirements, bond stores require good road access, and water for emergency fire fighting as whisky is a flammable substance. Given this, not having them co-located with other industrial uses would also be preferable as in the event of a fire, there could be substantial risks.

Bond stores should be classed as Resource Processing as the aging process is a critical part of the processing of whisky; resource processing is a permitted use within the Rural Zone, and a discretionary use within the Agriculture zone. However, some Councils are classifying bond stores as storage and therefore a semi-industrial use, and in some instances are recommending to distillers that these bond stores can only be located within industrial zones.

This is problematic for the whisky aging process. The provenance and ability of the whisky to take up the flavour of its location is impacted. In addition to this, the use of valuable industrial land for bond stores is inefficient. Industrial land generally has full reticulated services, a road network that is commensurate with frequent traffic movements, access to large capacity electricity connections, and there are often benefits to other industrial uses from the ability to co-locate at an industrial estate. Within Southern Tasmania as an example, there is a known shortage of industrial land, making industrial land extremely valuable and therefore costly to invest in. As bond stores do not require some of the infrastructure that is provided in an industrial estate, whisky distillers are forced to invest heavily in land that provides services well beyond their requirements.

It is acknowledged that some of these concerns rest with individual Council interpretation of planning schemes. However, the Tasmanian Planning Policies represent an opportunity to clearly articulate that bond stores do represent a broader agricultural use in the form of resource processing. It is our opinion that articulating these uses within the policies, will provide a clear statement to regulators and the community more broadly, of their suitability in Rural and Agriculture zones and that they are part of the resource processing use class.

It should also be noted that the argument for locating bond stores within the Agriculture and Rural zones links back to the importance of agritourism from a tourism perspective. Supporting bond stores in these zones, alongside the location of earlier stages of the distilling process creates a more holistic farm experience and results in an enhanced visitor experience. Conversely, locating bond stores in industrial zones disjoints the agritourism experience and creates for a diminished visitor experience by drawing visitors away from farms.

4. General Responses

It is noted that there are no implementation guidelines across any of the strategies. Given the known inconsistencies in the application of policies, strategies and regulations, implementation guidelines would be of considerable benefit to

² For example, a whisky aged near the coast will have a distinctly different flavour to that of a whisky aged on farmland in the Midlands.

ensure consistent implementation of the State's policies into the future. We would be interested to understand if it is intended that these are utilised in the future.

5. Conclusion

We commend the State Planning Office for their work in producing a suite of Tasmanian Planning Policies for consideration and review. We believe they represent an opportunity to guide and direct Tasmanian development and growth with strategic consideration and clarity.

However, we believe there are opportunities to improve the policies, particularly where they relate to agritourism which is a burgeoning and important industry within the State.

Specifically, we opine that agritourism should be emphasised within the policies as a valid agricultural use representing value adding of agricultural activities on a property. Identification of their status and importance in ensuring the viability of agricultural operations should assist in providing a policy setting that can then be supported by the Tasmanian Planning Scheme and local strategies. This may also lead to providing an exemption or permitted pathway for small scale agritourism ventures which would assist in supporting agricultural viability more broadly and reduce unnecessary complexity in regulatory pathways.

Similarly, recognition of agritourism within the tourism policies would assist in highlighting the unique nature of the tourism offering, as well as its importance to the tourism economy within Tasmania.

Finally, a recognition of bond stores as a vital part of the production of whisky, and as such a resource processing use, would assist in clarifying the approval pathway for their construction in rural setting.

If you have further questions about this submission, please contact me on [REDACTED]

Yours sincerely,

[REDACTED]

Caroline Lindus

Manager Engagement and Technical Planning Lead



#PlanningMatters

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15 November 2022

To Whom It May Concern,

RE: Draft Tasmanian Planning Policies

Phase 2 of the State Government's planning reform is underway and includes a [review of the State Planning Provisions \(SPPs\)](#), introduction of the [Tasmanian Planning Policies \(TPPs\)](#), the creation of a [regional land use planning framework](#), and a review of the three Regional Land Use Strategies (RLUS).

The SPPs will also require review for consistency with the Tasmanian Planning Policies once they are finalised.

The Planning Matters Alliance Tasmania (PMAT) thanks you for the opportunity to comment on the Draft Tasmanian Planning Policies. We would welcome the chance to be involved in any stakeholder workshops or other consultations dealing with finalisation of the TPPs in the lead up to the proposed submission to the Tasmanian Planning Commission in 2023.

Please see our comments attached.

Yours sincerely,

Kerry Burns
State President - PMAT
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PMAT acknowledges and pays respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina Pakana - Tasmania is Aboriginal land.



#PlanningMatters

What is PMAT

The [Planning Matters Alliance Tasmania](#) (PMAT) is a growing network of [almost 70 community groups](#) from across *lutruwita* /Tasmania which is committed to a vision for Tasmania to be a global leader in planning excellence. Our Alliance is united in common concern over the new Tasmanian state planning laws and what they mean for Tasmania's future. The level of collaboration and solidarity emerging within the advocacy campaign of PMAT, as well as the number of groups involved is unprecedented in Tasmania and crosses community group genres: recreation, environment, urban/local community associations, European built heritage, ratepayers and 'Friends of' groups.

Land use planning impacts every inch of Tasmania. We hold that good planning is fundamental to our way of life and democracy. PMAT works to raise community awareness about planning and encourages community engagement in the planning process.

PMAT is an independent, apolitical, not-for-profit [incorporated association](#), governed by a [skills-based Board](#). PMAT is funded entirely [by donations](#).

In 2020 PMAT was named Australia's Planning Champion, a prestigious honour awarded by the Planning Institute of Australia that recognises non-planners for their advocacy and for making a significant contribution and lasting presence in the urban and regional environment. PMAT was awarded the Tasmanian Planning Champion title in 2019.

PMAT's purpose is to achieve a values-based, fair and equitable planning scheme implemented across Tasmania, informed by [PMAT's Platform Principles](#) and delivering the objectives of the *Land Use Planning and Approvals Act 1993*.

As outlined in [PMAT's Strategic Plan 2021–2023](#), 'PMAT's vision is for Tasmania to be a global leader in planning excellence. We believe best practice planning must embrace and respect all Tasmanians, enhance community well-being, health and prosperity, nourish and care for Tasmania's outstanding natural values, recognise and enrich our cultural heritage and, through democratic and transparent processes, deliver sustainable, integrated development in harmony with the surrounding environment.'

Tasmania's planning system must offer a balance between development, individual rights and community amenity, and not just make it easier for development and growth at the cost of community well-being and natural and cultural values. PMAT aims to ensure that Tasmanians have a say in a planning system that prioritises the health and well-being of the whole community, the liveability of our cities, towns and rural areas, and the protection of the natural environment and cultural heritage.



#PlanningMatters

PMAT considers that the incoming Tasmanian Planning Scheme will weaken the protections for places where we live and places we love around Tasmania. Hopefully, the Tasmanian Planning Policies – if implemented effectively - will help rectify this imbalance.



General Comments

PMAT supports the development of the TPPs as much needed strategic level guidance for the Tasmanian Planning System. While our preference remains for a fully developed set of State Policies as the primary instrument for providing strategic guidance on planning, we welcome the draft TPPs as going some way towards implementing a strategic framework. To be effective the TPPs do need to be informed by, and deliver on, the LUPAA objectives and State Policies.

The TPPs need to drive on the ground operation of the Tasmanian Planning System through the SPPs, RLUSs and LPSs – they should not just reflect/reinforce current arrangements. It is regrettable that the SPPs have already been developed without guidance of the TPPs, although it is acknowledged that the current SPP review will consider their alignment with the TPPs, once finalised.

Design and Implementation

There is a risk that if not properly designed and implemented the TPPs will add to the complexity and uncertainty of the TPS without providing the benefits of strategic direction.

While there are many positive statements in the draft TPPs, without clear implementation pathways it is difficult to see how these will translate into positive outcomes:

- Apart from general commitment to ‘align’ SPPs/RLUSs with TPPs as apart of current reviews it is not clear how this will in fact be done in a way that ensures meaningful change to achieve TPP objectives.
- While there is provision for Implementation Guidelines in the TPPs generally these have not been included in most of the current draft TPPs. Because all TPPs are to carry equal weight there is a risk of conflict and confusion in application unless there are implementation guidelines to provide direction and help address potential inconsistencies.

Major Projects

Paragraph 1 of the Foreword, Draft Tasmanian Planning Policies, states that “*the Act requires consideration of TPPs during declaration and assessment of major projects*”. A stronger requirement for Major Projects assessments to comply with TPPs would give the community more confidence that such assessments would be undertaken within a proper strategic framework.

Climate Change

PMAT acknowledges the effort made by the State Planning Office to try to accommodate comments made by PMAT and other groups into the content of the draft TPPs. However, the small final set of draft TPPs has meant that some significant issues receive less prominence than required. In particular, PMAT is concerned that the importance of climate change to all aspects of the TPS will



not be properly reflected by simply including a separate *Climate Change Statement* in each TPP. As proposed in its submission on the 2021 Scoping Paper for draft TPPs, at minimum, we would like to see the creation of a specific climate change TPP with overarching application, linked into all other relevant TPPs, to ensure reduction of emissions of greenhouse gases, and mitigation of the impacts of the climate crisis and disruption on the Tasmanian community. Given the enormity and importance of climate change, the development of a Climate Change SP is also essential.

Language

The language used in the TPPs should be reviewed – especially within the Strategies – so that plain English is used and interpretation is made easier. At the same time, weak and ambiguous terminology in some TPP Strategies will need to be strengthened if these are to be an effective tool in providing strategic guidance to the TPS. Some examples of where these changes are required are included in our specific comments below.

Review and evaluation

There is a requirement under LUPAA for TPPs to be reviewed five yearly. However, the TPPs currently do not contain a section on evaluation and performance measures that would establish the review framework and facilitate assessment of how effectively the TPP has achieved its objectives.

Establishment of such measures (and benchmarks) and supporting data collection systems at an early stage is a better approach than attempting to retrospectively collect the necessary information.

Monitoring, evaluation and reporting should also be linked to State of the Environment Reporting both at the State and National level.

Under the *State Policies and Projects Act 1993* Tasmania must release a State of the Environment Report (SoE) 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. The next Tasmanian SoE report is overdue, but the Tasmanian Government has committed to releasing a report by June 2024. PMAT welcomes the decision to allow the SoE report to continue to be prepared by the Tasmanian Planning Commission.

The Australian Government also conducts a comprehensive review of the state of the Australian environment based on twelve environmental themes: Air quality, Antarctica, Biodiversity, Climate, Coasts, Extreme events, Heritage, Indigenous knowledge, Inland water, Land, Marine and Urban environments. The report is a comprehensive assessment of the state of Australia's environment that is produced every five years by the Australian Government. The next National SoE report is due in 2026.



Specific Comments relating to individual TPPs

1.0 Settlement

- Recent experience has seen strong population growth driving settlement expansion – actively promoted by government population policy. The **Growth** topic (1.1) assumes this will continue and that it will be supported by communities. While it may be the case in the short term, such growth is unlikely to be sustainable in the medium to long term without seriously degrading the environment, liveability and the Tasmanian brand.

It is recognised that population policy is strictly speaking outside the scope of the planning system. Nevertheless, the current review of Tasmania's Population Growth Strategy needs to consider the capacity of the planning system and infrastructure to support continuing high growth levels without further substantial harm to the environment and the living standards of Tasmanians.

- At the same, The TPPs should allow some flexibility in the planning system for communities to have a say in population growth – or decline - in their area; and provide planning strategies to support this.
- Strategy 1 under 1.1 Growth seeks to maintain a 15 year land supply to meet existing and forecast community demand. There is no clear rationale provided for this 15 year goal and it is uncertain how existing sub-division approvals will be prioritised for development before attempting to allocate new land. While much of the intent of Strategies 2 to 12 is supported, they should more strongly make moving beyond urban growth boundaries a last resort where all other development options have been exhausted.
- Affordable housing is a critical issue currently affecting many Tasmanians. The planning system is only one of a number of factors (and indeed not a major factor) influencing access to affordable housing. Although topic 1.5 **Housing** does touch upon the issue there is scope to better address affordable and social housing provision– for example by mandating that new developments should contain a proportion of social and/or affordable housing. It is understood that a mandated level of at least 10% social housing (or equivalent developer financial contribution) is a model that has been successfully adopted elsewhere.

2.0 Environmental Values

- PMAT considers that Tasmania has had a poor record in applying legislation to protect the environment which makes it even more important that planning policies establish clear, enforceable measures for this purpose. The objectives of the TPP and strategies across the five topics fall short on achieving this. Furthermore, there is a clear priority given to economic over environmental values.

Some specific examples include:



2.01. Principles and Policy Objectives

- The second paragraph refers to “*healthy ecosystems and intact landscapes to produce goods and services that stimulates our economy* “. Arguably stimulating the economy is not the primary purpose of the environment. It is suggested that “*that stimulates our economy*” be omitted.
- Principles 3 and 4 seem fairly weak. At the very least offsets should be required where impacts cannot be minimised.

2.1 Biodiversity

- Strategy 5 should be strengthened so that development which impacts on biodiversity values should only occur under exceptional circumstances where it has been demonstrated that there is a strong public interest in proceeding and suitable offsets are available.

2.2 Waterways, Wetlands and Estuaries.

- Strategy 2a) should be strengthened to read ‘relies specifically on being located within close proximity to aquatic environments *and has stringent controls on pollution and disturbance.*’
- The Strategy 4(e provision for ‘not significantly’ increasing the rate and quantity of stormwater or pollutants entering the water does not provide sufficient protection. Rather than ‘not significantly’ this should be ‘only involve a minimal’. Alternatively there could be a requirement to demonstrate no degradation of water quality as a result of the development.

2.3 Geodiversity

- Strategy 1 should perhaps make reference to the Tasmanian Geoconservation database, pending availability of better mapping to identify high conservation value geodiversity.
- Strategy 2. Rather than allowing damage where ‘not practicable’, this should be strengthened so that minimisation occurs when protection is ‘demonstrably unavoidable’.

2.4 Landscape values

- Avoiding fragmentation of landscapes should be a priority. In Strategy 3b) substituting ‘overriding’ for ‘considerable’ would better protect landscape values.

2.5 Coasts

- Objective 2.5.2 should refer to natural coastal values.
- Strategy 3 refers to identifying “*coastal areas that can support the sustainable use and development of recreation, tourism, boating infrastructure (jetty wharfs), marine industries, ports and other land use that explicitly rely on a coastal location while*



minimising the impacts on coastal values.” Encouraging such new development sites will add to the degradation of the coastal zone and encourage undesirable ribbon development. This also runs counter to strategies in the Settlement TPP that promote infill within existing settlements.

PMAT is of the view that Strategy 3 should be removed or alternatively be reworded to allow such development locations only in exceptional circumstances.

3.0 Environmental Hazards

3.0.1 Principles and Policy Context

- Principle dot point 7 (p25) requires hazard mitigation measures to consider the impacts on other values. Better protection for such values would be provided if the principle referred to ‘seeking to minimise’ rather than just considering.

3.0.2 Climate change statement.

- The opening paragraph lists potential climate change hazards, but appears to omit storms/wind.

3.1 Bushfires

- Strategy 8a) should be reworded to *“priority should be given to minimising the impact of future bushfire protection measures on the environment and the cost to the community of defending properties from bushfire.”*

3.4 Coastal Hazards

- Strategy 3a) Should read ‘dependent on a coastal location *and the risk can be managed*’

4.0 Sustainable Economic Development

- A better title for this TPP is ‘Sustainable Development’. The emphasis and terminology in the LUPAA objectives is on sustainable development. While the LUPAA objectives do refer to economic development, they also indicate that “facilitation of economic development” must be in accordance with objectives (a),)b) and (c) in the Act. Removing ‘economic’ from the title would mean that this TPP is better aligned with the LUPAA objectives.

4.2 Extractive industry

- To be consistent with the LUPAA objectives the Objective of this topic should refer to ‘sustainable development’ rather than ‘economic growth’.
- Strategy 3 should be conditional so as to provide a balanced approach across the set of TPPs. It is suggested that it be amended to read ‘Support the long-term viability of existing operations and access to future mineral resources *where this is compatible with the objectives of the Act and other TPPs.*’



- Given historical experience and future potential for severe environmental damage from extractive industries it is proposed that Strategy 6e) be amended to read ‘environmental impacts are minimal *and planning provides for future rehabilitation and alternatives uses of the mine site.*’

4.3 Tourism

- This TPP recognises the value of tourism to Tasmania, but also the negatives that can arise from the impacts of increasing visitor accommodation and the cumulative use by tourists of local facilities that can detract from the quality of life of local residents and cultural and environmental values. Planning could be used to remedy these impacts but implementation guidelines are not provided.
- Strategy 4 should be amended to better protect the values that are important to the Tasmanian brand and sustainable tourism, as follows: ‘Support unique, diverse and innovative tourism experiences that support the Tasmanian brand *in a way that does not risk long term harm to the brand and the tourism industry.*’
- The use of the term ‘unreasonably’ in Strategy 7 is problematic. Protecting local community values should take precedence over tourism where there is a conflict and it is proposed that the word ‘unreasonably’ be removed or else that the strategy be recast to better protect communities from the cumulative effects of tourism.

4.4 Renewable Energy

- Strategy 1. b) should also take into account the impact on communities. The alternative wording ‘economic and social value *and impact on communities;*’ is proposed.

4.6 Business and Commercial

- Strategy 1. 3) might be better worded as ‘access to *workforce*’.
- Strategies 7 and 8 (p41) are aimed at providing guidance for allowing home-based businesses and new commercial opportunities in residential areas. While the intent of these provisions could provide benefits to communities, it should be recognised that residential amenity should take precedence in such considerations. There is also a risk that these provisions could undermine current zoning provisions. For this reason the following changes are proposed:
 - Strategy 7 be amended to: ‘Support home-based businesses where *it is demonstrated that the impact causes no loss* of residential amenity to the surrounding area.’
 - Strategy 8 be amended to: ‘Provide for small scale commercial or business opportunities in residential and industrial areas that meets the needs of local residents or workers, is conveniently located and, in the case of residential land, *causes no loss of residential amenity and is supported by evidence that residents agree with such development.*’



5.0 Physical Infrastructure

- The critical role played by infrastructure in maintaining the health and wellbeing of our community is recognised, as is the importance of infrastructure development being part of the planning process. It is important that local communities have input into the planning of physical infrastructure at an early stage of the process, both to help make sure that the infrastructure meets community needs and to minimise any adverse effects during construction. Environmental impacts of providing physical infrastructure should also be minimised.

5.1 Provision of Services

- In order to ensure environmental impacts are properly considered, Strategy 3 should be amended to '*..... the most logical and cost-effective solution to deliver services to growth areas while minimising cultural and environmental impacts*'.

5.2 Energy Infrastructure

- PMAT proposes adding an additional Strategy 5 '*Encourage local self-contained energy solutions that reduce network dependence and load.*' Such local solutions can help minimise both energy costs for local communities and overall network cost overheads.

5.3 Roads

- Strategy 4 should be amended to read 'Support heavy vehicle access that is responsive to industry needs and appropriate to the *condition, current use and function of a road, and that allows impact on existing residential amenity and the environment to be minimised.*'
- Strategy 6 as currently worded appears to make road investment the driver of planning decisions. This strategy should be reworded to make clear the primacy of the planning system in determining land use.
- Consider creating a new topic **5.4 Streets**. The Street should be included in the TPPs. Currently the street effectively sits outside the planning system. But it is the street that connects us all both within suburbs and between suburbs. In PMAT's submission on the review of the SPPs, we called for the creation of a new *Liveable Streets Code*. In particular, our SPP submission argued to insert a Liveable Streets Code to acknowledge the importance of the streetscape and public space. The purpose of the code is to impose requirements which results in streets supporting the wellbeing and liveability of Tasmanians and increase the urban forest canopy. The code would provide for appropriate standards for development of a streetscape at the subdivision stage or where a government body is constructing a new residential street. It is also important to note that the peak Tasmanian health organisation, the Heart Foundation, also called in its in its '*Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016*', for the creation of a Street Code.



6.0 Cultural Heritage

6.1 Aboriginal cultural heritage

- PMAT has long been concerned about the inadequate provision within the TPS to take into account and protect Aboriginal cultural heritage. The inclusion of topic 6.1 within this TPP is therefore strongly supported, subject to its form and content being determined by the Aboriginal community.

6.2 Non-Indigenous Cultural Heritage

- The adaptive re-use of non-indigenous cultural heritage is in many cases important to ensuring the long term retention of such heritage structures. With this in mind it is suggested that the Objective for this topic be reworded to read: 'To support the identification and conservation of significant non-Indigenous local cultural heritage buildings, parts of buildings, infrastructure (for example bridges), places, precincts and landscapes and *promote* design responses that preserve cultural heritage values while allowing adaptive reuse *wherever possible*.'

Andrew Ricketts



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Comment on the Draft Tasmanian Planning Policies Document

Thank you for the opportunity to comment on the consultation draft of the Tasmanian Planning Policies and for the extension of time to provide such comment.

I make this submission as a person living in rural northern Tasmania, free of any political party membership or affiliation and free too of the membership of any organisation which may work on and or have views on the land use planning system of Tasmania and its policies.

Whilst I am a landowner I make this submission intending it to be in the public interest and as such have attempted to make comment without fear or favour on any aspect which I believe fails the public interest test.

There should have been a background document which supported this Draft TPP document, were the Tasmanian State Planning Office operating transparently.

This consultation draft document of the Tasmanian Planning Policies is both insufficient and inadequate. The Draft Tasmanian Planning Policies are both insufficient and inadequate in many many ways.

I note firstly the requirements published by the State Planning Office:

"The TPPs may relate to:

- the sustainable use, development, protection or conservation of land;*
- environmental protection;*
- liveability, health and wellbeing of the community; and*

– any other matter that may be included in a planning scheme or a regional land use strategy.

The TPPs must meet the ‘TPP criteria’ which is to:

– seek to further the Part 1 and Part 2 objectives set out in Schedule 1 of the Act, which includes promoting sustainable development; providing for fair, orderly and sustainable use and development; encouraging public involvement in resource management and planning; facilitating economic development; and promoting the sharing of responsibility for resource management and planning; and

– be consistent with any relevant State Policy, which includes the State Coastal Policy 1996, State Policy on the Protection of Agricultural Land 2009, State Policy on Water Quality Management 1997 and the National Environment Protection Measures."

It is my view, after a reading of your Draft Tasmanian Planning Policies (TPP) document that the policies currently expressed in draft form would, were they to be implemented in full (and without undue weaselling), definitely not achieve the furthering of the Part 1 and Part 2 Objectives, as set out in Schedule 1 of The Act.

I wish therefore to urge that an iterative process of assessing the draft TPP document of so-called policies against the LUPAA Schedule 1 objectives and other stated criteria be conducted by the State Planning Office.

I am concerned that this collection of TPP document of so-called policies (where none is intended to be more equal than another) is a bit like a headless chook where all policies are supposedly equal but none have a defined process of the manner in which they are to be implemented into the SPPs, the LPSs and the RLUs and where the process of resolving the competing interests is absent. This TPP draft policy document should all have a complete and workable, transparent implementation section drafted before the TPP document and the policies themselves are finalised.

The draft TPP document of policies has several omissions and other shortcomings policy-wise and yet there appears no simple practical mechanism for adding new policy sections. This aspect is highly concerning. I think it is highly likely that this policy document lacks sufficient framework and process to be viable. As such it represents little more than a policy ambit claim on behalf of the Tasmanian Government and probably primarily the Property Council and the various State Government interests and positions.

The structure of the draft TPP document appears unclear about what a Policy actually is. So I must say that without some sort of clarification I find the draft document somewhat

confusing and especially ambiguous. For example there is no definition of a Policy in the Glossary. The Act itself provides little help.

It almost appears as if the call was put out to all the government departments to write their own little segment of planning policy and this consultation draft of the Tasmanian Planning Policies is the result. Magic! The various authors of the various parts of the document have not been identified. They must be the faceless people.

What is required is sufficient resources and planning expertise (in departmental terms) to create a Land Use Planning Department as well as suite of planning policies which deliberately and extensively give rise to a meeting of the Schedule 1 Objectives of LUPAA and the existing State Policies. Not to give over the job to Government Departments and others.

Bear in mind the Liberal election commitment to the Tasmanian people in 2013 was for an expanded set of State Policies. The reasons for State Policies, which was determined by the Liberals and would have been agreed across politics in Tasmania, is that they have a greater holistic reach and extend beyond the weaselled down concept of land use planning promoted by the Tasmanian Planning Commission.

In this submission I will also point out some key deficiencies of and associated changes to your Draft Tasmanian Planning Policies document which I advocate must be included with the aim of land use and land use planning becoming more ecologically sustainable.

Unfortunately the Schedule 1 objectives still do not include the Precautionary Principle, which is within the RMPS system in laws in some form, such as in the Environment Management and Pollution Control Act (EMPCA) and the Threatened Species Act (TSA).

If for no other reason than the above inclusion within the RMPS the Precautionary Principle should be built in to several of the policy areas especially the section on Environmental Hazards.

However additional reasons should be evident. Especially such matters as Climate Change demand a more holistic and precautionary approach rather than denial or weaselling.

It is noted that there is a plethora of legislation within the RMPS the impacts of which have been studiously avoided and legislation and functions outside of the RMPS which have been included in the Draft TPP document.

For the record and for readers who have never before encountered the Schedule 1 Objectives and some of the associated relevant parts of LUPAA not mentioned above state:

Section 5:

"5. Objectives to be furthered

It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the objectives set out in Schedule 1 ."

"(3A) The Minister, having received advice from the Commission, must not declare a regional land use strategy unless he or she is satisfied that it –

(a) furthers the objectives set out in Schedule 1 ; and

(b) is consistent with each State Policy; and

(c) is consistent with the TPPs."

" (7) The Minister must, in reviewing a regional land use strategy under subsection (6) , consider whether the regional land use strategy –

(a) furthers the objectives set out in Schedule 1 ; and

(b) is consistent with each State Policy; and

(c) is consistent with the TPPs."

"SCHEDULE 1 - Objectives

Sections 5 , 8 , 20 , 32 , 44 , 51 , and 72

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

(c) to encourage public involvement in resource management and planning; and

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a) , (b) and (c) ; and

(e) to promote the sharing of responsibility for resource management and

planning between the different spheres of Government, the community and industry in the State.

2. In clause 1 (a) , sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

PART 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

(a) to require sound strategic planning and co-ordinated action by State and local government; and

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and

(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and

(i) to provide a planning framework which fully considers land capability."

These Objectives have far reaching implications including the "*safeguarding the life-supporting capacity of air, water, soil and ecosystems*". This LUPAA Schedule 1 clause alone suggests that matters around Climate Change MUST be included as a Statutory force TPP policy.

At this point I wish to raise a difficulty and erroneous perception within the Schedule 1 objectives, which should be rectified. That difficulty is regarding the following clauses:

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and

"(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;"

Clauses (c) and (d) suggests that somehow the economic effects are possibly not actually and simply a part of the social effect. I argue that the economy is simply an artificial construct of society. It was created by society. These policies need to recognise, and this is an imperative aspect, that the economy is an artificial construct which can be changed at will and indeed the recent COVID pandemic showed us clearly just how easy it is to change the economy. Therefore the economy is not set in stone, not a scientific fact, not a given upon which we can rely including for long term planning purposes.

It has been suggested and indeed proposed that we elevate The Economy beyond the status of some artifical construct of human society to some perhaps mythically important entity. This sort of thing, perhaps reflecting the problems of a place like Tasmania to seek its place in the workd of globalisation. Tasmania of course has a place in the globalised world; we consume the goods from around the globe and ship our underpriced raw commodities off to places such as China. But it is vital Tasmania is not unrealistic about its place in such systems. It is not as important as remaining cogniscant of the more important priorities which are set out in Schedule 1: "*safeguarding the life-supporting capacity of air, water, soil and ecosystems*". These are the priorities which will have a deep and lasting effect on our ability to survive and thrive in the long term.

In any case the stated objective to meet Schedule 1 of the Act strongly suggests the

statement in the Foreword is inadequate and does not reflect the Schedule 1 Objectives:

"Land use planning seeks to balance the competing demands on land to support the community's environmental, social and economic interests."

I think it is really important that people who write such information get it right. I do not even consider we (the community) owns the natural world present in Tasmania. It has a right to exist, in of itself, an intrinsic right. A fundamental, anthropocentric philosophical approach is most unfortunate.

A reasonable place to start would be to write a background paper explaining what the Government and State Policy Office think may be meant by the Schedule 1 Objectives.

I think it would be onerous to enter into a full refutation of all the areas in the draft TPP document which do not further the objectives, a very long task.

I am saying that I do not think you know what is meant by the Schedule 1 Objectives. Certainly it is my experience the Tasmanian Planning Commission does not know what the Schedule 1 Objectives mean.

Finally in this introduction it would be remiss of me to not highlight a very unfortunate adverse policy direction of the Draft TPP document, which has deliberately, consciously and in a premeditated way, set about to engineer Rural Decline across Tasmania. This approach is strongly criticised. Tasmania is unique in the Australian States in having a more viable rural population spread both in rural towns and rural localities across the State.

I am explicitly stating my opposition to the discrimination against people living in rural Tasmania outside of towns and villages. This antipathy is expressed in the draft TPP document in the Settlement section at 1.1.1 thus about the subject of Growth:

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

No reason for the different treatment of rural residential settlements is given. Indeed no definition of rural residential settlements is even contained within the glossary. There is no SPP planning zone termed 'Rural Residential' so it would seem a generic discrimination against people who are resident in the rural parts of Tasmania. This would appear to be bigotry, a fascinating hatred of those poor people who it seems have the misfortune to live in rural Tasmania. I am outraged and opposed to this seemingly irrational policy position. As a person who lives in the rural part of northern Tasmania and therefore is a stakeholder in this issue I am opposed, vehemently, to the Draft TPP position.

The Glossary

I wish to support and praise the inclusion of a Glossary at the rear of the draft TPP document. Thank you. However I also wish to urge its expansion please. I will have some comments on particular definitions or terms.

Additional Glossary Terms

(These listed in no particular order)

PLACE: Place means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions. (From the Burra Charter)

CULTURAL SIGNIFICANCE: Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.

WELLBEING:

This should be defined.

TASMANIAN PLANNING POLICY: The Act states:

"Tasmanian Planning Policies means the Tasmanian Planning Policies made under section 12G(2) , as amended from time to time under that section as applied by section 12H(3)"

Needless to say, upon reading the rest of the applicable legislation it is not clear what constitutes a particular or separate policy. In fact a policy could be about almost anything. Hence some clarification would be beneficial.

RURAL RESIDENTIAL SETTLEMENTS

This term is used with the document (see 1.1.1 on Page 8 and elsewhere) but has no definition in the glossary.

INTENSIFICATION:

Currently intensification of use is virtually unregulated but urgently this open slather

arrangement needs to be stopped and a good place to start is with the large scale uses which have serious impacts on water catchments, things such as irrigated dairy pasture and unrestricted drain digging. Wonder why more and more towns lower down in the catchment are flooding more and more. Well! It must be rocket science.

THREATENED SPECIES:

This should be defined.

THREATENED VEGETATION COMMUNITY:

This should be defined.

BIODIVERSITY:

This term is used with the document but has no definition in the glossary.

CONSOLIDATION:

By any other name this is an intensification of land use. Infill urban consolidation is an intensification and a densification which is reducing carbon sequestering vegetation which would otherwise mitigate climate change green house gas emissions.

I am aware that one planner who used to work in the MV Planning Dept termed this phenomena to be "Densification". This is actually more descriptive in several ways.

THE ADOPTING OF A PRECAUTIONARY APPROACH:

Currently a precautionary approach is not adopted by the Tasmanian Government or by the citizens of Tasmania. Climate Change will dictate a move to such a precautionary approach.

"The precautionary principle, or precautionary approach, has emerged over recent decades as a widely and increasingly accepted general principle of environmental policy, law, and management. It is an approach to uncertainty, and provides for action to avoid serious or irreversible environmental harm in advance of scientific certainty of such harm. While an important and intuitively sensible principle, the acceptance of the precautionary principle into law and policy and its implementation in practice have been marked by controversy and confusion." (IUCN)

"The precautionary principle, or precautionary approach, is used in a variety of ways, and a wide range of formulations exists. The core concept of precaution can be viewed as a mechanism to counter a widespread regulatory presumption in

favour of allowing development/ economic activity to proceed when there is a lack of clear evidence about its impacts. Formulations of the precautionary principle vary from weak to strong, and from those which impose obligations to those which empower decision-makers to take precautionary action.

Features common to most of these formulations include the use of language that limits the operation of the principle to circumstances in which there are threats of serious or irreversible harm, consideration of the cost-effectiveness of precautionary actions, and a shift of the burden of proof to demonstrate lack of harm to proponents of activities.

Acceptance of precaution as a governance/management tool is highly inconsistent across biodiversity-related policy sectors, and in general remains contentious. Many countries have incorporated the principle into general environmental, biodiversity or natural resource law and policy. However, at a multilateral level, it is very widely incorporated in biodiversity conservation and fisheries management instruments, but virtually absent from forestry and timber agreements and policy. It appears only a limited form of precaution is provided for under relevant international trade agreements. This poses challenges for coherent environmental policy at both international and national levels." (IUCN)

"It is seen as a fundamental tool for sustainable development, a safeguard for future generations, and countering a tendency to overlook scientific uncertainties in an unscientific manner. It is seen as anti-scientific, subject to abuse, inherently Northern, anti-innovation, and anti-sustainable use.

It raises issues which are central to current international debates around environment, poverty, sustainable development and biodiversity, including the relationship between biodiversity conservation and sustainable development; conservation for biodiversity vs conservation for people; protectionist approaches vs sustainable use; and regulatory vs incentive-based conservation approaches." (IUCN)

It is important the precautionary principle and a precautionary approach be adopted at this time of climate disintegration and change. The policy setting's inclusion would allow a more considered approach and a more sustainable one ecologically.

COMMONWEALTH KEY THREATENING PROCESSES

These key threatening processes relate to the Schedule 1 objectives in an unambiguous manner. For example some of them are relevant to the Schedule 1 clause: "safeguarding the life-supporting capacity of air, water, soil and ecosystems".

Listed Key Threatening Processes

Listed Key Threatening Process	Effective	View
Aggressive exclusion of birds from potential woodland and forest habitat by over-abundant noisy miners (<i>Manorina melanocephala</i>)	09-May-2014	Details
Competition and land degradation by rabbits	16-Jul-2000	Details
Competition and land degradation by unmanaged goats	16-Jul-2000	Details
Dieback caused by the root-rot fungus (<i>Phytophthora cinnamomi</i>)	16-Jul-2000	Details
Fire regimes that cause declines in biodiversity	21-Apr-2022	Details
Incidental catch (bycatch) of Sea Turtle during coastal otter-trawling operations within Australian waters north of 28 degrees South	04-Apr-2001	Details
Incidental catch (or bycatch) of seabirds during oceanic longline fishing operations	16-Jul-2000	Details
Infection of amphibians with chytrid fungus resulting in chytridiomycosis	23-Jul-2002	Details
Injury and fatality to vertebrate marine life caused by ingestion of, or entanglement in, harmful marine debris	13-Aug-2003	Details
Invasion of northern Australia by Gamba Grass and other introduced grasses	16-Sep-2009	Details
Land clearance	04-Apr-2001	Details
Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants	08-Jan-2010	Details
Loss of biodiversity and ecosystem integrity following invasion by the Yellow Crazy Ant (<i>Anoplolepis gracilipes</i>) on Christmas Island, Indian Ocean	12-Apr-2005	Details
Loss of climatic habitat caused by anthropogenic emissions of greenhouse gases	04-Apr-2001	Details
Novel biota and their impact on biodiversity	26-Feb-2013	Details
Predation by European red fox	16-Jul-2000	Details
Predation by exotic rats on Australian offshore islands of less than 1000 km ² (100,000 ha)	29-Mar-2006	Details
Predation by feral cats	16-Jul-2000	Details
Predation, Habitat Degradation, Competition and Disease Transmission by Feral Pigs	06-Aug-2001	Details
Psittacine Circoviral (beak and feather) Disease affecting endangered psittacine species	04-Apr-2001	Details
The biological effects, including lethal toxic ingestion, caused by Cane Toads (<i>Bufo marinus</i>)	12-Apr-2005	Details
The reduction in the biodiversity of Australian native fauna and flora due to the red imported fire ant, <i>Solenopsis invicta</i> (fire ant)	02-Apr-2003	Details

Several of the above processes are relevant to Tasmania and some should be the subject of policy development within or under the TPPs. It is extremely obvious that these matters are not at all covered by the current draft of the Tasmanian Planning Policies. A specific example is given below.

LAND CLEARANCE:

This term is a Nationally Listed Threatening process and a crucial issue over meeting the Schedule 1 Objectives including: "*safeguarding the life-supporting capacity of air, water, soil and ecosystems*".

The Tasmanian Planning Policies take an inadequate or absent position over Land Clearing and the only policy instrument in Tasmania on the subject (in the hands of Ramsay's Forest Practices Authority) fails to stop or even adequately regulate land clearance.

The Commonwealth EPBC states:

"The nomination for listing 'Land Clearance' as a Key Threatening Process was originally submitted under the Endangered Species Protection Act 1992 (ESP Act).

The previous committee the Endangered Species Scientific Sub-committee, (ESSS) decided to amend the name of the threatening processes to:

'land clearance affecting nationally critically endangered, endangered or vulnerable species or ecological communities'

*TSSC consider that, given our current information base, the effects on listed species/communities cannot be separated from other effects. Furthermore, the previous committee agreed (strongly) that the threatening process could cause unlisted species to become listed ie. the process is threatening a wide range of listed and unlisted species/communities. TSSC therefore recommends the use of the title: '**Land clearance**'.*

Description

Land clearing consists of the destruction of the above ground biomass of native vegetation and its substantial replacement by non-local species or by human artefacts. Native vegetation is defined as vegetation in which native species constitute more than 70% of the plant cover, or other vegetation containing populations of species listed under the EPBC Act. Substantial replacement by non-local species or human artefacts is defined as the achievement of more than 70% of the total cover by species or human artefacts that did not occur previously on the site.

Land clearing includes clearance of native vegetation for crops, improved, pasture, plantations, gardens, houses, mines, buildings and roads. It also includes

infilling of wetlands or dumping material on dry land native vegetation, and the drowning of vegetation through the construction of impoundments. It does not include silvicultural operations in native forests and manipulation of native vegetation composition and structure by grazing, burning or other means."

UNDERGROUND ELECTRICITY NETWORK CABLING:

This underground infrastructure is the sort of thing which should have a policy, especially in bushfire prone places. Remember the problems of the 2013 Dunally fire and the loss of power which occurred?

SUSTAINABLE DEVELOPMENT

This term is not defined yet has been used.

The Foreword

This is a somewhat anthropocentric view suggesting that only the community has a valid benefit from the environment (and nature) which surely deserves to exist for its own life supporting benefit as per Australia's international obligations, especially over biological diversity.

I recommend the principles and policy context should have statutory application.

Climate Change

I wish to, in the strongest possible terms, oppose the omission of a proper, meaningful and genuine policy, which would have Statutory Effect perhaps termed The Climate Change Policy, possibly within the Environmental Hazards Policy Section. That omission is disgraceful and unacceptable.

The Climate Change Statement at 1.02 (within the Settlement section) is massively inadequate and should apply to the whole policy document, perhaps organised within Environmental Hazards policy section, not be fatuously included without any force in Settlement and perhaps other policy areas, potentially seeking to misadvise the public who may not realise it is simply window dressing. The policy one has when one has no policy? Does not pass the pub test.

I realise there are Climate Change mentions elsewhere as well. The approach is not supported anywhere and it is clear this anthropogenic climate change disaster impacts which we have caused and now where we have started to experience the consequences, requires an explicit and detailed policy to show the way which we will consider and remediate and ultimately, abate climate change. It may also adopt an approach to in some instances attempt to adapt but I have grave doubts over our capacity to adapt successfully.

Additionally the little list of impacts which climate change may precipitate, as listed below from the draft policy document on page 7 in section 1.02 are completely and utterly inadequate. This draft list states:

"In practice this means some of our settlements may experience increased likelihood of:

- localised flooding;*
- inundation in coastal areas;*
- potential for land slips;*
- storm damage to property and infrastructure;*
- bushfires in bushland near to settlements;*
- social and economic disruption from extreme events;*
- hot days and greater runs of hot days; and*
- urban heat island effect in highly built-up areas."*

The Climate Change consequences section (regardless of where you put it) should certainly and additionally include:

- Coastal erosion and destruction of parts of the Tasmanian coast line.
- Increased severity and lengths of periods of drought at times.
- Periods of water shortage and a significantly reduced water availability for environmental flows and for human consumption and for agriculture and for electric power generation.
- Wider fluctuations of weather extremes.
- Greater storm intensity.
- Less stable weather.
- Increased flooding intensity, both within and outside of the flood zone.
- Higher winds and associated wind damage to the environment, to buildings, crops and infrastructure.
- Grassland fires.

- More intense bushfires, more aseasonally occurring bushfires.
- Periods of crop failures.
- Aseasonal and unpredictably and irregularly occurring frosts.
- Reduction in planetary life support capacity of the natural environment.
- Early and premature death of trees.
- Increased rates of species decline and extinctions.
- Thinning of tree canopies and reduction in photosynthetic function of trees and possibly other plants.
- Lack of experience in managing the various climate changed environments and the ecological collapse which is likely to occur.
- Increased errors of judgement in terms of Natural Resource Management.
- Greater climate driven catchment impacts.

Whilst on this subject I wish to mention one such effect which is listed in the draft document, it is: *"urban heat island effect in highly built-up areas."* This non-statutory statement is completely ignored in the rest of the draft settlement policy. So these are just words; they have no meaning. It is immensely obvious that the Government/State Planning Office intends to have a sardine can like general residential zone where smaller and smaller lots support larger and larger houses. That is exactly what is going on at present and I argue and will give examples further on where the Tasmanian Government itself is doing exactly this, that is creating urban heat island effects in highly built up areas.

Environmental Protection and Conservation

Environmental Protection is not adequately dealt with or resolved in a policy sense, either for public land or perhaps even more importantly for private land. This is an atrocious deficiency and against Australia's international obligations. I consider such an omission is not accidental.

Environmental Conservation and Protection should be added as a specific TPP Policy and it needs to have several parts. Yet the Schedule I Objectives explicitly talk about the conservation of the environment and so this aspect cannot be ignored.

Further this subject is a land use planning matter and it affects both public and private land.

Protection is a formalised step which more reliably achieves the objective of conservation.

Of course some public reserves are specifically zoned (usually as Environmental Management) under the TPS and the various LPS in a consistent way across the State of Tasmania. This is a highly important subject where policy is required. I do not intend to write and cover the whole of a new policy section here but identify the massive shortcoming and provide some guidance over what must be included so as to meet at least in some way the LUPAA Schedule 1 Objectives.

Tasmania has a significant number of formal public conservation reserves, about 850 in number, yet there is no Policy Section termed Environmental Conservation and Protection. These 850 public conservation reserves represent something over 40% of the Tasmanian land mass, including many islands within the State of Tasmania.

These public conservation reserves are currently managed without any Management Plans for over 600 of the 850 Reserves. Clearly policy guidance is urgently required to mandate and insist to the Parks and Wildlife Service that it be forced to create a Statutory Management Plan for each reserve in line with Tasmania's RFA commitment and our international obligations and indeed I argue in line with the Schedule 1 Objectives.

These 850 public conservation reserves, contrary to the claim in the draft document are proclaimed under RMPS based legislation and the 600 are currently subject to ad hoc management decisions without public input, again against the Schedule 1 Objectives. It is appropriate there be a Policy commitment over the Conservation and Protection of the Environment, that is, the natural environment, including all the public reserves which are managed by the Parks and Wildlife Service and any legacy ones managed by Sustainable Timbers Tasmania and perhaps some managed by Hydro Tasmania.

Some of Tasmania's secure reserved area includes land which is recognised as World Heritage. So this issue is one which would potentially involve the Commonwealth who has a role under EPBC legislation.

Additionally there are some over 900 private nature conservation reserves across Tasmania and any policy document should deal with those conservation reserves as well. These have been established under a piece of RMPS legislation: The Nature Conservation Act. Do you ever wonder why it got that name? In any case those 900 parcels of covenanted private land are mostly conserved in perpetuity.

Additionally, currently there is private land, which is the subject of voluntary participation which is not reflected on title, such as the Land For Wildlife Scheme, (a State Government non statutory mechanism) which certainly deserves some policy guidance and some consultation over such conservation matters as well.

I am aware the Department of Environment in Tasmania has a list of such property owners who would wish to upgrade their Land For Wildlife property to a more secure land tenure such as a PAPL covenant protective mechanism. So a Tasmanian Planning Policy should surely deal with such an absence of any conservation mechanism for private land owners.

Under LUPAA there are Local Government Part 5 Agreements (established under Part 5 of LUPAA) which have the potential to conserve and reserve land and its natural values and yet there is no TPP Policy guidance in the draft TPPs over such matters either. This is another disgraceful shortcoming.

Finally, currently there is an absence of any adequate private land reservation scheme run by the State of Tasmania for landowners who may wish to protect nature. This is a disgraceful shortcoming and fails the nation set out in the National Forest Policy Statement of 1992 for civilised states and for Tasmania in 1995. A Tasmanian Planning Policy over Environmental Conservation and Protection should include and mandate such schemes be reestablished and promoted.

There seems to be a lot of matters in relation to Environmental Conservation and Protection which somehow have seemingly conveniently dropped off the end of the policy book.

The Environmental Protection TPP should include policy information and guidance over the substantial area of public land, which was subject to the Tasmanian Forest Agreement, which is currently managed by Crown Lands Service (now subsumed into the Parks and Wildlife Service) and this land, which I advocate should be now formally reserved and protected but which is termed Future Production Forest Land, has many important life supporting values. Its conservation is highly important especially now under the catastrophe of climate change. Reserving such land meets the Schedule 1 Objective: *"safeguarding the life-supporting capacity of air, water, soil and ecosystems;"* I can show the State Planning Office in the Department of Premier and Cabinet that such places deserve to be conserved using Tasmania's own assessments for things such as Threatened Species, Threatened Vegetation Communities and so forth and am offering to do so. Additionally in terms of Environmental Conservation and Protection Policy, there is a very significant number of informal reserved areas of natural land supporting some very high conservation values but which remains only informally reserved, thus poorly signposted poorly protected and yet quite an amount of the land is regarded as a part of the National Reserve System of Australia. This is just another disgraceful shortcoming.

In the last few years, absent a TP Policy on Environmental Conservation and Protection the State of Tasmania attempted to convert an informal reserve at Marney's Hill at Brushy Rivulet in the locality of Westbury, within the Northern Midlands Bioregion into

a Northern Correctional Facility, which would have destroyed Threatened Species habitat. Tasmania needs an Environmental Conservation and Protection Policy within the collection of draft TPPs currently envisaged.

Then (you thought I had finished) there are the Prescription Areas of conserved land, which are spatially identified on TheList, (both on public and private land) within planning schemes and also within Private Timber Reserves and within both public lands and private lands, including the areas of land reserved from deals done under EPBC Offsets Policy, where developments have encroached onto land with nature conservation values of National Significance. There is no adequate policy over such land.

Then finally there is the Tasmanian problem of the poor, poor mapping of natural values where the published mapped value is regularly easily and conveniently reassigned and thus highly important natural values simply get to magically disappear, especially to facilitate development. This is one of the ways developers get rid of E. ovata forest, simply with the consultant pretending it is something else. I can show the State Planning Office in the Department of Premier and Cabinet examples of such mapping errors and including reassignments which can occur, seemingly willy nilly, sometimes under that self regulatory system the Forest Practices Act and Code and sometimes under LUPAA and the LPS.

Lastly but not least, there is the issues of Threatened Species (fauna and flora) and Threatened Vegetation Communities, which are caught up and involved in development applications but where so often a lack of policy sees the natural values scrubbed out, pillaged, degraded or otherwise removed entirely. The death of a thousand cuts as it is sometimes called.

So you might see from the above set of policy issues there is a lot of matters to be covered in a TPP on the subject of Environmental Conservation and Protection. And I have not mentioned matters such as Riparian protection Policy which is inadequately covered under Waterways Wetlands and Estuaries. Were there to be a separate section on protecting environmental values some of the issues such as Riparian Protections could be more forcefully and satisfactorily and responsibly be pursued.

Environmental Values - Some Additions

The policy positions of this policy section are inadequate.

In terms of Biological Diversity the Aichi Targets should be rolled into this policy section and these include:

"Strategic Goal A: Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society."

- *"Target 1 By 2020, at the latest, people are aware of the values of biodiversity and the steps they can take to conserve and use it sustainably.*
- *Target 2 By 2020, at the latest, biodiversity values have been integrated into national and local development and poverty reduction strategies and planning processes and are being incorporated into national accounting, as appropriate, and reporting systems.*
- *Target 3 By 2020, at the latest, incentives, including subsidies, harmful to biodiversity are eliminated, phased out or reformed in order to minimize or avoid negative impacts, and positive incentives for the conservation and sustainable use of biodiversity are developed and applied, consistent and in harmony with the Convention and other relevant international obligations, taking into account national socio economic conditions.*
- *Target 4 By 2020, at the latest, Governments, business and stakeholders at all levels have taken steps to achieve or have implemented plans for sustainable production and consumption and have kept the impacts of use of natural resources well within safe ecological limits."*

"Strategic Goal B: Reduce the direct pressures on biodiversity and promote sustainable use."

- *"Target 5 By 2020, the rate of loss of all natural habitats, including forests, is at least halved and where feasible brought close to zero, and degradation and fragmentation is significantly reduced.*
- *Target 6 By 2020 all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits.*
- *Target 7 By 2020 areas under agriculture, aquaculture and forestry are managed sustainably, ensuring conservation of biodiversity.*
- *Target 8 By 2020, pollution, including from excess nutrients, has been brought to levels that are not detrimental to ecosystem function and biodiversity.*
- *Target 9 By 2020, invasive alien species and pathways are identified and*

prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment.

- *Target 10 By 2015, the multiple anthropogenic pressures on coral reefs, and other vulnerable ecosystems impacted by climate change or ocean acidification are minimized, so as to maintain their integrity and functioning."*

"Strategic Goal C: To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity."

- *"Target 11 By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.*
- *Target 12 By 2020 the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained.*
- *Target 13 By 2020, the genetic diversity of cultivated plants and farmed and domesticated animals and of wild relatives, including other socio-economically as well as culturally valuable species, is maintained, and strategies have been developed and implemented for minimizing genetic erosion and safeguarding their genetic diversity."*

"Strategic Goal D: Enhance the benefits to all from biodiversity and ecosystem services."

- *"Target 14 By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of women, indigenous and local communities, and the poor and vulnerable.*
- *Target 15 By 2020, ecosystem resilience and the contribution of biodiversity to carbon stocks has been enhanced, through conservation and restoration, including restoration of at least 15 per cent of degraded ecosystems, thereby contributing to climate change mitigation and adaptation and to combating desertification.*

- *Target 16 By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation.*
- *Strategic Goal E: Enhance implementation through participatory planning, knowledge management and capacity building*
- *Target 17 By 2015 each Party has developed, adopted as a policy instrument, and has commenced implementing an effective, participatory and updated national biodiversity strategy and action plan.*
- *Target 18 By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.*
- *Target 19 By 2020, knowledge, the science base and technologies relating to biodiversity, its values, functioning, status and trends, and the consequences of its loss, are improved, widely shared and transferred, and applied.*
- *Target 20 By 2020, at the latest, the mobilization of financial resources for effectively implementing the Strategic Plan for Biodiversity 2011-2020 from all sources, and in accordance with the consolidated and agreed process in the Strategy for Resource Mobilization, should increase substantially from the current levels. This target will be subject to changes contingent to resource needs assessments to be developed and reported by Parties."*

Australia (and hence Tasmania) was meant to achieve these goals and targets. Now they should be incorporated into the Tasmanian Planning Policies wherever possible. Policies such as these would support meeting the LUPAA Schedule 1 Objectives.

Water and Water Catchment Protection, Water Allocation and Preferential Sector Treatment.

This complex subject seems to not be the subject of a Tasmanian Planning Policy and the absence is not in line with a meeting of the Schedule 1 Objectives.

What is the point of having ever more growth when there is not ever more water and land and so forth. But the primary issue is the amount of water and how it is to be split up between the various competing uses and the environment.

One can tell there is certainly no proper water catchment headwater policy in Tasmania whatsoever that safeguards the water catchment resource from being pillaged, damaged and diminished by forestry. Forestry mostly sits outside of the RMPS legislations but the consequences for downstream communities who are impacted means it should be the subject of a TPP, thus making it an absolute priority to regulate in some way to protect the public interest of water catchments and water availability. Not only is the Forest Practices Code not based on science, it has been documented as such by Tasmanian hydrologists, yet has not been adequately reformed or replaced. Now under the TPPs is an opportunity to achieve more holistic set of catchment wide protections.

The Tasmanian Planning Commission's Commissioner, (John Ramsay - The Forest Practices Authority), should not be allowed to regulate and poorly manage the water catchments to the disadvantage of everyone else downstream and all other industries and land use sectors. Seems he may be installed in just too many places, that may be the reason for the absence of adequate policy so far.

It is simply not sufficient to talk about Waterways, Wetlands and Estuaries under the Environmental Values Policy Section but not deal with the issue of water itself and water quantity. Bear in mind only Water Quality is dealt with by way of a State Policy. Further in any case, Waterways, Wetlands and Estuaries does not deal with Water catchments, another subject of great importance.

I propose that this draft TP policies be expanded to include both Water Catchments and Water Quantity and thence on to water allocation priorities. I further propose that water catchment headwaters be subject to a Policy Protection for the benefit of both the natural environmental flows and streams and estuaries as well as for the various users including the high economic value settlements. This would support the Schedule 1 Objectives.

There is no point having high value settlements as a strategy and not making sure they have adequate potable water. We have surely moved on from the days of Collieridge and his Ancient Mariner.

A society which does not have sufficient intelligence to protect water values over extractive uses is not capable of a resilient survival.

The recipes and process of over allocation are all too plain to see, just look at what Australia has done to the Murray Darling River system. Are we capable of learning from that disgraceful and greedy land use and abuse tragedy? These are land use Policy and regulatory problems which are not safeguarding the future generations, nor even the

current ones.

Supporting and Adopting EPBC Matters of National Significance

The relevant EPBC matters of National Significance should be incorporated into the TPPs and will assist to meet the Schedule 1 Objectives.

Land Clearance

It is vital Tasmania adopts a proper policy position over the land clearance and conversion of native vegetation to other uses to prohibit this unsustainable practice, regardless of the end use.

Land Clearance is a Nationally Listed Threatening Process under EPBC law yet is not effectively prevented in Tasmania. The controls were wound back by the Liberal Government and this deliberately lessened the life supporting capacity of the natural environment in Tasmania.

Settlement.

I have long advocated a settlement policy for Tasmania.

I have recently written a submission about affordable housing, or at least that was my focus for surely this must be the priority given the current statistics, to try and get energy consumption of houses down. Housing is a major greenhouse gas emitter, including both the building phase and the lifelong operation phase. Tasmania's housing standards are atrociously inadequate. Currently poorly performing houses continue to be built in Tasmania.

It is good the Draft TPPs mention Urban Growth Boundaries. These should be explicitly a mandatory requirement for every town and village in Tasmania and should be defined spatially so as to avoid gobbling up more natural areas, more prime agricultural land and more coast. All across northern Tasmania it would be so easy to gobble up more E ovata and more prime agricultural land with suburbia. The policy needs to be firm on both issues.

Currently Urban Growth Boundaries are not applied under Regional Land Use Strategies (RLUS) for towns and villages, so this needs mandatory policy intervention.

It would be even better if the Tasmanian Government decided to stop the pillaging and conversion of Prime Agricultural Land into suburban housing. I call it sardine can development. A recent example which is full of snags is Huntingfield in Kingborough Municipality, an important little area of prime agricultural land but which is being hunted

down for affordable housing. Originally Huntingfield was to have 250 lots and now under Tasmania's Sardine Can slum policy it will likely have 470 Lots. The Property Council must be ecstatic.

Growth

I have already dealt with the biased disparity against the undefined Rural Residential citizens of Tasmania. This bigotry I have claimed is a recipe for rural decline. I now claim the policy positions expressed under 1.1.3 clause 8 (a) to (e) represent a substantial handicap to the undefined Rural Residential citizens of Tasmania. Because of the lack of transparency they have not even been adequately warned, obviously the intention.

As potentially a Rural Resident, given I live in rural northern Tasmania outside of a town or village, and even though my settlement has been in existence since about the 1840s my lifestyle deserves some comment, because there may be a Policy inference that my lifestyle is somehow less sustainable than those who live in towns. I would take this opportunity to refute such nonsense. In particular I live absent a connection to the state electricity grid living about 2 kms beyond the end of the inadequate earth return grid, and thus reliant fully on non greenhouse emitting solar and micro hydro electricity generation, absent any sealed road, having conserved and reserved over 90% of my forested land, absent any landline phone line connection, driving currently an LPG converted vehicle about 15,000kms a year (but would prefer to own an electric vehicle were there some TPP which encouraged EV purchase and infrastructure), having no waste collection service but conducting recycling and waste disposal 5 times a year with a 25 min journey, having no reticulated sewerage service, hence dealing with my own septic waste on site, having no reticulated town type treated water and hence being responsible for my own on site water as a riparian owner using my own gravity fed domestic water. I grow an amount of my own food organically on the property but need to buy some additional food as well. I live some 20 minutes outside of the nearest town which is visited infrequently. So in considering all the the issues raised in the TPP at 1.1.3 (8), I consider these proposed demands are simply a discriminatory and complicated way of causing rural decline to a set of citizens who actually in the main, like me, live less carbon intensive, lower CO2 emitting, greater nature conserving lifestyles.

In short I claim my lifestyle is far, far, far more sustainable, in terms of my contribution to biodiversity conservation and in terms of my extensive protected forest, achieving weed free greenhouse gas sequestration than compared with any suburban living resident. So why would I be persecuted by a set of poorly constructed Tasmanian Planning Policy conditions? Clause 8 should be discarded and represents a discrimination. I wish to flag should you continue with this approach, I will have no option but to deal with the discrimination in the appropriate way. In short I am vehemently opposed to the TPP Policy position re Rural Residential settlements, which have long existed all across the

spatially diversified rural countryside of Tasmania for a very long time.

Climate Change is saying to all of us everywhere that we on this planet earth have exceeded the Limits to Growth. That includes Tasmania. Were you to move away from a growth based Settlement \Policy approach I would be quite happy to adopt such a non-growth type approach, but not to be discriminated against.

Tasmania may have reached a Net Zero target but that does not mean we are not contributing to Greenhouse Gas emissions. Therefore the more of us humans living a carbon emitting lifestyle in Tasmania the more we are contributing to the problem. The statistics show that Australians have some of the highest per capita emissions behaviours on the planet. The policies within the TPPs do not take a serious approach to turning such problems around.

I can see from the current Draft TPP document that somehow the State Policy Unit and the Tasmanian Liberal Government wish to continue with a growth based strategy of development. This policy approach is opposed. It is too late, too perilous, too stupid, threatens our future survival, is ecologically unsustainable. There are many indicators that show irrefutably that we have exceeded the limits of growth. But just like the climate deniers the limits to growth argument has its deniers as well. So sad.

The gormless mantra of a viable growth based economic future where our economic system is based primarily on the consumption of goods and services facilitated by fossil fuels and causing greenhouse gas emissions is sheer, unadulterated madness. We have a renewable power system which nonetheless swallowed many special natural areas, but even though it now has low emissions we also have a long way to go before all our sectors reach a Net Zero emissions performance and until we do, we should shelve the Growth mantra with the objective of better insuring our own survival.

It is unbelievable that having arrived at net zero carbon emissions back about 2010 that Tasmania, for years and years could not even acknowledge the achievement. And yet the Net Zero greenhouse gas emissions achievement following the end of large scale unsustainable forest extraction in Tasmania, by way of Gunns Limited's demise, coupled with the bipartisanly agreed downscaling of the Category One Sawlog Quota from 300,000 Cu Mtres down to 137,000 cu metres and the Tasmanian government (somehow even with its clean energy) is not even promoting the zero carbon achievement and even though the Net Zero Target which has already been met in Tasmania, the fact would appear to be attempted to be buried rather than celebrated. Well done Tasmania! It seems not even God can save us from the life threatening denialism such philosophical rhetorical positions pose .

The Policy should now simply end extractive wood chipping of forests by way of abolition, through a Policy position, of the Category One Sawlog Quota. Woodwhipping

is a low value product causing the demise of life giving support for Tasmania, against the Schedule 1 Objectives. It is a mindless industry, even in economic terms, certainly in environmental terms and the changing climate strongly suggest we must change to a more sustainable conservation oriented approach urgently, yet here we are without even an Environmental Conservation and Protection Policy within the suite of Draft TPPs .

2.0 Environmental Values

I ask the following incorrect and misleading statement in 2.0.1 on page 17 be removed from the Draft TPP document:

"A significant proportion of Tasmania's environmental values are protected by mechanisms outside the planning system."

Elsewhere I have outlined the situation of reserves and environmental values being a part of the planning scheme and an essential part of sustainable development. To exclude the reservation system on a false pretext is a serious misdirection of the public.

On page 17 at point 4, regarding the application of offsets "where impacts cannot be minimised" is unacceptable. I am not in favour of offsets generally, it is a way of drawing down on nature over and over again, is poorly regulated and often rorted. At a minimum the word "minimised" should be deleted and the word "avoided" used instead.

2.1 Biodiversity

This term is not defined.

In 2.0.1. it has been suggested there are 5 categories of environmental values. This is insufficient and would lead to serious shortcomings in land use planning terms and in understanding sustainability.

This inadequate list especially and specifically needs to also include Threatened Species, Priority Species, Islands, their ecologies and assemblages, Gondwanic environments, alpine environments, relictual remnants, the marine environment. Bear in mind the State of Tasmania is comprised of some 335 islands.

Such lists represent a severe contraction of the biological diversity which is present in Tasmania.

It must be stated and should be recognised that despite Tasmania's significant reserve system the species which inhabit the place continue to suffer decline being in some cases increasingly threatened and moving towards extinction. So we continue to treat nature and biodiversity in an unsustainable way.

Indeed I claim our society is a liquidatory one which fails to accord sufficient respect to nature and where our land use planning systems continue to fail to adequately conserve nature because we have a greedy approach to the liquidation of nature and the life supporting natural values as outlined broadly in the Schedule 1 Objectives.

In 2.1.2 Objectives add the word "increased" before "protection".

In 2.1.3 (1) Strategies replace the word "appropriately" with "accurately". It needs to be explained the purpose of guessing or some better identifying of the significance, other than to work out ways of liquidating it. Are you intending to do that work so as to better conserve? This strategy point is ambiguous and unacceptable as it stands.

In 2.1.3 (3) This is a good idea.

In 2.1.3 (4) Assumes the biodiversity values will be subject to development and thus is unacceptable.

In 2.1.3 (6) Delete the word "promote" and add the words "and restore" after "maintain" and before "connectivity".

In 2.1.3 (7) How? Why not stop nurseries from selling invasive plants like Foxgloves!!!!!! Develop a scheme of plants to avoid and promote it.

In 2.1.3 (8) But not to the exclusion of lower carbon sites which may have higher biodiversity values, surely.

2.2 Waterways, Wetlands and Estuaries

Does this section include lakes and agricultural drains?

The Objective is supported.

In 2.2.3 Strategies, I do not support (2) (c) and in the following line replace the word "managed" with "avoided".

In 2.2.3 Strategies at (4) (a) replace the word "minimise" with the words "avoid wherever possible". In (b) replace the word "promote" with "ensure".

2.4 Landscape Values

In the Objective add the term "cultural heritage landscape" and before identity add "sense of".

2.5 Coasts

In the 2.5.2 Objective delete the word "promote" replacing it with "achieve".

3.0 Environmental Hazards

3.1 Bushfire

This section adopts an unevenly harsh approach to landowners.

As a person who pays their Fire Service Levy through local government I am aggrieved over such a Policy position which is unduly harsh and inflexible more so than other hazards of comparable risk, for example, then flooding. The term used in the flooding section: Tolerable Risk should also be used in the Bushfire Section.

There is no mandated statewide mapping which shows the degree of threat and risk that must be adopted by Local Government. Our LG has avoided the mapping and chosen to map all vegetation as a bushfire risk even though some is more of a risk than other areas.

I support a bushfire code which will contribute to an improvement in the ability of landowners to stay safe and if necessary to defend their property. Currently we do not have such a Code in Tasmania.

There is meant to be a review of the Fire Service Act, an old Act outside of the RMPS.

I remember the 2013 fire which started in summer and which burnt down much of the town of Dunalley. Only recently did a class action prove and gain damages against the people who irresponsibly lit the fire and failed to properly control it. In all of that the Tasmanian Fire Service looked to be a hopeless and useless regulator.

Tasmania needs to separate the bushfire regulatory control and the management of brigades, they represent a conflicted situation. Currently regulatory control of fires is inadequate and negligently so. The class action after Dunalley was a warning for the Government.

Reform the Tasmanian Fire Service and the Fire Service Act as an urgent priority. I am willing to provide my submission into that process which again looks like it is going nowhere.

3.3 Flooding

Flooding is being exacerbated by upstream land use practices which are mostly unregulated and out of control. The State Government of Tasmania is the captive government of Tasmanian farmers. Catchment management needs to become more regulated and more mandatory to protect those lower in the catchment.

Better flood mapping is urgently required.

In 3.3.3 in (3) Add after "use" the words ", intensification of use" before "development".

In any case the statement suggests and unsustainability.

In 3.3.3 in (4) This does not seem to make sense. "Incompatible Use and development" is not defined.

3.4 Coastal Hazards

The might of a rising sea level is a very great force. The ocean is encroaching in some places in Tasmania at a very, very rapid rate (for example Kelso). This matter deserves closer investigation and mapping.

4.0 Sustainable Economic Development

See comments on the economy elsewhere in the document.

6.0 Tasmanian Planning Policy: Cultural Heritage

It is essential that policy provides a mandate requirement for important matters such as European and Aboriginal Heritage to be listed in LPS. For example Meander Valley Council refused to list several hundred important heritage sites because of a long held belief that heritage is a State Government responsibility. It is unacceptable that Tasmania divests itself of its significant heritage through a dearth of a thousand cuts.

I have run out of time to comment further on this important subject which is ignored in Tasmania.

7.0 Planning Processes

7.1 Consultation

The TPP document should have had a background report. This is a cheap and nasty consultation.

7.2 Strategic Planning

Current strategic planning is untransparent and poorly regulated with little public rights of consultation. LUPAA needs urgent reform here. It is atrocious.

7.3 Regulation

In 7.3.2 the term "over regulation" has not been articulated or defined in the glossary. This statement represents merely an opinion.

In 7.3.3 where in (1) there is ostensibly to be "no impact" claimed: how would that be standardised, defined or determined?

In 7.3.3 in (2) this appears to be a statement about an open slather in defiance of the

Schedule 1 Objectives.

In 7.3.3 in (5) there is a number of associated RMPS regulations and laws which do not have modern legislation and in several instances this represents a problem. For example the antiquated 1975 Crown Land Act. The Fire Service Act is another. Such matters need to be addressed.

GLOSSARY

There is a term "social infrastructure" and another "physical infrastructure", very confusing.

In the term "Physical Infrastructure" the word "an economy" should be replaced by "society". A society physically exists whereas an economy is merely an artificial construct of society.

END

CENTRAL HIGHLANDS COUNCIL

SUBMISSION - DRAFT TASMANIAN PLANNING POLICIES

Consultation under 12C(2) of the Land Use Planning & Approvals Act 1993

15 November 2022

GENERAL COMMENTS

0.1 Need

Council supports the State Government in moving to fill the policy void at the heart of Tasmania's planning system. This is long overdue.

The absence of comprehensive policy direction has left the State's planning system unguided, forcing informal policy decisions to be made 'on the fly' in an inconsistent and disjointed fashion by public servants who should not be forced into a position of having to make up policy that impacts the rights and responsibilities of citizens. Policy must be created by the elected representatives of the people.

0.2 Implementation - Who

Many of the 'Implementation Guidelines' sections of the policy statements are currently blank.

Yet many of the strategy statements require implementation outside the Planning Authority / Tasmanian Planning Commission sphere of action. In particular, some strategy statements will rely on State Agencies and state-wide infrastructure providers for successful implementation.

If the Tasmanian Planning Policies are to be successful, these entities will need to fully accept the policies and engage in subsequent strategic planning exercises, (such as local settlement planning and reviews of the Regional Land Use Strategies) and accept the outcomes. They then need to be committed to modify their long term infrastructure provision plans to match these outcomes.

It is therefore proposed that State Agencies and infrastructure providers that are pivotal to the implementation of particular strategy statements be named under the relevant implementation guideline.

0.3 Implementation - How

It is not clear how some strategy statements will be implemented. Such statements can lead to proposed planning scheme amendments being refused by the Tasmanian Planning Commission where a Planning Authority or proponent can't demonstrate proactive compliance. They can therefore have the unintended consequence of knocking out sound planning scheme amendments.

It is therefore proposed that all strategy statements be written so that they are meaningful in practice and clearly implementable. If this is not possible then the strategy statement should be omitted.

A test is the question: *what ‘work’ has this policy statement to do?* If it cannot clearly be articulated, then that proposed strategy should be omitted.

0.4 Drafting Conventions

Drafting conventions as adopted for the Tasmanian Planning Scheme (Practice Note 5) would be useful to ensure language and format is clear, unambiguous and consistently applied.

COMMENTS ON PARTICULAR STRATEGIES

1.0 SETTLEMENT

General:

Most new housing is provided by the private sector within a free market system, operating under the law of supply and demand. This determines price and, therefore, affordability.

For the market to operate properly, there needs to be ample land available for future housing needs. That is; a truly ‘free’ market. This is necessary to avoid artificial supply bottlenecks and subsequent unnecessarily high housing prices. The current housing supply crises in Tasmania constitutes a major failure of our planning system over the last two decades.

Demand for housing is notoriously difficult to forecast. Attempts to do so usually boil down to projecting the trends of the precious five or ten years forward. This disregards major real world changes that drive demand which, in some cases, cannot be predicted in advance.

Therefore, it is proposed that the stated aim of a 15-year supply of zoned land should be extended to 20 years. There is little down-side to over-estimating supply, but the consequences of under-estimation are severe.

1.0.2 Climate Change Statement

No comment.

1.1 Growth

In **Strategy 1**, the aim should be to maintain a 20-year supply of zoned land for development. Settlement planning should endeavour to provide this, and should also earmark future land out to the 30 year time horizon.

In **Strategy 2(d)**, the phrase:

“... or could have the potential to be used for viable agricultural ...uses”
should be changed to

“... or could have the potential to be used for significant agricultural ...uses”.

It may well be that the best overall strategic use of agricultural land abutting a settlement is to make it available for urban expansion, notwithstanding the fact that it might be suitable for viable agriculture. The alternative might be urban sprawl, unviable public transport systems and increased greenhouse gas emissions, to name just a few potential negative outcomes.

The policy framework should enable Planning Authorities and the Commission to make this judgement in particular circumstances. Council does not believe that all agricultural land should be sacrosanct regardless of its agricultural worth.

In **Strategy 3** it should be recognised that ‘population projections and forecast demographic change’ have failed us in the past. They cannot foresee future population growth drivers. This is why we should play it safe and aim to provide a 20 year supply of zoned land.

Strategy 3 should explicitly recognise that the growth of rural towns located beyond the gravitational pull of the major cities is driven mostly by local factors. Any regional settlement hierarchy should therefore not attempt to dictate growth scenarios for such towns. The current Southern Tasmania Regional Land Use Strategy does this, and this was a mistake.

It follows that **Strategy 4**, which provides that growth should be prioritised in settlements that are in the higher tiers of the settlement hierarchy, should not apply to rural towns beyond the influence of the major cities.

Strategy 5, stating that impediments to infill development should be ‘actively addressed’, is strongly supported. Government intervention and proactive planning is needed to remove impediments to infill development and overcome market failure in particular cases.

Strategy 7, calling for settlement and urban growth boundaries, should establish an aim to provide a 30 year supply within such boundaries, (encompassing a 20 year supply of zoned land).

The purpose of **Strategy 8** appears to be to provide an ‘out’ for development or rezoning proposals not in accordance with an established settlement plan. If such plans seek to provide a 20 year supply of zoned land, the instances of this should be very few..

It may be that **Strategy 8** is actually attempting to provide a mechanism for rare, different, one-off proposals, in which case requiring compliance with the policy sub-clauses would be impossible. It is therefore suggested that **Strategy 8** be removed and a different external mechanism developed to enable the consideration of potentially desirable ‘black swan’ proposals.

A new strategy statement should be developed that explicitly acknowledges ‘change’. If we are to develop genuine environmentally sustainable urban footprints, we have to increase densities, particularly in the major cities. This will involve substantial change within our urban environments. There is a belief within some sectors of our Tasmanian community that there should be no, or very little, ‘change’. This thought should be explicitly countered. Change will be tempered by explicit planning scheme mechanisms such as heritage precincts, specific area plans and various codes (and by the zone development standards), but there needs to be acknowledgment that significant change in many areas will be necessary through a clear policy statement.

1.2 Liveability

Strategy 3, calling for tertiary education and vocational training institutions close to, or highly accessible by, residential areas, can obviously only apply to some residential areas in the larger cities. The statement cannot apply to rural towns.

Strategy 11 regarding ‘facilitating place making and recognising the contribution it makes to the local economy, environmental amenity and social wellbeing’, is an example of a vague statement with which it would be difficult to prove compliance.

A new strategy statement should be added recognising the role of rural residential land in the suite of liveability options. Such land provides the opportunity for people to live in a genuinely environmentally sustainable way, with little-to-no carbon footprint. There is a place for such land in a carbon-neutral world and Council is anecdotally aware of a very significant un-met demand from people searching such opportunities.

1.3 Social Infrastructure

Many strategy statements in this section are examples that will require State Agencies and infrastructure providers to be fully engaged with the planning system and to proactively follow initiatives set out in Regional Land Use Strategies and local settlement plans. This has not occurred in the past. Consideration should be given to naming the relevant State Agencies and infrastructure providers in the **Implementation Guidelines**.

1.4 Settlement Types

Strategy 1, regarding the peri-urban interface, should acknowledge that this area is also where future urban expansion is most likely to be best located, and should be protected from development that would render it economically unfeasible for that future development. This will particularly be the case within settlement and urban growth boundaries, which will extend into this land.

Strategy 4, regarding settlements that experience seasonal population fluctuations, mentions coast locations characterised by holiday homes. It should also mention inland areas with recreational fishing holiday homes (‘shacks’) and seasonal agricultural workers accommodation.

Strategy 6, regarding rural residential land, is written in the negative. It should include a proactive statement encouraging the zoning of existing de facto rural residential areas to the Rural Living Zone. Such a strategy would enable an amount of infill subdivision within many such areas. In this way, the current significant unmet demand for sustainable living opportunities can be significantly addressed whilst not increasing the overall footprint of rural living land and not encroaching on any genuine agricultural land. This would have the additional benefit of providing the existing inhabitants of such areas with planning scheme provisions that match their reality, in terms of boundary setbacks, height limits, use tables and protection of amenity. A policy shift of this nature would have no negative land use consequences. As this strategy is currently written, (in the negative), the Commission will refuse most, if not all, attempts by Planning Authorities to undertake such rezonings.

Sub-strategy 6(f) should refer to ‘significant agricultural land’, not just ‘agricultural land’. The current informal State policy underpinning the new Tasmanian Planning Scheme requires the preservation of poor agriculture agricultural land for agriculture. This policy position has gone well beyond the State Policy on the Protection of Agricultural Land and is wrong. If not redressed by these new Tasmanian Planning Policies, this informal policy position will see large rural areas made unavailable for a large range of sensible economic development opportunities, (including many rural non-agricultural land uses).

1.5 Housing

In **Strategy 1**, the ‘timely supply of land’ should explicitly refer to a 20 year supply of zoned land and a 30 year supply within urban and settlement growth boundaries.

Strategy 4 should include an additional subpoint referring to sustainable living on rural residential lots. As mentioned above, the supply of these can be increased by zoning de facto rural residential areas accordingly. This would enable an amount of infill subdivision within many such areas. In this way, the current significant unmet demand for sustainable living opportunities can be significantly addressed whilst not increasing the overall footprint of rural living land and not encroaching on any genuine agricultural land. This would have the additional benefit of providing the existing inhabitants of such areas with planning scheme provisions that match their reality, in terms of boundary setbacks, height limits, use tables and protection of amenity. A policy shift of this nature would have no negative land use consequences. As it this strategy is currently written, (in the negative), the Commission will refuse most, if not all, attempts by Planning Authorities to undertake such rezonings.

An additional strategy should be added regarding infill of existing de facto rural residential areas, as described above.

An additional subpoint of **Strategy 5** regarding higher density housing should explicitly recognise that change will occur within our urban streetscapes, and that this is an unavoidable consequence of pursuing a more environmentally sustainable urban footprint.

1.6 Design

Strategy 4, providing for the ‘existing and desired future character of neighbourhoods and suburbs’ to be respected, should relate only to specific areas identified within planning schemes, such as heritage precincts. This should not apply generally as doing so would significantly impact the aim of accommodating a larger population in an environmentally sustainable urban footprint. There needs to be explicit recognition that change must happen.

Furthermore, as it is written, this strategy applies everywhere. With no mechanism in planning schemes for it to apply everywhere, it is un-implementable.

Strategies 7 and 8 both deal with subdivision design and could be consolidated.

Many strategies in this section, (and some in other sections), start with vague words such as ‘promote’ and ‘encourage’. This is not sufficiently certain for a statutory document. Implementation is unclear and compliance would be difficult to prove at the Planning Commission. If such strategies can’t be expressed more definitively, they would be better placed in a non-statutory partner document. It is noted that the State PAL policy provides a good example of definitive, implementable, assessable statements, whereas the Coastal State Policy contains many examples of vague ‘motherhood’ statements that are either redundant, unnecessary or unimplementable.

2.0 ENVIRONMENTAL VALUES

General

The various strategy statements make no distinction between those values for which we have well-established systems in place for their recognition and protection and those for which we have very little. The amount of ‘work’ each set of strategy statements has to do varies enormously. The reader is unaware of this very significant practical difference. This should be remedied.

2.1 Biodiversity

Biodiversity values are already the subject of significant state-wide mapping work that has been translated into code overlays in planning schemes. The strategy statements should recognise this and articulate what more should be done, if anything.

A new strategy statement should recognise that infill development within urban areas is a key strategy to protect biodiversity outside urban areas.

A new strategy statement should recognise that once land has been assessed and zoned for urban development, there is no longer a requirement to consider any remnant biodiversity values during subsequent development approval processes.

A new strategy statement should set out a system for biodiversity offsets. We should not adopt the ‘postage stamp’ method currently pursued by several Tasmanian Councils. This is financially unviable for the Council to manage in the long term and produces poor environmental outcomes. This ought to be avoided in the future.

Instead, each Planning Authority that wishes to use the offset method should identify large areas of high biodiversity land that is not reserved. This should be identified on planning scheme maps through an overlay. Money taken for biodiversity offsets from developers seeking to clear high biodiversity land is then placed in a kitty, and titles within the target reserve area are then purchased over time. This system will create large reserved areas that are sustainable in a biodiversity sense and with significantly less ongoing management costs than many scattered small areas.

It is noted that the system adopted in Victoria for the expansion of greater Melbourne westward over EPBC-listed grasslands is a good example. Many thousands of hectares of high quality grasslands are now being preserved in formal state-owned reserves whilst urban expansion is allowed over some areas of EPBC-listed grassland. The monetary contributions so obtained from developers are used to purchase land in the areas targeted for reserves.

This policy approach will require spatial strategic planning for implementation.

A new strategy statement should concurrently recognise that the most environmentally sustainable outcome might be the destruction of some biodiversity values in some key urban expansion locations. If the result is a more carbon neutral urban footprint, such possibilities should be allowed to be weighed by the Planning Authority and the Planning Commission.

2.2 Waterways, Wetlands and Estuaries

We have an established system to recognise and protect waterways, wetlands and estuaries within planning schemes. The strategy statements should recognise this and articulate what more should be done, if anything.

2.3 Geodiversity

We do not have an established system to grade geodiversity values. It is unclear if this policy statement assumes that we do.

‘High conservation value geodiversity’ should be defined.

2.4 Landscapes

We do not have a well-established system to grade landscape values across the State. The policy statement assumes that we do.

‘Significant landscapes’ and ‘significant cultural, ecological, geological and aesthetic landscapes and scenic areas’ should be defined.

It is noted that the previous Rural Resource Zone provisions provided Planning Authorities with an efficient, flexible and ‘light touch’ mechanism to minimise unnecessary visual impacts in the landscape. In practice this was most commonly achieved by conditions of approval relating to external colour and/or the planting of screening trees. These provisions were removed from the new Rural Zone, forcing Councils that wish for a level of landscape protection to consider creating scenic protection overlays. Except for landscapes of genuinely high significance, this is the equivalent of using a sledgehammer to crack a walnut.

Therefore, the reintroduction of landscape protection provisions similar to those in the previous Rural Resource Zone should be considered. The appropriate place for this consideration to occur is through the development of the Tasmanian Planning Policies.

2.5 Coasts

Is it the intention that the coast-related policy statements in the Tasmanian Planning Policies will replace the existing State Coastal Policy, and that the latter will be retired?

3.0 ENVIRONMENTAL HAZARDS

3.1 Bushfire

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.2 Landslip

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.3 Flooding

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.4 Coastal Hazards

Recognise that we have an existing system that does most of this, and we continue to rely on that system.

Strategy 5, dealing with existing settlements under threat of erosion and sea level rise, should be expanded. The State Government needs to develop clearer protocols and policy direction to enable decisions to be made regarding which settlements will be the subject of planned retreat and which will be provided with protective works. This is an enormous decision, with huge consequences for landowners and residents, and for the public purse. The earlier this decision is made for each settlement, the less impact there will be on the public purse and the more time affected individuals will have to adjust.

3.5 Contaminated Air and Land

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

4.0 SUSTAINABLE ECONOMIC DEVELOPMENT

4.1 Agriculture

The existing Protection of Agricultural Land (PAL) State Policy addresses many of the issues covered in the proposed strategy statements. The proposed statements go significantly further than the PAL policy, however, in seeking to preserve all agricultural land, regardless of its significance, for agriculture. The PAL policy seeks only to reserve Prime Agricultural Land and significant agricultural land.

Council strongly supports the policy position encapsulated in the PAL policy and rejects the proposed new policy statements. There are many other economic development activities that occur in rural areas besides agriculture and our planning system should encourage and facilitate their location of lesser quality agricultural land.

This significant problem is evident in the new Tasmanian Planning Scheme, which has far exceeded Parliament's intent encapsulated in the PAL policy.

The Agriculture Zone is a restrictive special-purpose agricultural zone, whereas the Rural Zone is a flexible multi-use zone. By over-allocating the Agriculture Zone the Tasmanian Planning Scheme has severely limited economic development opportunities across large swathes of country.

In the Tasmanian Planning Scheme there is a fundamental mis-match between the spatial allocation of the Agriculture Zone (as an ‘any agriculture’ zone) and the written provisions of the Agriculture Zone (as a ‘prime and significant agriculture’ zone). For the sake of future economic development the spatial allocation of the Agriculture Zone needs be rewound in the next iteration of Local Provisions Schedules.

The draft Tasmanian Planning Policy statements are calibrated along the same lines as the informal policy position underpinning the Agriculture Zone in the Tasmanian Planning Scheme and they will not be supported by Council.

It is noted that the treatment of agricultural land in the northwest of Tasmania has been different to Southern Tasmania in the development of the Tasmanian Planning Scheme. In the northwest, only prime and significant agricultural land has been zoned Agriculture, whereas in the south large areas of poorer quality agricultural land have been placed in this restrictive single-purpose zone. This is not in accordance with the overall intent of creating a single Tasmanian planning scheme: to treat land use and development the same across the State.

4.2 Extractive Industry

No comment.

4.3 Tourism

No comment.

4.4 Renewable Energy

No comment.

4.5 Industry

No comment.

4.6 Business & Commercial

No comment.

4.7 Innovation & Research

No comment.

5.0 PHYSICAL INFRASTRUCTURE

General

State agencies and infrastructure providers need to be fully engaged in the next iteration of Regional Land Use Strategies and in local settlement planning, and must fully embrace the outcome. They then need to re-work their future infrastructure plans accordingly. In the past, this has not happened.

5.1 Provision of Services

No comment.

5.2 Energy Infrastructure

No comment.

5.3 Roads

5.4 Transport Modes

No comment.

5.5 Ports and Strategic Transport Networks

No comment.

6.0 CULTURAL HERITAGE

6.1 Aboriginal Cultural Heritage

Should this statement recognise the pending new Aboriginal Cultural Heritage Act?

6.2 Non-Indigenous Cultural Heritage

Should this heading use same terminology as the Act? (Historic Cultural Heritage).

Should a statement acknowledge the existence of the Historic Cultural Heritage Act 1995 ?

7.0 PLANNING PROCESSES

Proposed new section

It is proposed that a new section be added setting out principles under which ‘values’ are, firstly, recognised and, secondly, protected.

This would be particularly helpful in regard to those values for which we do not have well-developed systems for this.

7.1 Consultation

New public notification system needed:

It is time that the planning system recognised that the old system of advertising Development Applications in local newspapers no longer works well. The system no longer reaches most people and needs a 21st century solution.

Two categories of public notification needed:

A lot of expense is wasted on advertising that is not necessary.

A common example is the proposed relaxation of a boundary setback. This is only relevant to the neighbour. There is no broader public interest. Such applications do not need to be advertised in a local newspaper. Only neighbour notification is necessary.

Notified development applications should be divided into two categories.

7.2 Strategic Planning

No comment.

7.3 Regulation

The treatment of No Permit Required use and development is inconsistent between Planning Authorities. The State should set the process across the State, and standardised any fees (including no fee) that may be considered appropriate.



Officer: [REDACTED]
Direct ☎ [REDACTED]

Date: 17/11/2022

Department of Communities Tasmania
GPO Box 65
Hobart TAS 7001

Dear Sir/Madam,

RE: DRAFT TASMANIAN PLANNING POLICIES

1. Introduction

Brighton Council Officers ('Council Officers') welcome the opportunity to comment on the Draft Tasmanian Planning Policies ('TPPs'). Council Officers consider that, overall, the TPPs are well drafted and are a positive start to the process of strategic land use planning and policy reform in Tasmania which, in our view, is well overdue.

Whilst supportive of the TPPs, we emphasise that it is critical that once the TPPs are approved and gazetted, the Regional Land Use Strategies and the State Planning Provisions ('SPPs') are reviewed and updated promptly as they are the mechanisms under the statute which will deliver the TPPs.

What follows is a brief submission on what we consider could be clarified or improved in the TPPs.

1. The Operation of the TPPs

1.1. Climate Change Statements

Given the recent severe weather events both here in Australia and across the Globe, the role of land use planning in minimising the risk to people and property from the consequences of climate change induced natural disasters, and in reducing emissions, has never been more crucial.

Just this week in responding to the NSW flooding crisis, Federal Emergency Management Minister Murray has shown his intention to consider changing planning laws to make developing in flood prone areas more difficult and to expand joint federal-state plans to buy back homes in flood affected areas.¹

The Australian Royal Commission into National Natural Disaster Arrangements has also reinforced the urgency of planning for climate change with its report recommending making it mandatory for land-use planning decisions to

¹ <https://thenewdaily.com.au/news/national/2022/11/17/flood-buy-backs-could-be-expanded-watt/>

consider natural disaster risks.² The recent NSW Flood Enquiry similarly recommended changes to the way development currently occurs on floodplains should be considered.³

It is therefore considered critical that the climate change statements are robust and genuinely inform the strategies within the TPPs given the increased focus on land use planning in contributing to natural disaster resilience.

The Draft Tasmanian Planning Policies – Supporting Report for Consultation (‘supporting report’) states that the Climate Change Statements (‘the Statements’) are said to establish policy context for each TPP and show how climate change considerations have been considered.

The Foreword to the TPPs states that the Principles and Policy Context sections are not intended to have statutory application; however, it does not mention the statutory status of the Statements. This has possible implications for how they are to be implemented when, for example, Council is reviewing the application of its Local Provision Schedule (LPS) and/ or when in receipt of a planning scheme amendment application.

The way the TPPs are structured makes it sometimes difficult to find which of the Strategies of the TPPs are specifically addressing/ furthering the Statements and, in some cases, there is a gap between the goals of the Statements and the corresponding strategies within some of the TPPs.

To aid in understanding how the Statements have made their way into the Strategies of the TPPs, we recommend that there are either specific climate change policies for each TPP, or that there is a standalone climate change TPP. In any case, it is recommended that the Statements are included in a background document separate from the TPPs made under Section 12 of LUPAA.

1.2. Implementation

Whilst it is acknowledged that LUPAA sets out that the TPPs will be implemented via Regional Land Use Strategies and the Tasmanian Planning Scheme, the way the ‘implementation guidelines’ currently only apply to one (1) of the TPP’s needs further explaining. This is especially the case given that section 12B (3) of LUPAA allows each TPP to “specify the manner in which the TPPs are to be implemented into the SPPs, LPSS and regional land use strategies”.

It seems that there was always an intention that there **would** be implementation guidelines or at least consideration of how each TPP could be implemented based on the second **[REDACTED]** of Assembly regarding debate on the *Land Use Planning **[REDACTED]** in Planning Policies and Miscellaneous Amendments) Bill 2018*. The then Minister for Planning stated that:

*Each Tasmanian Planning Policy will specify the manner in which it will apply to the planning system.*⁴

[REDACTED] the time the Bill was introduced into Parliament, it is considered that there should **[REDACTED]** some of the TPPs as to why an implementation plan **is or isn’t** considered necessary. **[REDACTED]** there are instances where the TPPs will need to be implemented through existing (e.g., Aboriginal Cultural Heritage Act, Water & Sewerage Act, etc.) or new legislation (Development/infrastructure contributions.) which should also set out in an implementation guideline/ background document.

² <https://theconversation.com/urban-planning-is-now-on-the-front-line-of-the-climate-crisis-this-is-what-it-means-for-our-cities-and-towns-193452>

³ <https://www.nsw.gov.au/nsw-government/projects-and-initiatives/floodinquiry>

⁴ https://www.parliament.tas.gov.au/bills/Bills2018/pdf/notes/48_of_2018-SRS.pdf

Another possible issue with a lack of an implementation guideline/ explanation is how the TPPs will be interpreted when the Tasmanian Planning Commission is assessing planning scheme amendments.

In recent years, there has been several instances where the TPC has used a RLUS as an assessment standard rather than a guiding policy statement when considering planning scheme amendments. There seems to have been some inconsistency by the TPC in assessing whether an amendment to a planning scheme is *“as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates”*.⁵ There appears to now be concern amongst the local government sector that there will be a similar interpretation by the TPC in assessing whether a planning scheme amendment *“satisfies the relevant criteria in relation to the TPPs”*.⁶

It is recommended that a practice note or a section in an updated implementation guideline is produced by the Government which sets out how an LPS is to satisfy the relevant criteria in relation to the TPPs and what that ‘relevant criteria’ is.

Notwithstanding this concern, it is difficult to reconcile how, on the one hand, the local government sector in Tasmania has longed for more strategic direction in planning policy to guide Tasmania’s growth but, on the other hand, now we have a set of draft policies, there seems to be a fear about the impacts of such policy reform on the ability to facilitate development and growth.

Council Officers encourage the State Government to not ‘water down’ the policies in response to criticisms of their impact on future growth and being too ‘difficult’ to implement. Such a significant policy reform was never going to be simple or uncontroversial and is a reform Tasmania crucially needs.

1.3. Evaluation

It is acknowledged that section 12I (1) of LUPPA requires that the Minister is to keep the TPPs under regular and periodic review and that section 12I (2) requires that the review must occur at the end of a 5-year period after they are made.

However, as we have seen in recent years with the Regional Land Use Strategies, such a statement requiring a regular and periodic review doesn’t necessarily result in action when it needs to.

Notwithstanding the statutory requirements for reviewing the TPPs, it is considered that a key part of any public policy process has not been included in the document: evaluation.

Evaluation is seen as the last step in the ‘Policy Cycle’ as described by Davis in The Australian Policy Handbook (2007)⁷ and is a process, as shown below.



⁵ Section 34(2)(e) of the Land Use Planning and Approvals Act 1993.

⁶ Section 34 (2)(da) of the Land Use Planning and Approvals Act 1993.

⁷ Althaus, Bridgman and Davis, (2007) The Australian Policy Handbook, p. 37

The Policy Cycle

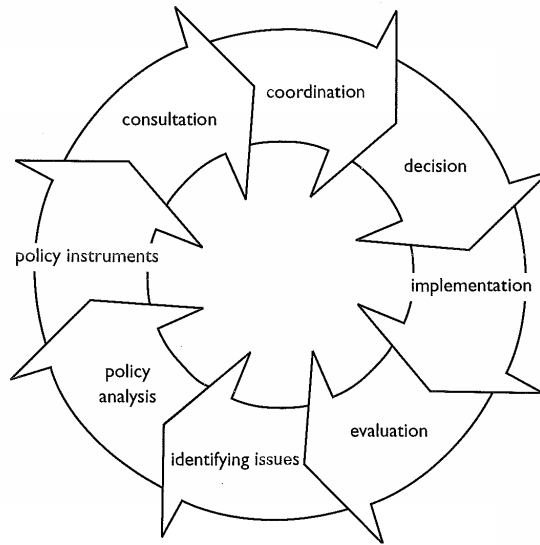


Figure 1 The Policy Cycle

Council Officers consider that there should be a method for evaluating the performance of the policy through observing it in action which should fall under the statutory obligation of the Minister to review the TPPs. It is recommended that the Government investigates producing a publication to explain how the TPPs will be evaluated as part of the statutory section 12(1) review process.

2. Comments on Specific TPPs

Attachment A of this submissions provides comments on specific TPPs that Council Officers consider needs reviewing or explaining.

3. Conclusion

Council Officers thank the State Planning Office for the opportunity to comment on the Draft TPPs. Overall, we are supportive of the TPP's, and encourage the Government to implement them In a timely manner.

If you have any queries about this submission, please contact [REDACTED] between 8:00 a.m. and 5:00 p.m. Monday to Friday, or by [REDACTED]

Yours faithfully,

[REDACTED]

David Allingham
Manager Development Services

TPP Topic	Policy Area	Standard/ Section	Council Officers' Comments
Settlement	Growth	1.11 – Application	<p>It is unclear what is meant in the application. Where would land that is proposed, allocated or identified for future settlement growth be identified? In a STRLUS? Local planning strategy?</p> <p>There is probably no need for the “application” statement in any of the policies as they are generally all state-wide.</p>
			<p>Brighton Council is in a unique situation where most major existing settlements in the municipality are typically surrounded by swathes of Rural Living zoned land which has the effect of limiting residential outward growth. Indeed, Brighton’s recent Structure Plan identified several existing Rural Living zoned areas both within, and outside, the Urban Growth Boundary as future growth/ investigation areas for general residential/ low density zoned land.</p> <p>Such a restructuring of rural residential areas to be fully serviced at typical suburban settlements is difficult in terms of coordinating infrastructure upgrades and a current lack of policy direction at the regional and state level.</p> <p>Policy (2)(a) states that planning for growth will:</p> <p><i>prioritise and encourage infill development, consolidation, redevelopment, reuse and intensification of under-utilised land within existing settlements, prior to allocating land for growth outside existing settlements.</i></p> <p>in Brighton’s context, such a reuse and intensification of under-utilised land within existing settlements would be a reference to rural living zoned land within the UGB as identified in the recent Structure Plan.</p> <p>It is therefore recommended that strategies around restructuring rural living areas to accommodate residential growth (especially where they are located within an urban growth boundary) should be included either in the Growth policy area or elsewhere in the TPPs for situations where rural residential land could be used for a better and more sustainable use.</p>
		1.1.3 (2)	<p>The term ‘avoid’ needs further explaining in terms of the following strategies:</p> <ul style="list-style-type: none"> • Avoid the development of land that is not well serviced by existing or planned physical and social infrastructure, or that are difficult or costly to service.

			<ul style="list-style-type: none"> Avoid the development of land at risk of natural hazards, that has high environmental or landscape value or are, or could have the potential to be used for, viable agricultural or extractive industry uses. <p>As was discussed in the main part of our submission, how an LPS is to “<i>satisfy the relevant criteria in relation to the TPP</i>” needs further explaining when terms such as ‘avoid’ are used in the Strategies.</p>
		1.1.3 (2)	<p>There is a compliance type language which is forceful such as: “avoid the development of land at risk of natural hazards”. However, in the Environmental Hazards section there seems to be a counter point where housing in flood prone areas is acceptable if the location cannot be ‘avoided’:</p> <p>“Where incompatible use and development cannot avoid being located on land subject to flood hazards, hazard reduction and protection measures must be considered and, where appropriate, incorporated into the planning and ongoing functioning of the use and development to reduce the level of risk to people, property and infrastructure to a tolerable risk level.”</p> <p>This seems to weaken the earlier hazard identification planning issue.</p>
		1.1.3 (5)	<p>The impediments to infill development should be named up (e.g., development contributions, land banking, etc.)</p>
		1.1.3 (6)	<p>It’s unclear when a structure plan would be required.</p> <ul style="list-style-type: none"> Will RLUS name up areas that require structure plans If a structure plan hasn’t been prepared for an area does that mean it can’t be considered for a planning scheme amendment? If its “required” will adequate resources be made available for Councils to undertake structure plans and at what level are they required? Perhaps the wording be softened to “encouraged” instead of “required”. A structure plan should also be defined.

			This section could also define other types of strategic planning documents such as 'district plans', local area plans' and 'precinct plans' and have clear definitions in the Glossary.
		1.1.3 (12)	The growth section should comment on development contributions for infrastructure upgrades.
	Livability	1.2.3	<p>The TPPs need to:</p> <ul style="list-style-type: none"> • Add "Develop a network of high-quality integrated settlements". • Add "Promote green infrastructure in private developments". Green infrastructure needs to be on both private and public land to further the climate change statement. • For more than a decade there has been reference to ideas such as rooftop gardens without much on the ground delivery of initiatives that reverse the significant deforestation through development. It may be helpful to ensure that the focus is on encouraging actions that make a significant difference (i.e., is urban reforestation happening at a greater rate than deforestation by having one or two rooftop gardens.) This would assist in furthering the climate change statement. • The strategies should encourage mixed uses within residential areas to reduce reliance in motor vehicles and to increase diversity and livability. This is consistent with principles of 'new urbanism'. • The Livability Precinct policy should consider the (draft) Precinct Planning Guidelines for Tasmania⁵ and encourage such an approach for precinct planning in Regional Land Use Strategies.
	Social Infrastructure	1.3.3.	<p>The TPPs need to:</p> <ul style="list-style-type: none"> • Require consideration of the impacts of development on the provision/ demand for social infrastructure. • Encourage master planning to consider social infrastructure provision when planning for growth areas (i.e., Greenfield and existing areas). • Consider measures to retrieve costs/ seek contributions for providing the social infrastructure needed because of (residential) development. Examples include levy's in lieu of providing social infrastructure. • Consider measures to incentive developers providing social infrastructure as part of developments.

⁵ https://www.planningreform.tas.gov.au/_data/assets/pdf_file/0015/601161/Draft-Precinct-Planning-Guidelines-website-version-Feb-2021.pdf

			<ul style="list-style-type: none"> • Add “Ensure social infrastructure is delivered in the development process and in the right locations”. For example, construction of, or contributions for active travel networks or community buildings. • Consider social infrastructure as a means of improving liveability.
	Settlement Types	1.4.1 – Application	The policy should confirm whether it applies to existing rural residential areas both within and outside the UGB.
		1.4.3 (2)	It is unclear what 1.4.3 (2) is trying to achieve and where it would be applied?
		1.4.3	<p>The TPP needs to:</p> <ul style="list-style-type: none"> • As per previous comments, this strategy needs to consider the restructuring of rural residential settlements where they are in an area strategically beneficial for consideration for future growth and/ or where they are a constraint for future growth. • Strategy should consider retaining and improving natural values in rural living areas and development that responds to natural and landscape values.
		1.4.3 (6)	<p>The TPP needs to:</p> <ul style="list-style-type: none"> • 1.4.3 (6) should require that additional RLZ land is justified based on supply and demand projections, including for ‘tree change’. • 1.4.3 (6) (b) – add “...or on the fringe of the urban growth boundary”. Need to keep larger sites on edge of UGB for future greenfield development if required. Rural Living all around Brighton’s UGB is a huge impediment to growth.
	Housing	1.5.3	<p>The TPP needs to:</p> <ul style="list-style-type: none"> • facilitate planning incentives to increase the supply of social and affordable housing for every stage of life and in the right places. • To facilitate mandatory planning mechanisms (such as inclusionary zoning and payment in lieu of providing social/ affordable housing) to increase the supply of social and affordable housing. • Consider tenure mix and increasing social disadvantage when providing social housing. • Consider the impacts of short stay accommodation on housing supply in major centers. • Consider the impacts of the loss of existing affordable housing.
	Design	1.6.3 (2), (3) and	<p>The TPP needs to:</p> <ul style="list-style-type: none"> • Encourage high quality medium to high density housing.

			<ul style="list-style-type: none"> • Include consideration of climate resilience in providing public places such as via water sensitive urban design etc. and revegetation. • incorporate best practice principles in planning for open spaces in new subdivisions. • Include reference to precinct planning.
Environmental Values	Biodiversity	2.1.3.	<ul style="list-style-type: none"> • The TPP still contains language similar to the existing Natural Assets Code of the State Planning Provisions which seems to suggest that only 'high biodiversity values' or 'significant values' should be considered when assigning land for use and development. This is seen in policy 2.1.3 (2). Such language is not consistent with the objectives of the Resource Management and Planning System of Tasmania; in particular: "to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity".
		2.1.3	<p>The TPP needs to:</p> <ul style="list-style-type: none"> • The TPP should be fundamentally based on principles of 'ecological sustainable development' and this should be defined in the TPP. The TPP should 'protect' and 'improve' environmental values. • Add "Promote biodiversity in urban areas and new developments". • Delete 'high biodiversity values' in (3)(b).
Environmental Hazards	Bushfire	3.1.3	<p>The TPP needs to:</p> <ul style="list-style-type: none"> • Consider socio- economic vulnerability of people in assessing risk of bushfire. • Take a precautionary approach to rezoning additional land for rural residential use in areas of bushfire risk.
	Contaminated Air and Land	3.5.2	<p>There are currently no measures in the planning system to protect land from environmental contamination. If this is because it is addressed under EMPCA, then the system is backward and doesn't work. For example, a planning permit can be issued for a use and an EPN can be issued the next day shutting down the use until environmental mitigation is adequately installed.</p> <p>Therefore, add "Provide measures that prevent the contamination of land in the planning system".</p>
Sustainable Economic Development	Tourism	4.3.3	<p>The TPP needs to:</p> <ul style="list-style-type: none"> • Add Aboriginal heritage to (d).

			<ul style="list-style-type: none"> Add that tourism in protected areas should be undertaken in a ecologically sustainable manner and be based on best practice principles of carrying capacity.
	Industry	4.5.3	<p>The TPP needs to:</p> <ul style="list-style-type: none"> acknowledge the need to maintain up to date data on industrial land supply and demand include reference to place making for industrial areas.
Physical Infrastructure	Provision of Services	5.1.3	<p>The TPP needs to:</p> <ul style="list-style-type: none"> 5.1.3 (5) - Expand to include “Provide a framework for development and infrastructure contributions through new legislation that facilitates and coordinates the delivery of all necessary infrastructure from the relevant authorities (e.g., water & sewer, road, stormwater, electricity, nbn, etc. ” and “Prepare development and infrastructure plans for key areas through new legislation to manage contributions toward infrastructure. Include policy regarding the restructuring of underutilised land for higher densities such as existing rural residential settlements.
	Transport Modes	5.4.3	<p>The TPP needs to:</p> <ul style="list-style-type: none"> (7) be more ambitious e.g., has public transport within a 400m radius of 80% of all new lots. (5) Add “Encourage transport providers to be involved in subdivision design.”
Cultural Heritage	Aboriginal Cultural Heritage	6.1.3	<p>The TPP needs to:</p> <ul style="list-style-type: none"> Add “Ensure aboriginal heritage is considered early in the planning and development process”. The system is currently not set up for aboriginal heritage to be detected until planning permits have already been discovered. Its best to locate and design of development to consider aboriginal heritage early. Add “Adequately resource and put in proper processes for assessing aboriginal heritage.”

Tasmanian Planning Policies Public Consultation

City of Launceston submission

1. Background

The Minister for Planning has approved a suite of draft TPPs for consultation in accordance with section 12C(2) of the *Land Use Planning and Approvals Act 1993* (the Act). The draft TPPs are accompanied by a Supporting Report that provides additional information and context on the draft TPPs.

Council are supportive of the development of the policies, and welcomes them into the planning framework for the state. The provision of state policies add value to the existing state planning framework, and Council is encouraged that the policies have moved forward to a position where consultation is able to occur.

This submission highlights a number of structural and implementation issues that should be reviewed prior to their implementation. If the policies are not clear and decisive, interpretation can be misrepresented through their implementation, and their intended use and objective may not be fully realised. A clear framework of how the policies will work needs to accompany the policies so their implementation is transparent and effective.

Council would seek to work with the State Planning Office to solve any concerns and ensure the policies are a benefit to everyone.

2. Scope & Intended Purpose

There are seven (7) Planning Policies, each containing sub-policies and strategies. A review of each policy, the sub-policies, the layout of the policies, the implementation of the policies, and their content has been undertaken.

The policies provide a mix of strategic direction, interlayered with statement strategies. There is concern on how these strategies will be able to be practically and consistently enacted through interpretation or implementation. Without guidance for implementation, as well as an assessment framework, there is the potential for Councils to undertake strategic changes that would inadvertently go against the policies. They would only find out they have been interpreted correctly, or incorrectly, when a decision is made, which is an inherent inefficiency and wasted effort.

The policies are a step forward for the state, however they need to be transparent and predictable as to how they will apply.

The policies as they are currently written are generic in terms of topic and applicability. There is no link that make the policies relevant to Tasmania. The policies should be written with a clear understanding as to why the policy is needed, and how they apply in a Tasmanian context. There also needs to be

a link and confirmation as to how the policies are applied spatially. Some strategies are specific in nature and are obvious in their application to certain regions, whilst others may apply across the state. The policies need to hold a strong position on who and what areas they are intending to influence and be applied to, to ensure consistency across all areas of the state. It is recommended that the policies include a preamble that would ensure context to the strategies is given.

There is also the issue of conflict between policies. As there are no guiding implementation statements, it is unclear how conflicting policies are to be dealt with. It is not evident how much weight is given to any singular policy, and if no weight is given, then it will be unclear how a policy is meant to be applied.

If there is an implied hierarchy it would be useful to draw this out. This would allow users of the system the best opportunity of utilising the policies to their full extent within their strategic work. Irrespective of what the policies say, planners should understand what the policies mean and how to apply them consistently.

The way the strategies have been written results in apparent conflict with one another. They should be reviewed to ensure that they enable balanced decisions rather than the need to meet every strategy that might be relevant.

3. Policy Content & Intent

Council supports the creation of a strategic framework that guides land use, but it needs to be clear as to the intent and how they are applied in practice to prevent misunderstanding and misinterpretation. If the application of the policies is not clear, it erodes confidence in the planning system. There are two vital questions that we raise that would require definitive answers to ensure the policies are transparent.

- *Are the strategies a prescriptive list of matters that must be complied with, or can they be read as an objective with strategies that must have regard to?*
- *Are the policies looking for a balanced decision of embodying net community benefit, or where they can't be met prescriptively, to allow planning authorities to develop an argument of how the objective is met in an alternative way?*

Upon a reading of the policies, it would be our preferred approach that they only need to have regard to, rather than a requirement to strictly comply with all strategies. It is believed that with this approach, there would be a balance in determining what policy may require more weight against it, and what policy may have opportunity to be more relaxed. This would clear up any

confusion on how the policies are to be applied, and allow for a composed assessment. A good example is policy 4.4 renewable Energy. The strategies within the policy do not require definite compliance, but are written in a way that allows recognition, identification and support. This allows for the policies to be considered, and not just strictly complied with.

1.0 Settlement

1.1 Growth

Throughout the policies, there are a number of statements that seek to limit rural residential land use. It is suggested that the State Planning Office incorporate a clear policy position on the provision of rural residential use to enable a better understanding of the guidelines, as this land type is a significant part of the market, especially in northern Tasmania. It would be beneficial if the policy is able to provide supporting information that aligns with the policy outcome.

1.1.3 Strategies

1.1.3(1)

The first strategy does not identify tourism as a use that requires available land for growth. The policies are structured in a way that if it is not stated, then there is no way to identify and apply it. Accordingly, it is recommended that tourism and any other relevant land uses be included within the strategy.

1.1.3(2)

The terminology used (plan for growth that *will..*) makes the implementation for the strategy definite, with little room for further consideration. It is recommended that the wording of the strategy be amended so that plans for growth 'consider' the sub-sections, rather than requiring them to avoid, integrate, or prioritise.

1.1.3(2)(a)

The strategy only appears to relate to urban areas, and therefore not necessarily relevant to all municipalities or all areas within a municipality. It would be beneficial if the strategies allowed for growth to occur not just within the urban area, but identified areas outside of it as well.

1.1.3(2)(d)

The strategy plans for growth that will avoid development that is subject to risk of natural hazards, has high environmental or landscape values, or could be viable agricultural or extractive industry uses. The strategy is specific in that plans for growth will avoid the development of land subject to these risks or uses. It is recommended that the strategy be amended to ensure that risk is managed appropriately, rather than avoided. As an example, without this

change there could be situations where identified growth areas could not be developed due to a low landslip hazard. It is unclear why this would now be implemented when historically Councils have been able to appropriately manage growth. The policy does not need to use the word avoid, but rather should ensure that any risk is managed appropriately.

1.1.4 Implementation guidelines

The growth policy is the only policy with an implementation guideline. The guideline requires an identified 15 year supply of land to accommodate growth, land identified within a RLUS. There are four concerns regarding this guideline.

The first is what occurs if new areas are identified between the RLUS 5 year review. Based on the guideline, any new areas could not be considered as they must be identified within the RLUS cements a need for amendments to the RLUS.

It is recommended that the implementation guideline be reworded to ensure that if new areas of land become available or are identified, that they are able to be developed, if the case can otherwise properly be made.

Justifying numbers in years needs clarification. The policies need a flexibility to respond to unknown hurdles and avoid amendments to the RLUS. If years are going to be used, then a clear methodology needs to be developed and understood.

Secondly, the provision of 15 years appears to be low in terms of timeframes. It is unclear if the requirement is for the RLUS to identify a 15 year supply, or up to 15 years. 15 years appears to be short-sighted, noting the current housing supply issues Tasmania is facing. A more realistic supply number should be considered to ensure that consideration of a longer term for strategic planning. Potential consideration of a rolling reserve would also ensure future growth is protected.

Implementation guidelines need to allow for flexibility if strategy statements are going to be specific.

Thirdly, there is a need to separate and monitor visitor accommodation. When considering existing housing supply, it is understood it is dwellings on the ground that are counted, not their use. This means that visitor accommodation within a detached dwelling is considered as adding to the land supply, when in reality it does not. Revision of the policy needs to occur that would allow the separation between these uses.

Finally, it is unclear why the terminology 'settlements' is utilised. It is suggested that alternative wording is utilised, such as 'based on the RLUS,

identify at least 15 years supply of land', removing the reference to settlements. By only focusing on settlements, there would be no opportunity to identify areas outside of established settlements. It is also unclear how a settlement is defined. In the Launceston context, does this mean municipal boundaries, or village areas such as St Leonards and Lilydale? If so, would each settlement type need to identify and provide a 15 year supply, or would this be for the municipality as a whole? Is there a methodology? What proportion of growth should be allocated to infill or urban expansion? If there is no clear answer to these questions, then further guidance on what factors to consider is required.

1.2 Liveability

1.2.1 Application

This section identifies land to be allocated or identified for future settlement growth. However, it only appears to be focused on urban areas, and does not include rural residential. It is unclear why rural residential land has been omitted as a considered and appropriate growth market, especially within the liveability policy. Further information would need to be considered as to why this has been left out. Further to our previous comments, if there is an underlying policy regarding rural residential land, it needs to be explicitly outlined so that there is no confusion. This could be in the form of a preamble within each policy to ensure the strategies are being enacted and understood with context.

1.2.3 Strategies

1.2.3(3)

It is unclear why only tertiary education and vocational training institutions are identified, and a blanket educational use is not utilised. There are many municipalities within Tasmania who do not offer these institutions. It is unclear where this strategy applies to, and how it is to be applied. Does it only mean consolidation of existing universities, or would it allow new institutions to be developed? To assist in making this strategy clearer, it is recommended the wording be revised. Suggested wording would state 'In conjunction with service providers, provide for the expansion of tertiary education in appropriate locations'.

1.3 Social Infrastructure

1.3.1 Application

Again, rural residential settlements have been omitted from the application of social infrastructure. Whilst not located within an urban setting, rural residential settlements should still be encouraging the use and implementation of social infrastructure.

1.3.3 Strategies

It is acknowledged that there will be various ways to implement the policies through the suggested strategies. However, some strategies are so prescriptive, that it appears they were written to be implemented within a specific region.

This interpretation would result in other areas that want to use the strategy to effect change would not be able to do so. There needs to be a consideration of how the policies are able to be implemented into regions, noting consideration of inter-Council and inter-regional issues.

Not all strategies will be useable based on scale and location. How are Councils able to maximise the use of existing well located infrastructure on a regional scale? Without implementation guidelines, it is unclear how the regional strategy will be able to demonstrate compliance. The only viable option appears to be identifying and zoning land to facilitate, however the amount and type of land is unknown and not defined. It is also noted that the take up of land won't be known until such time that it is actually subdivided.

1.4.3(6)

Again, the use of the word 'avoid' instead of have regard to. It is unclear what 'minimal' is referring to under 6(a). Is it a proportion or percentage of the total housing stock? For example, would 5% of all houses in rural living be minimal? This would need to be clarified.

1.4 Settlement Types

1.4.3 Strategies

1.4.3(6)

As a reoccurring theme, the strategy again talks about minimising rural residential land. However, it does not take into consideration the desire for this type of land, and does not appear to take into consideration this type of land for housing supply. This strategy is written in a way that requires all sections of strategy 6 to be met due to the terminology it uses. Considering the strategy literally in its application, there would almost be no possibility of ever endorsing rural residential land on the basis of being unable to meet 6(f) which requires land with agricultural, cultural heritage, landscape, or environmental values, or land subject to natural hazards, must be avoided.

It is recommended that the wording be amended, to allow the strategy to be considered, rather than enforced. This would let properties to consider the values of the site, rather than avoid them all together.

It is also concerning that 1.4.3(6), which avoids allocating additional land for the purpose of rural residential subject to considerations, goes against the objectives of LUPAA, and the relevant criteria with the NTRLUS.

There is also the question on how increasing the density of rural living be compliant? i.e. 4ha to 2ha? Rather, should there be a promotion for making more efficient use of existing rural living zones, subject to environmental and servicing capacity.

1.5. Housing

1.5.3 Strategies

The strategies only appear to focus on an urban range of housing, and not all housing types.

1.5.3(4)

Without an implementation guideline, it is unclear how the requirements of this strategy will be able to be achieved. In particular, under 1.5.3(4)(f), the strategy aims to support co-living scenarios to help address housing availability and affordability. Co-living is not a defined term anywhere within the state planning framework. A general view would be any dwelling that could house persons not related to each other. The issue again however falls to interpretation and implementation. It could be considered that the provision of any dwelling has the ability to provide for a co-living situation. However, an assessment panel may take another view that if it is not specifically provided for and detailed how it will be provided for, it could not be met.

It is recommended any strategy that may have the potential to be misinterpreted be revised. However, Council are generally supportive of the providing the changes through the SPPs.

1.6 Design

It is unclear how the design of buildings is able to be incorporated into the TPS or a RLUS, noting that design is restricted under section 7 of the *Building Act 2016*, to the extent that there is conflict.

1.6.3 Strategies

If design is to be a policy, the strategies only discuss the design and siting of buildings under 1.6.3(1), but should be referring to the design of the space, as it is not just a singular aspect of a development that determines a proposals impact on a site or its contribution to an area.

It is also recommended that developer contribution be considered, noting that this may assist in making positive and effective change to the design of spaces.

What does the wellbeing of occupants mean under 1(b)? Clarity of wellbeing meaning is suggested.

1.6.3(6)

It is unclear how design elements are able to be incorporated into a planning scheme, especially if no consideration of the requirements of the building act have been discussed.

2.0 Environmental Values

2.01 Principles and Policy Context

The sections states, '*A significant proportion of Tasmania's environmental values are protected by mechanisms outside the planning system*'. Whilst an accurate statement, the general public do not see it this way, and contribute planning to protect their natural environment. It is also unclear how the policies contribute to broadening the community's understanding and appreciation of the natural system. It is suggested that any encouragement of this perception is abandoned, and that clarification is provided as to what planning can provide for through guidance papers.

2.1 Biodiversity

2.1.3 Strategies

The strategies seek to protect the biodiversity of any given location, again, with no implementation strategy. However, the strategies appear to ignore the biodiversity values of urban areas, noting that that currently urban and rural areas containing biodiversity, such as the General Residential Zone or Agriculture Zone, are not required to address biodiversity.

As the SPPs do not acknowledge biodiversity within these areas, the strategies should be amended to reflect this. Alternatively, the strategies should be amended to reflect all forms of biodiversity in all locations. This strategy has been read with the implication that the SPPs will be amended. It is acknowledged that the RMPS deals with a lot of biodiversity issues, however the strategies need to be clear on what they are saying. If there is a conflict between the TPPs and the SPPs, then the TPPs need to be amended.

2.3 Geodiversity

It is recommended that a clear and defined definition of what geodiversity is, is provided, to ensure that any implementation of the policy is transparent. It is recommended that a definition on what high value is, and to include karst within the strategy.

2.4 Landscape Values

2.4.3 Strategies

2.4.3(1)

It is unclear how a Council can identify, map, and protect areas of scenic value when zone application guidelines do not support this. It is also unclear how this strategy would interact with the RLUS or TPS. Either the strategies need to be amended to protect landscape values in only identified areas, or relevant planning framework guidelines need to be amended to allow the protection of all landscape values, regardless of location. What is significant to one group of people may not be significant to another, and therefore there may be confusion when applying the strategy.

2.5 Coasts

2.5.1 Application

The coastal zone is defined under the *State Coastal Policy 1996*, which is 1km from the high water mark. It is recommended that a review as to whether or not continue the use of a 1km coastal zone be undertaken, considering the predicted changes in climate.

3.0 Environmental Hazards

Multiple strategies have identified the need for mapping to identify hazards. This however lends itself more to an implementation measure rather than a strategy. It is suggested the strategies within Policy 3.0 be reviewed to remove reference to identifying mapping, and build upon their implementation measures.

3.1 Bushfire

3.1.3 Strategies

3.1.3(2)

The strategy stating that bushfire will be considered and prioritised at every stage of the planning process is misleading. Outside of the proposed policy and within a normal application process bushfire is not required to be addressed unless it is for a subdivision, or a vulnerable or hazardous use. If the existing bushfire requirements around development are to be maintained, the strategy should be reworded to ensure a level of transparency is maintained.

3.3 Flooding

3.3.3 Strategies

No strategy discusses overland path flood mapping and its potential impact. It is recommended a new strategy include consideration of such mapping.

3.3.3(1)

The strategy uses 1% annual exceedance probability (AEP), which is the incorrect mythology. There needs to be a risk based approach that recognises that some land or uses need to be protected to a higher standard than 1%, and some areas or uses are ok. The 1% AEP is outdated and we would encourage the SPO to engage with a more contemporary and modern risk based methodology. A good example is within Handbook 7 of the Australian Disaster Resilience Handbook Collection, found here:

<https://knowledge.aidr.org.au/media/3521/adr-handbook-7.pdf>

3.3.3(2) and 3.3.3(5)

The strategies again use the word 'avoid', when it should be reading as 'appropriately managed'.

3.4 Coastal Hazards

Again, the coastal zone is defined under the *State Coastal Policy 1996*, which is 1km from the high water mark. It is recommended that a review as to whether or not continue the use of a 1km coastal zone be undertaken, considering the predicted changes in climate.

3.5 Contaminated Air and Land

It is unclear if this sub-policy should be located within the Environmental Hazards Policy, considering the policy discusses strategies relating to natural hazards. It is recommended that the sub-policy's location within the Tasmanian Planning Policies be reviewed.

4.0 Sustainable Economic Development

4.1 Agriculture

4.1.1 Application

It is unclear how this strategy will work with the existing state policy on the *Protection of Agricultural Land 2009*. If working in conjunction, reference to the existing state policy should occur. It is noted that the proposed strategies are relatively consistent with the existing policy.

4.1.3 Strategies

It is unclear how the strategies are aligned with the environmental protection and housing supply policies, noting there is considerable interest in housing

development or clearing on agricultural land. If there is no intention of alignment, there will be conflict when applying the policies to the RLUS or TPS.

4.3 Tourism

4.3.3 Strategies

It is unclear how the strategies are aligned with the growth policies, noting that within those policies and strategies, tourism is not identified as a land growth area. Again, if there is no intention of alignment, there will be conflict when applying the policies to the RLUS or TPS.

4.4 Renewable Energy

4.4.3 Strategies

The strategies discuss high level, large infrastructure projects within the realm of renewable energy. There is little direction in terms of localised renewable energy, such as promoting the use of solar panels.

It is noted that this policy is written better in terms of consideration, and not just a series of negatives that need to be overcome, like many of the other strategies. In saying that, there are identified areas of concern.

Under 4.4.3(1)(c), the strategy requires consideration of investor interest. However, there is no indication as to how investor interest can be incorporated. Either reference needs to be removed, or investors need to be involved in the creation of the policies to ensure they are able to be applied.

Strategy 4.4.3(6) appears to be too specific, and really only relates to regional policy.

4.5 Industry

4.5.3 Strategies

4.5.3(3)

The strategy looks at providing industrial uses outside of the urban area, and requires five supporting arguments to be met if this were to occur. However, 3(a) provides for specific land uses, so anything outside of that would not be able to be supported. It is also noted that 3(c) discusses disused land such as brownfield sites, but does not go so far as to discuss disused rural land. Accordingly, any previous rural land on the fringe of a city or industrial area would not be able to be supported for an industrial use or zoning change under the policy, even if it were sufficiently identified for such.

4.6 Business and Commercial

4.6.3 Strategies

Based on these proposed strategies, it is unclear how new identified areas outside of the requirements under the strategy would be able to occur. In particular 4.6.3(6) requires areas outside of the urban settlement growth boundaries are avoided. Taking the strategy literally, would mean that no new urban centres would be able to be created even if identified and supported by local strategy and municipal support.

5.0 Tasmanian Planning Policy: Physical Infrastructure

5.1 Provision of Services

5.1.2 Objective

The strategies objective aims to promote servicing such as stormwater, electricity, and gas. It is unclear how this could be implemented through the RLUS or TPS, considering servicing arrangements are detailed in other state legislation. It is acknowledged however that some servicing requirements must be present in both the RLUS and TPS to ensure adequate development occurs. It is recommended the strategy be reviewed to ensure the strategies are not over-stepping, otherwise there is a risk that servicing requirements may be more exhaustive at a preliminary stage in a planning process, then required by the regulators of that service.

5.3 Roads

5.3.3(1)

The strategy is highly specific, noting (a) and the Burnie to Hobart transport corridor. It is suggested that the wording to be revisited to ensure that all transport corridors are identified.

5.3.3(2)

The strategy is written as an absolute, that requires future road corridors are identified and protected. The concern relates to what is considered to be a future road corridor. If this is Crown land reserved roads, it would mean they could never be converted for any other land use, even if they are no longer useable.

6.0 Tasmanian Planning Policy: Cultural Heritage

It needs to be made clear the difference between state policy and local strategy, especially within the existing framework for heritage values. There will be instances where development or use requires a response at a state, regional, and/or local level. The strategies within 6.1 and 6.2 should be

reviewed to ensure that they relate to a regional and local level respectively, and not a state level.

7.0 Planning Processes

7.1 Consultation

The proposed strategies read as high level statements of what consultation should aim to achieve. It is unclear how these could be incorporated into a RLUS or the TPS.

7.2 Strategic Planning

It is unclear what these strategies bring to the policies and how they would be achieved. It is unclear how any of the proposed strategies would be able to be incorporated into a RLUS or the TPS.

7.3 Regulation

It is unclear why the policies would include a regulation section, when the majority of the proposed strategies are all facilitated through LUPAA. The strategies as they are set out could be included within LUPAA to achieve the desired effect.

4. Further Concerns

4.1 Implementation

4.1.1 Lack of implementation

The SPO have confirmed that if no implementation guideline is present in any of the policies, then no guideline is proposed. Without any such implantation guideline, it is unclear how the TPPs can inform the SPPs or the RLUSs.

It has been suggested that the strategy section within the policies allow for guidance on implementation through the emphasis within each respective strategy. A reading through the strategies suggest this is not the case.

The policies need to be revised to ensure that when applied to the RLUS or TPS, there is flexibility in their application, rather than taken as literal interpretations. The creation and application of implementation guidelines would greatly assist with this concern, and are needed to ensure policy implementation is guided and transparent.

4.1.2 Application

The policies are confined to the Tasmanian Planning Scheme (TPS) and Regional Land Use Strategies (RLUS) to guide their implementation. However, many of the strategies within the policies focus on government implementation, outside of, or only loosely aligned with the states planning

framework. A review of how each individual strategy is able to be implemented through the TPS or RLUS should occur.

4.1.3 Outside of the planning framework

A lot of the strategies within the policies are not enforceable by a Planning Authority, but rather state agencies. Without state agencies accepting them, and are able to commit to the introduction of the policies, many of them will not be enforceable or be able to be applied to the RLUS or the TPS. The policies need to clearly state who their intended audience is and who will need to comply with them.

4.2 Conflict

It is unclear how conflict between policies are dealt with. The SPO has suggested that the language used in the policies and strategies are meant to provide emphasis on policy hierarchy. This is subjective and completely open to interpretation.

A hierarchy on conflict resolution could be created and implemented, potentially as part of implementation guidelines, on how to deal with conflict between strategies.

4.3 Complete compliance

The policies themselves appear to require that all relevant policies must be met. However, and further to section 4.2, there will be conflict when applying the policies. Implementation guidelines for all strategies should be established, and within those guidelines, clearly outline how conflict will be dealt with. Without this guidance, how the policies will inform the RLUS or TPS will be open to interpretation, and at the discretion of the assessing panel.

4.4 State Planning Provisions

It is unclear how the policies will inform the SPPs. Whilst it is understood that the SPPs will again be reviewed upon the adoption of the policies, further consultation should be a priority to ensure any changes to the SPPs are informed by all relevant stakeholders, and how the TPPs informed any change. This is particularly important to local Councils, who will ultimately be the authority to enforce any changes within the state Planning Scheme.

4.5 Regional Land Use Strategies

The process for which the regional strategies are to be informed by the policies is unclear. Again, further consultation should occur at all levels to ensure that policy adoption within the strategies is appropriate, and does not result in conflict in interpretation.

4.6 Terminology

4.6.1 Promotional

The consultation paper promoted the policies are providing greater consistency and certainty. Whilst this may be an objective of the State Planning Office, it is not necessarily reality, as it was for the State Planning Provisions. A revision of the terminology promoting the policies to wording that is realistic may assist in promoting them.

4.6.2 Rural Residential

It is unclear why rural residential is the terminology used when describing residential land within the rural setting. This terminology has been replaced by rural living. Utilising outdated terminology has the potential to confuse persons interpreting the policies.

4.6 Development Industry

The policies make minimal reference to the development industry, but leave the guidance to those enacting the policies. By allowing developers and those involved within the industry to understand the policies and their role in implementing them, will ensure the policies are able to act for the betterment of everyone, as intended. There needs to be broad scope acceptability of the policies by all stakeholders within the industry to allow for the policies to be used appropriately.

4.7 Building Act 2016

Section 7 of the *Building Act 2016* states:

'This Act prevails over the provisions of any other Act or any regulation, rule, by-law, guidelines, planning instrument, standard, condition, determination, or directive, made under any other Act that relates to the design of any building, building work or plumbing work'

It is recommended that all strategies within the policies be reviewed to ensure any design recommendations or requirements are considered, noting they would be limited in accordance with the above section. If design elements are prevalent within the policies, they may become unenforceable through the Building Act, resulting in confusion at all stages of development, and delay in implementation.

4.8 Strategies

It is recommended that prior to proceeding to the next formal round of consultation, that further consultation occurs with key stakeholders. It would be beneficial to set up a multi-day consultation hearing that would allow each policy and strategy to be reviewed individually. Council will be willing to travel to assist in any discussion.

4.9 Areas

The policies are broad scope, but also lack a framework for inter-Council or inter-regional cooperation or consideration. This may well be the intention of the policies, and it may well be that it won't be until implementation of the policies that the concern can be addressed, however without implementation guidelines there may be an issue.

4.10 Interpretation

There is concern that there will be interpretation issues on the policies by those who created them, those who assess them, and those who implement them.

4.11 Strategic direction

The policies seem to lack strategic direction, but rather are a prepared set of policies that are meant to fit all change, regardless of circumstance. There need to be a revised approach that would allow the policies to be implemented where necessary, where the needs of a community or region are met, rather than refused on a technical basis.

4.12 Prescriptive

There is an overall concern that the developed policies are too prescriptive, which will result in a varying range of issues if implemented as they are. Policies should be written so that they can be applied broadly and to a range of topics. This would assist in conflict, and would ensure that if an issue is not prescribed in the current form of policies, that it could be dealt with.

4.13 Scheme Amendments

Section 34(2)(da) of LUPAA requires that scheme amendments comply with the TPPs. Without ensuring that the TPPs can be used in a transparent way, and everyone involved having a clear understanding of how they can be applied, there is the possibility that future scheme amendments will likely be unable to comply with the TPPs in their current state.

5. Conclusion

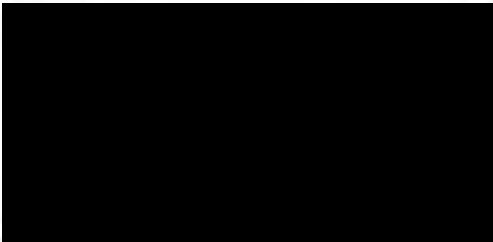
The policies are a step forward in the right direction for the planning framework of Tasmania. Council congratulates the State Planning Office for providing the policies in their current format, and forward thinking for their eventual implementation. Council are hopeful that the concerns raised within this submission, along with all other submissions received during the current consultation period are reviewed in detailed, and amendments made prior to the next round on consultation.

It would be beneficial that once the submissions have been received, that the State Planning Office facilitate a series of in-person workshops to thoroughly

understand the concerns raised. This would assist in the development of the policies moving forward.

Council also strongly believes that the policies need to be amended so that the policies only have to have regard to, rather than strict compliance. This will assist in the implementation of the strategies, as well as appropriately consider any conflict.

If further clarification is required on any of the comments, or if the department wishes to discuss in further detail, please do not hesitate to [REDACTED]
[REDACTED]



Michael Stretton
Chief Executive Officer

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22nd November 2022

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To whom it may concern

Re: Draft Tasmanian Planning Policies Consultation Submission

Thank you for the opportunity to provide a submission on the Draft Tasmanian Planning Policies (TPPs). Council appreciates the extensive work undertaken to date to prepare the policies for consultation and are supportive of the inclusion of the policies within the Tasmanian planning framework. This submission is separated into two sections: general comments regarding the form and content of the draft TPPs and specific policy content comments against relevant sections of the draft TPPs.

General Comments

Implementation Guidelines /Structure

Although the *Land Use Planning and Approvals Act 1993* (the Act) allows for implementation guidelines, their absence within most of the policies provides little surety that the objectives and strategies will be adequately implemented into the State Planning Provisions (SPPs), Local Provision Schedules (LPSs) and Regional Land Use Strategies (RLUSs).

Council would be supportive of further work being done to establish implementation guidelines to sit either within or alongside the TPPs and detail how the RLUS, SPP or LPS (or an amendment) will demonstrate that it satisfies the relevant criteria of the TPPs (including inevitable conflicts and hierarchy issues), to provide clear expectations to State and Local Government.

Interaction with the State Planning Provisions

Currently there is a disconnect between the content of the TPPs and the SPPs and it is vital the SPP review process has adequate scope to consider the TPPs during the modification process. As Council noted in its

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submission to the SPP review, issues with the non-application of the Local Historic Heritage Code to places registered on the Tasmanian Heritage Register have become evident and clearly do not align with part 6.2.3 (5) of the TPPs, through the loss of local protection of heritage places, precincts and landscapes. Until such issues are resolved, the integrity of the policies is undermined.

Climate Change

Council is supportive of the approach to integrate climate change considerations within each of the TPPs. Climate change should be considered in the RLUS and through statutory planning including the SPPs and the LPSs, with the SPP review process providing an opportunity for this to occur. In doing so, the parameters for consideration need to be clear (ie. year of projection/best or worst case scenarios) to ensure consistency and uptake by both regulators and the community.

Stormwater

Stormwater management and development control with respect to future growth and development is a key priority for Council. The lack of regulation and ability to consider stormwater issues through the development process under the current planning instruments, is costly for both Council and the community. The draft TPP's contain insufficient detail to provide clear policy direction on stormwater.

Language and content

The following matters should be considered in review of the structure and content of the policies:

- Strategies within each policy vary from prescriptive to very broad, possibly because the lack of implementation guidelines require them to be a catch-all.
- Prescriptiveness within the policies risks them being inappropriately applied, particularly where there are competing interests across different policies – ie. environmental hazard vs. settlement.
- The use of the term 'avoid' appears to have different rigour between policies, varying from the prescriptive 'must not' to 'refrain'.
- The prescriptive nature of some policies impact on their ability to be sufficiently flexible to promote unique investment opportunities, allow for diversity in communities and the environment and respond to sudden changes, such as in housing supply/demand.
- The policies in some instances regulate matters that are outside the scope of the planning instruments, and it is unclear how they may be complied with.
- The policies are quite generic in nature, with little consideration of the local social, environmental, economic and geographical context of Tasmania.

Policy Content

1.0 Settlement

1.1 Growth

Policy content dealing with growth needs to find balance between the established planning principle of utilising available infill within urban growth boundaries before further rezoning can occur and achieving adequate housing supply when infill land is not made available to meet housing demands. There are

numerous examples of the RLUS preventing rezonings that would assist in resolving high housing demand due to the availability of undeveloped infill land, in otherwise suitable locations. Further policy direction on addressing impediments to infill developments and addressing competing priorities within each region would be helpful additions. Council would be strongly supportive of the Settlement Policy being workshopped with Councils, including the detailed interaction of this policy with the RLUS.

1.2 Liveability

Emphasis is required on the access and availability of health facilities and promotion of safe and stable (low crime) communities. Environmental quality also contributes to liveability, through promotion of things such as water sensitive urban design. There is a large gap between the liveability policy aspirations and the outcomes achieved by SPPs.

1.3 Social Infrastructure

While the content of the Social Infrastructure has sound aspirations, it is unclear how it would transpire in a planning context, given the lack of any incentive within the SPPs for example, to co-locate facilities. Often, the establishment of social infrastructure is dictated by the availability (and restrictions) of State and Federal funding or the cost and availability of land. More work is needed on the implementation of these strategies to ensure outcomes are achieved.

1.5. Housing

Consideration should be given to the role the private market and state government initiatives have on housing supply and the impact this has on the capacity of statutory planning to regulate. Further detail is required to provide guidance on where responsibility for diversity in housing lies and how it should be implemented between each of the planning instruments.

1.6 Design

The climate change statement detailed at 1.0.2 states that land use planning can support measures that help address the causes and impacts of climate change. To that end, it is important that there is specific reference to design incorporating passive solar opportunities (such as window size and orientation and outdoor clothes drying facilities). This is alluded to at point 5, where it states “encourage the use of urban design principles that creates... climate change resilience”; but would benefit from being specifically detailed in an additional strategy.

2.0 Environmental Values

2.1 Biodiversity

The biodiversity strategies would benefit from additional wording to provide for the enhancement of biodiversity with the promotion of new habitat and wildlife corridors, rather than simply managing and maintaining it. The implementation of this policy is intricately linked to the detail of Natural Assets Code within the Tasmanian Planning Scheme (TPS) and revision of the code to align with the TPPs will need to occur within the SPP review process.

2.4 Landscape Values

2.4.3 (3) states:

3. *Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development:*

- a) relies specifically on being located within significant landscape;*
- b) has considerable social, economic and environmental benefits; and*
- c) includes specific measure to minimise the impact on significant landscapes.*

The clause would benefit from a part (d) to require that all available options to not impact on significant landscapes, scenic areas and scenic corridors be investigated and prioritised first. Further, it is not clear whether the policy direction is that projects would need to demonstrate social, economic AND environmental benefits, or just one of them (and vs. or).

3.0 Environmental Hazards

3.1 Bushfire

A number of potentially vulnerable uses (i.e. visitor accommodation including camping and caravan parks) have been removed of recent times from planning provisions and only built Class 1b visitor accommodation structures are considered at the building application stage. In order to integrate appropriate protection measures to manage and reduce risk as per the draft policy and create alignment between the SPPs and the TPPs, visitor accommodation of all forms requires consideration at the planning application stage.

3.3 Flooding

The risks and costs associated with flooding impacts and potential for record breaking weather events in Australia has never been more evident. Clear policy direction on climate change is vital to guide land use planning decisions, particularly with regard to flooding. Identification of parameters for decision making, including the adoption of definitions and standards (similar to the coastal hazards strategies) is considered vital to encouraging climate resilient development. Consideration should be given to the appropriateness of dam failures within this section, given this is outside of the scope of planning scheme regulation and relates to strategic planning decisions around settlement locations.

4.0 Sustainable Economic Development

4.1 Agriculture

The protection of agricultural land is covered largely by the state Protection of Agricultural Land Policy, albeit with heavy reliance on land capability and the issues associated with this approach. Economic development in the agricultural space relies on a vast range of industries that directly assist the operation of the agricultural industry (other than value adding), many of which require location within agricultural regions, but not necessarily on agricultural land. Examples include harvesting operations, worker accommodation, irrigation and rural supplies, and linear infrastructure such as irrigation pipelines. There is little direction through the strategies on supporting the growth of these industries.

4.5 Industry

Consideration should be given to the use of the term 'urban growth boundaries', given the lack of reference to the term in both the RLUS or SPPs.

4.6 Business and Commercial

A policy approach that promotes a potential loss of residential amenity in any form, as detailed at strategy 8, is concerning. Land use conflict in residential areas between small scale business or light industrial uses and residential uses are a top cause of land use complaints experienced by local councils. The need to demonstrate what is an 'unreasonable' loss of amenity is arduous and time consuming for staff, frustrating for complainants, and is unnecessary at policy level. Nevertheless, it is possible to allow for small scale enterprises, where residential amenity is *protected*.

5.0 Physical Infrastructure

5.1 Provision of services

A strong policy approach is required to ensure best practice outcomes around the provision of services. The promotion and regulation of reticulated services, for both sewer AND stormwater is paramount, with on-site services to be a last resort where there is no other viable alternatives and located outside of the urban environment. The current lack of regulation in this space is currently allowing for inappropriately serviced land on the urban fringe.

6.0 Cultural Heritage

6.2 Non-Indigenous Cultural Heritage

It is vital that this policy provides sufficient direction to allow for implementation of the strategies at a statutory level. As noted above, Council detailed in its submission to the SPP review, issues with the non-application of the Local Historic Heritage Code to places registered on the Tasmanian Heritage Register have become evident and clearly do not align with part 6.2.3 (5) of the TPPs through the loss of local protection of heritage places, precincts and landscapes.

7.0 Planning Processes

7.3 Regulation

Clarification is required around use and development that has 'little or no impact', as the impact of development is highly subjective with differing views within the community – often subject to the NIMBY (not in my back yard) effect. It could be argued that 7.3.3 (1) of the TPPs is unnecessarily detailed; has the potential for misuse/misinterpretation and is otherwise adequately covered by 7.3.3 (2).

Council staff look forward to future opportunities to be involved in the development and workshopping of the Tasmanian Planning Policies and thank the State Planning Officer for the opportunity to provide comment. Should you have any further questions, please do not hesitate to contact me either by email Council@nmc.tas.gov.au or by phone 6397 7303.

Yours Sincerely



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SOUTHERN MIDLANDS COUNCIL

SUBMISSION - DRAFT TASMANIAN PLANNING POLICIES Consultation under 12C(2) of the Land Use Planning & Approvals Act 1993

23 November 2022

GENERAL COMMENTS

0.1 Need

Council supports the State Government in moving to fill the policy void at the heart of Tasmania's planning system. This is long overdue.

The absence of comprehensive policy direction has left the State's planning system unguided, forcing informal policy decisions to be made 'on the fly' in an inconsistent and disjointed fashion by public servants who should not be forced into a position of having to make up policy that impacts the rights and responsibilities of citizens. Policy must be created by the elected representatives of the people.

0.2 Implementation - Who

Many of the 'Implementation Guidelines' sections of the policy statements are currently blank.

Yet many of the strategy statements require implementation outside the Planning Authority / Tasmanian Planning Commission sphere of action. In particular, some strategy statements will rely on State Agencies and state-wide infrastructure providers for successful implementation.

If the Tasmanian Planning Policies are to be successful, these entities will need to fully accept the policies and engage in subsequent strategic planning exercises, (such as local settlement planning and reviews of the Regional Land Use Strategies) and accept the outcomes. They then need to be committed to modify their long term infrastructure provision plans to match these outcomes.

It is therefore proposed that State Agencies and infrastructure providers that are pivotal to the implementation of particular strategy statements be named under the relevant implementation guideline.

0.3 Implementation - How

It is not clear how some strategy statements will be implemented. Such statements can lead to proposed planning scheme amendments being refused by the Tasmanian Planning Commission where a Planning Authority or proponent can't demonstrate proactive compliance. They can therefore have the unintended consequence of knocking out sound planning scheme amendments.

It is therefore proposed that all strategy statements be written so that they are meaningful in practice and clearly implementable. If this is not possible then the strategy statement should be omitted.

A test is the question: *what ‘work’ has this policy statement to do?* If it cannot clearly be articulated, then that proposed strategy should be omitted.

0.4 Drafting Conventions

Drafting conventions as adopted for the Tasmanian Planning Scheme (Practice Note 5) would be useful to ensure language and format is clear, unambiguous and consistently applied.

COMMENTS ON PARTICULAR STRATEGIES

1.0 SETTLEMENT

General:

Most new housing is provided by the private sector within a free market system, operating under the law of supply and demand. This determines price and, therefore, affordability.

For the market to operate properly, there needs to be ample land available for future housing needs. That is; a truly ‘free’ market. This is necessary to avoid artificial supply bottlenecks and subsequent unnecessarily high housing prices. The current housing supply crises in Tasmania constitutes a major failure of our planning system over the last two decades.

Demand for housing is notoriously difficult to forecast. Attempts to do so usually boil down to projecting the trends of the previous five or ten years forward. This disregards major real world changes that drive demand which, in some cases, cannot be predicted in advance.

Therefore, it is proposed that the stated aim of a 15-year supply of zoned land should be extended to 20 years. There is little down-side to over-estimating supply, but the consequences of under-estimation are severe.

1.0.2 Climate Change Statement

No comment.

1.1 Growth

In **Strategy 1**, the aim should be to maintain a 20-year supply of zoned land for development. Settlement planning should endeavour to provide this, and should also earmark future land out to the 30 year time horizon.

In **Strategy 2(d)**, the phrase:

“... or could have the potential to be used for viable agricultural ...uses”
should be changed to

“... or could have the potential to be used for significant agricultural ...uses”.

It may well be that the best overall strategic use of agricultural land abutting a settlement is to make it available for urban expansion, notwithstanding the fact that it might be suitable for viable agriculture. The alternative might be urban sprawl, unviable public transport systems and increased greenhouse gas emissions, to name just a few potential negative outcomes.

The policy framework should enable Planning Authorities and the Commission to make this judgement in particular circumstances. Council does not believe that all agricultural land should be sacrosanct regardless of its agricultural worth.

In **Strategy 3** it should be recognised that ‘population projections and forecast demographic change’ have failed us in the past. They cannot foresee future population growth drivers. This is why we should play it safe and aim to provide a 20 year supply of zoned land.

Strategy 3 should explicitly recognise that the growth of rural towns located beyond the gravitational pull of the major cities is driven mostly by local factors. Any regional settlement hierarchy should therefore not attempt to dictate growth scenarios for such towns. The current Southern Tasmania Regional Land Use Strategy does this, and this was a mistake.

It follows that **Strategy 4**, which provides that growth should be prioritised in settlements that are in the higher tiers of the settlement hierarchy, should not apply to rural towns beyond the influence of the major cities.

Strategy 5, stating that impediments to infill development should be ‘actively addressed’, is strongly supported. Government intervention and proactive planning is needed to remove impediments to infill development and overcome market failure in particular cases.

Strategy 7, calling for settlement and urban growth boundaries, should establish an aim to provide a 30 year supply within such boundaries, (encompassing a 20 year supply of zoned land).

The purpose of **Strategy 8** appears to be to provide an ‘out’ for development or rezoning proposals not in accordance with an established settlement plan. If such plans seek to provide a 20 year supply of zoned land, the instances of this should be very few..

It may be that **Strategy 8** is actually attempting to provide a mechanism for rare, different, one-off proposals, in which case requiring compliance with the policy sub-clauses would be impossible. It is therefore suggested that **Strategy 8** be removed and a different external mechanism developed to enable the consideration of potentially desirable ‘black swan’ proposals.

A new strategy statement should be developed that explicitly acknowledges ‘change’. If we are to develop genuine environmentally sustainable urban footprints, we have to increase densities, particularly in the major cities. This will involve substantial change within our urban environments. There is a belief within some sectors of our Tasmanian community that there should be no, or very little, ‘change’. This thought should be explicitly countered. Change will be tempered by explicit planning scheme mechanisms such as heritage precincts, specific area plans and various codes (and by the zone development standards), but there needs to be acknowledgment that significant change in many areas will be necessary through a clear policy statement.

1.2 Liveability

Strategy 3, calling for tertiary education and vocational training institutions close to, or highly accessible by, residential areas, can obviously only apply to some residential areas in the larger cities. The statement cannot apply to rural towns.

Strategy 11 regarding ‘facilitating place making and recognising the contribution it makes to the local economy, environmental amenity and social wellbeing’, is an example of a vague statement with which it would be difficult to prove compliance.

A new strategy statement should be added recognising the role of rural residential land in the suite of liveability options. Such land provides the opportunity for people to live in a genuinely environmentally sustainable way, with little-to-no carbon footprint. There is a place for such land in a carbon-neutral world and Council is anecdotally aware of a very significant un-met demand from people searching such opportunities.

1.3 Social Infrastructure

Many strategy statements in this section are examples that will require State Agencies and infrastructure providers to be fully engaged with the planning system and to proactively follow initiatives set out in Regional Land Use Strategies and local settlement plans. This has not occurred in the past. Consideration should be given to naming the relevant State Agencies and infrastructure providers in the **Implementation Guidelines**.

1.4 Settlement Types

Strategy 1, regarding the peri-urban interface, should acknowledge that this area is also where future urban expansion is most likely to be best located, and should be protected from development that would render it economically unfeasible for that future development. This will particularly be the case within settlement and urban growth boundaries, which will extend into this land.

Strategy 4, regarding settlements that experience seasonal population fluctuations, mentions coast locations characterised by holiday homes. It should also mention inland areas with recreational fishing holiday homes (‘shacks’) and seasonal agricultural workers accommodation.

Strategy 6, regarding rural residential land, is written in the negative. It should include a proactive statement encouraging the zoning of existing de facto rural residential areas to the Rural Living Zone. Such a strategy would enable an amount of infill subdivision within many such areas. In this way, the current significant unmet demand for sustainable living opportunities can be significantly addressed whilst not increasing the overall footprint of rural living land and not encroaching on any genuine agricultural land. This would have the additional benefit of providing the existing inhabitants of such areas with planning scheme provisions that match their reality, in terms of boundary setbacks, height limits, use tables and protection of amenity. A policy shift of this nature would have no negative land use consequences. As this strategy is currently written, (in the negative), the Commission will refuse most, if not all, attempts by Planning Authorities to undertake such rezonings.

Sub-strategy 6(f) should refer to ‘significant agricultural land’, not just ‘agricultural land’. The current informal State policy underpinning the new Tasmanian Planning Scheme requires the preservation of poor agriculture agricultural land for agriculture. This policy position has gone well beyond the State Policy on the Protection of Agricultural Land and is wrong. If not redressed by these new Tasmanian Planning Policies, this informal policy position will see large rural areas made unavailable for a large range of sensible economic development opportunities, (including many rural non-agricultural land uses).

1.5 Housing

In **Strategy 1**, the ‘timely supply of land’ should explicitly refer to a 20 year supply of zoned land and a 30 year supply within urban and settlement growth boundaries.

Strategy 4 should include an additional subpoint referring to sustainable living on rural residential lots. As mentioned above, the supply of these can be increased by zoning de facto rural residential areas accordingly. This would enable an amount of infill subdivision within many such areas. In this way, the current significant unmet demand for sustainable living opportunities can be significantly addressed whilst not increasing the overall footprint of rural living land and not encroaching on any genuine agricultural land. This would have the additional benefit of providing the existing inhabitants of such areas with planning scheme provisions that match their reality, in terms of boundary setbacks, height limits, use tables and protection of amenity. A policy shift of this nature would have no negative land use consequences. As it this strategy is currently written, (in the negative), the Commission will refuse most, if not all, attempts by Planning Authorities to undertake such rezonings.

An additional strategy should be added regarding infill of existing de facto rural residential areas, as described above.

An additional subpoint of **Strategy 5** regarding higher density housing should explicitly recognise that change will occur within our urban streetscapes, and that this is an unavoidable consequence of pursuing a more environmentally sustainable urban footprint.

1.6 Design

Strategy 4, providing for the ‘existing and desired future character of neighbourhoods and suburbs’ to be respected, should relate only to specific areas identified within planning schemes, such as heritage precincts. This should not apply generally as doing so would significantly impact the aim of accommodating a larger population in an environmentally sustainable urban footprint. There needs to be explicit recognition that change must happen.

Furthermore, as it is written, this strategy applies everywhere. With no mechanism in planning schemes for it to apply everywhere, it is un-implementable.

Strategies 7 and 8 both deal with subdivision design and could be consolidated.

Many strategies in this section, (and some in other sections), start with vague words such as ‘promote’ and ‘encourage’. This is not sufficiently certain for a statutory document. Implementation is unclear and compliance would be difficult to prove at the Planning Commission. If such strategies can’t be expressed more definitively, they would be better placed in a non-statutory partner document. It is noted that the State PAL policy provides a good example of definitive, implementable, assessable statements, whereas the Coastal State Policy contains many examples of vague ‘motherhood’ statements that are either redundant, unnecessary or unimplementable.

2.0 ENVIRONMENTAL VALUES

General

The various strategy statements make no distinction between those values for which we have well-established systems in place for their recognition and protection and those for which we have very little. The amount of ‘work’ each set of strategy statements has to do varies enormously. The reader is unaware of this very significant practical difference. This should be remedied.

2.1 Biodiversity

Biodiversity values are already the subject of significant state-wide mapping work that has been translated into code overlays in planning schemes. The strategy statements should recognise this and articulate what more should be done, if anything.

A new strategy statement should recognise that infill development within urban areas is a key strategy to protect biodiversity outside urban areas.

A new strategy statement should recognise that once land has been assessed and zoned for urban development, there is no longer a requirement to consider any remnant biodiversity values during subsequent development approval processes.

A new strategy statement should set out a system for biodiversity offsets. We should not adopt the ‘postage stamp’ method currently pursued by several Tasmanian Councils. This is financially unviable for the Council to manage in the long term and produces poor environmental outcomes. This ought to be avoided in the future.

Instead, each Planning Authority that wishes to use the offset method should identify large areas of high biodiversity land that is not reserved. This should be identified on planning scheme maps through an overlay. Money taken for biodiversity offsets from developers seeking to clear high biodiversity land is then placed in a kitty, and titles within the target reserve area are then purchased over time. This system will create large reserved areas that are sustainable in a biodiversity sense and with significantly less ongoing management costs than many scattered small areas.

It is noted that the system adopted in Victoria for the expansion of greater Melbourne westward over EPBC-listed grasslands is a good example. Many thousands of hectares of high quality grasslands are now being preserved in formal state-owned reserves whilst urban expansion is allowed over some areas of EPBC-listed grassland. The monetary contributions so obtained from developers are used to purchase land in the areas targeted for reserves.

This policy approach will require spatial strategic planning for implementation.

A new strategy statement should concurrently recognise that the most environmentally sustainable outcome might be the destruction of some biodiversity values in some key urban expansion locations. If the result is a more carbon neutral urban footprint, such possibilities should be allowed to be weighed by the Planning Authority and the Planning Commission.

2.2 Waterways, Wetlands and Estuaries

We have an established system to recognise and protect waterways, wetlands and estuaries within planning schemes. The strategy statements should recognise this and articulate what more should be done, if anything.

2.3 Geodiversity

We do not have an established system to grade geodiversity values. It is unclear if this policy statement assumes that we do.

‘High conservation value geodiversity’ should be defined.

2.4 Landscapes

We do not have a well-established system to grade landscape values across the State. The policy statement assumes that we do.

‘Significant landscapes’ and ‘significant cultural, ecological, geological and aesthetic landscapes and scenic areas’ should be defined.

It is noted that the previous Rural Resource Zone provisions provided Planning Authorities with an efficient, flexible and ‘light touch’ mechanism to minimise unnecessary visual impacts in the landscape. In practice this was most commonly achieved by conditions of approval relating to external colour and/or the planting of screening trees. These provisions were removed from the new Rural Zone, forcing Councils that wish for a level of landscape protection to consider creating scenic protection overlays. Except for landscapes of genuinely high significance, this is the equivalent of using a sledgehammer to crack a walnut.

Therefore, the reintroduction of landscape protection provisions similar to those in the previous Rural Resource Zone should be considered. The appropriate place for this consideration to occur is through the development of the Tasmanian Planning Policies.

2.5 Coasts

Is it the intention that the coast-related policy statements in the Tasmanian Planning Policies will replace the existing State Coastal Policy, and that the latter will be retired?

3.0 ENVIRONMENTAL HAZARDS

3.1 Bushfire

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.2 Landslip

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.3 Flooding

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.4 Coastal Hazards

Recognise that we have an existing system that does most of this, and we continue to rely on that system.

Strategy 5, dealing with existing settlements under threat of erosion and sea level rise, should be expanded. The State Government needs to develop clearer protocols and policy direction to enable decisions to be made regarding which settlements will be the subject of planned retreat and which will be provided with protective works. This is an enormous decision, with huge consequences for landowners and residents, and for the public purse. The earlier this decision is made for each settlement, the less impact there will be on the public purse and the more time affected individuals will have to adjust.

3.5 Contaminated Air and Land

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

4.0 SUSTAINABLE ECONOMIC DEVELOPMENT

4.1 Agriculture

The existing Protection of Agricultural Land (PAL) State Policy addresses many of the issues covered in the proposed strategy statements. The proposed statements go significantly further than the PAL policy, however, in seeking to preserve all agricultural land, regardless of its significance, for agriculture. The PAL policy seeks only to reserve Prime Agricultural Land and significant agricultural land.

Council strongly supports the policy position encapsulated in the PAL policy and rejects the proposed new policy statements. There are many other economic development activities that occur in rural areas besides agriculture and our planning system should encourage and facilitate their location of lesser quality agricultural land.

This significant problem is evident in the new Tasmanian Planning Scheme, which has far exceeded Parliament's intent encapsulated in the PAL policy.

The Agriculture Zone is a restrictive special-purpose agricultural zone, whereas the Rural Zone is a flexible multi-use zone. By over-allocating the Agriculture Zone the Tasmanian Planning Scheme has severely limited economic development opportunities across large swathes of country.

In the Tasmanian Planning Scheme there is a fundamental mis-match between the spatial allocation of the Agriculture Zone (as an ‘any agriculture’ zone) and the written provisions of the Agriculture Zone (as a ‘prime and significant agriculture’ zone). For the sake of future economic development the spatial allocation of the Agriculture Zone needs be rewound in the next iteration of Local Provisions Schedules.

The draft Tasmanian Planning Policy statements are calibrated along the same lines as the informal policy position underpinning the Agriculture Zone in the Tasmanian Planning Scheme and they will not be supported by Council.

It is noted that the treatment of agricultural land in the northwest of Tasmania has been different to Southern Tasmania in the development of the Tasmanian Planning Scheme. In the northwest, only prime and significant agricultural land has been zoned Agriculture, whereas in the south large areas of poorer quality agricultural land have been placed in this restrictive single-purpose zone. This is not in accordance with the overall intent of creating a single Tasmanian planning scheme: to treat land use and development the same across the State.

4.2 Extractive Industry

No comment.

4.3 Tourism

No comment.

4.4 Renewable Energy

No comment.

4.5 Industry

No comment.

4.6 Business & Commercial

No comment.

4.7 Innovation & Research

No comment.

5.0 PHYSICAL INFRASTRUCTURE

General

State agencies and infrastructure providers need to be fully engaged in the next iteration of Regional Land Use Strategies and in local settlement planning, and must fully embrace the outcome. They then need to re-work their future infrastructure plans accordingly. In the past, this has not happened.

5.1 Provision of Services

No comment.

5.2 Energy Infrastructure

No comment.

5.3 Roads

5.4 Transport Modes

No comment.

5.5 Ports and Strategic Transport Networks

No comment.

6.0 CULTURAL HERITAGE

6.1 Aboriginal Cultural Heritage

Should this statement recognise the pending new Aboriginal Cultural Heritage Act?

6.2 Non-Indigenous Cultural Heritage

Should this heading use same terminology as the Act? (Historic Cultural Heritage).

Should a statement acknowledge the existence of the Historic Cultural Heritage Act 1995 ?

7.0 PLANNING PROCESSES

Proposed new section

It is proposed that a new section be added setting out principles under which ‘values’ are, firstly, recognised and, secondly, protected.

This would be particularly helpful in regard to those values for which we do not have well-developed systems for this.

7.1 Consultation

New public notification system needed:

It is time that the planning system recognised that the old system of advertising Development Applications in local newspapers no longer works well. The system no longer reaches most people and needs a 21st century solution.

Two categories of public notification needed:

A lot of expense is wasted on advertising that is not necessary.

A common example is the proposed relaxation of a boundary setback. This is only relevant to the neighbour. There is no broader public interest. Such applications do not need to be advertised in a local newspaper. Only neighbour notification is necessary.

Notified development applications should be divided into two categories.

7.2 Strategic Planning

No comment.

7.3 Regulation

The treatment of No Permit Required use and development is inconsistent between Planning Authorities. The State should set the process across the State, and standardised any fees (including no fee) that may be considered appropriate.

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Our Reference: 22/4434
Enquiries: Deb Szekely

24 October 2022

Michael Ferguson MP
Minister for Planning
Department of Premier and Cabinet
State Planning Office
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HOBART TAS 7001
E: stateplanning@dpac.tas.gov.au

Dear Mr. Ferguson,

Consultation on Draft Tasmanian Planning Policies

Thank you for the opportunity to provide comment on the draft Tasmanian Planning Policies. The Break O'Day Council has had an opportunity to consider the same and offers the following comments.

GENERAL

Earlier advice provided by the Break O'Day Council remains relevant in that the TPPs should be outcome focused and provide broad level strategic direction. The TPPs should direct state projects and state interests to ensure the policy direction, project work and importantly data is available to purposefully inform the Regional Plans and their review process.

POLICY REVIEW

TOPIC - 1.0 SETTLEMENT TPP

Five separate policy areas aimed at providing for liveable settlements, directing growth, housing diversity, built environment and public spaces.

Sub-heading 1.1 Growth

The application of the policy excludes rural residential settlements. How this relates to Rural Areas (as opposed to Urban Growth Areas) defined in the Northern Tasmania Regional Land Use Strategy needs to be communicated to better understand application. It is concerning to see such a prescriptive element within a high-level policy document and consideration should be given to removal of the exclusion.

This policy provides the strategic intent to plan for settlement growth that importantly allocates land to meet the future needs of the community.

The rural residential land option or lifestyle lot is an important part of the BOD residential options mix and is highly sought after and valued as a residential choice. The transition to the Tasmanian Planning Scheme and the requirement to develop a draft LPS has caused the BOD local government area to lose one of the zones that provides for a residential option, namely the Environmental Living Zone. This message has been repeated to delegates of the Tasmanian Planning Commission during recent Hearings into the BOD Draft LPS. The SPP provides for the Landscape Conservation Zone, which identifies a residential use class as discretionary and as such is not within the residential suite of zones. This has had a significant impact on the BOD local government area due to the substantial amount of land currently zoned ELZ within our local government boundaries. More to the point, the BOD has lost considerable residential land during that process that is a residential option that is sought after within our locality.

The application of policy 1.1 Growth, excludes rural residential settlements. Due to demand, the nature of our community, demand for lifestyle opportunities and how rural residential land assists the BOD community to grow, the exclusion of this residential land suite within the 'Growth' policy, has potential to affect the Break O'Day community.

The Northern Tasmania Regional Land Use Strategy identifies Urban Growth Areas within Regional Framework Plan Maps D.1, D.2 and D.3. Importantly however the Regional Plan allows urban growth areas to be identified with settlements in Table E.1 and identified in a local strategy. The Regional Plan identifies Rural Areas including Rural Residential Areas and typically includes the Rural Living Zone and Environmental Living Zone. The Land Use and Development Strategy 2015, adopted by the Break O'Day Council, identifies Future Urban Growth / Settlement Boundaries, which importantly contains land within the Rural Living and Environmental Living Zones albeit limited. However it needs to be recognised that the Break O'Day municipality has considerable land area in close proximity to the Urban Growth Boundary and Satellite Settlements such as St Helens (including Stieglitz and Akaroa) and Scamander (Rural Town) that have a high demand for lifestyle lots seeking proximity to Bike Trails, Coastal Zone and leisure/adventure opportunities.

Consideration and further explanation should be given surrounding the terminology 'Rural Residential Settlements' and its intention and relationship to zones. Recognition that Satellite Settlements, Rural Towns can experience growth through availability of lifestyle lots for residential use. How the exclusion of rural residential settlements affects regional localities aspirational growth, needs to be carefully considered along with how this translates to the Regional Plan. The supporting report states that the TPPs do not provide a policy setting for every planning matter than may arise and they are intent of providing broad land use planning direction and high level policy guidance for the planning system. Consideration should be given to removing the prescriptive element of not applying to rural residential settlements and providing a broad guidance on 'Growth'. The Break O'Day Planning Authority understands the intent and relationship to the Regional Plan and identification of settlements and the importance of consolidation, however post pandemic, the demand for rural residential / lifestyle lots should be recognised and particularly how it can assist regional settlements meet the future needs of their communities in terms of growth.

The Strategies in relation to planning for growth follow accepted and historic land use principles of prioritising infill, consolidation etc. The Break O'Day local government area is examining the supply of vacant land within the urban growth boundary and attempting to determine the issues surrounding the time taken to develop existing vacant residential lots. This does not however relate to the demand for lifestyle lots. The point being is that the strategies relate to and respond to the supply of land. They do not take into account issues relating to demand and offer strategies of meeting this demand. When considering demand, the plan for growth may direct the planning authority towards unserviced lots typical of demand for lifestyle lots. As the policy for Growth excludes rural residential settlements, the strategies associated with planning for growth are also missing. The strategies supporting planning for growth needs to address issues of supply but also importantly, demand and should be considered in the lens of more regional settlements (Rural Areas as defined by the Northern Tasmania Regional Land Use Strategy NTRLUS) as well as Urban Growth Areas identified in Regional Plans. This will assist when reviewing the Regional Planning Policies contained within the NTRLUS.

Implementing the strategies to achieve the objective within the 'Growth' sub heading will be dependent on sound strategic planning utilising reliable land supply and demand data that is purposefully collected. A statewide approach to a growth and development-monitoring program is required and direction may be gained from reviewing the Qld Growth Monitoring Program.

Sub-heading 1.2 Livability

The application of the policy excludes rural residential settlements.

Once again recognition is being sought that within the Break O'Day local government area, rural residential settlements are within close proximity to the District Service Centre of St Helens but just outside identified Future Urban Growth / Settlement Boundary (Land Use and Development Strategy, 2015). The Break O'Day Council would like to ensure that opportunities for intergenerational housing is considered at every level of state planning instruments as they relate to zones such as Rural Living, Rural and Agricultural Zones. This is an important issue within our local government boundary as families seek to provide housing for family members in an attempt to continue agricultural uses and or ageing in place in a rural setting.

In relation to 1.2.3 Strategies, consideration should be given to how District Service Centres like St Helens can contribute in the field of education, particularly tertiary education and vocational training that will in turn not just improve livability of settlements but also activate growth. Settlements such as St Helens, St Marys and Fingal have an untapped ability to play a role in the education sector, particularly in relation to Agriculture / Aquaculture, Industry, Health and Tourism. Recognising this role may assist in establishing regional opportunities within the education sector to host practical application of learning in terms of work placement and smaller scale focused and practical education delivery. St Helens being the largest settlement on the North East Coast is well placed to develop this sector further and the strategies contained within Livability policy may be able to assist in recognising the role of the regions. Improving the education sector within District Service Centres will assist in attracting and maintaining younger age groups within the region as well as addressing access to future employees who wish to remain within the region and attracting business / industry. A recognition of expansion of roles within District Service Centres, Rural Towns and Rural Villages and localities, within the Strategies in relation to education, infrastructure, community facilities will further the Livability objective.

Sub-heading 1.4 Settlement Types

The strategies listed include clause 6 that states – “Avoid allocating additional land for the purpose of rural residential use and development unless agricultural land, cultural heritage values, landscape values, environmental values and land subject to natural hazards are avoided”. This once again highlights a loss of residential land to be experienced within the Break O’Day area due to the large land area allocated to the Environmental Living Zone and likely to transition to the Landscape Conservation Zone and places a residential use largely as discretionary. How this strategy informs the regional plan and the Tasmanian Planning Scheme when in full affect within our local government area, is one which needs to be fully explored as it has implications for growth and place making within our area. Landscape values are intrinsically tied to the Northern Regional Plan and the State Planning Provisions (SPP), particularly as they relate to the Landscape Conservation Zone (Guideline No. 1). However, they are not defined anywhere, other than as an element of coastal values within the SPP. By default, land zoned Landscape Conservation Zone is assumed to possess “landscape values”. By highlighting these connections and the unique amount of land identified by landscape values within our local government area, the strategy has implications for us going forward.

TOPIC - 2.0 ENVIRONMENTAL VALUES TPP

This policy contain five categories of environmental values in which objectives and strategies are developed. It is important that as this policy informs the regional planning and local government planning instruments, it be based on sound scientific data. The state of Tasmania having a relatively small and discrete land mass should be able to achieve a statewide approach to mapping of the values, planned program of ground truthing and update of data sets and overlays. This statewide approach could be coordinated by state government with commensurate contributions from local government annually, to ensure a reliable and up to date data set and overlay-mapping tool is able to purposefully inform land use planning.

Sub-heading 2.2 Waterways, Wetlands and Estuaries

In attempting to implement the objective and strategies of this Policy, within regional plans and eventually local planning instruments, further consideration should be given to including storm water management within the Tasmanian Planning Scheme that adequately addresses storm water quality and quantity.

Sub-heading 2.4 Landscape Values

As mentioned previously, the Break O’Day local government would like Landscape Values better defined within the planning instruments. Additionally, a practice note or guideline should be developed to help local governments further identify and map the extent of landscape values in their jurisdiction. In all likelihood this identification and mapping is best achieved in collaboration with adjoining local government areas and perhaps a statewide approach is required, or at a regional planning level. Without doing studies, it is likely any Landscape areas identified and mapped within the Break O’Day area are largely going to be contained within the coastal zone of the east coast (not limited to) and so a joint approach with Glamorgan Spring Bay Council would seem logical. How this relates to regional planning would need to be considered.

TOPIC – 3.0 ENVIRONMENTAL HAZARDS

In relation to 3.4 Coastal Hazards 3.4.3 Strategies Clause 5, it would be beneficial for a statewide discussion on strategic responses for existing settlements that are at risk of being impacted by coastal erosion or coastal inundation. A state wide discussion exploring options and responses will assist smaller regional councils to form a position on appropriate responses that is guided by an analysis of past experiences and approaches nation / state wide, learned experience and best practice. This will enable Council's to develop a meaningful and relevant response drawing on best available current knowledge.

TOPIC – 4.0 SUSTAINABLE ECONOMIC DEVELOPMENT

Sustainable economic development for the Break O'Day local government area will be furthered by a planning system that recognises the potential of regional settlements in contributing to economic development not just for their area but the wider state. The Break O'Day area is rich in natural resources which contributes to our economic sustainability, however a planning system that encourages the smaller Activity Centres such as St Helens, St Marys and Fingal to participate in and provide services within the Education Sector can secure long term future for employment within the younger demographic and growth within settlements. St Helens and surrounds would be well placed to offer strands within the **education sector** that contributed to industry placement and specialised training and learning, particularly in the following:

- Agriculture
- Aquaculture
- Tourism
 - Agritourism
 - Adventure Tourism
- Hospitality and Events Management
- Natural Resources Management
- Specialised Medical

The relationship between an active education sector albeit on a smaller scale and providing distinct and discrete services (secondary, TAFE and tertiary) in a community and providing the right environment for industry to establish itself needs to be further investigated by the Break O'Day area but needs to be supported through the planning instruments.

Sub-heading 4.1 Agriculture

A statewide response to ensuring land capability assessments and corresponding mapping is continuously and scientifically revised through a comprehensive program, will assist within all levels of planning instruments. It will also enable local planning instruments to further consider complimentary uses on rural land without fragmenting land best able to achieve an agricultural use.

The Break O'Day Council is particularly supportive of Strategy 9 within 4.1 Agriculture that supports Residential use where it is part of or supports an agricultural use e.g. workers accommodation. This should be extended to those resource processing uses that are related to Agricultural Uses e.g.

Abattoirs, Wineries/Vineyards that would be able to then provide worker accommodation (long term accommodation) that would in turn address the housing shortage and housing cost for workers associated with the industry. Support for the same at the State planning policy level will facilitate change through to the Tasmanian Planning Scheme. Being able to adequately staff these agricultural processing industries is an impediment to developing the same within the region and this is directly related to accommodation difficulties. Accepting resource processing land uses may require a residential component may get these industries happening sooner and contribute to sustainable economic development in the Agriculture sector.

Sub-heading 4.3 Tourism

The Break O'Day local government area is heavily reliant on Tourism in contributing to our economic health and is a valued sector within our business community. Its relationship to infrastructure provision e.g. sealed roads to tourist destinations is critical in sustaining and growing the industry. How the state planning policies influence infrastructure planning and delivery is related to achieving the objective for Tourism through the strategies. As already provided within our response to the scoping exercise, development of a state infrastructure plan that recognises land use planning and infrastructure planning are related and dependent on each other is key to economic development. There are challenges in delivering infrastructure in regional Tasmania. There needs to be improved coordination of land use and infrastructure decision making to ensure benefits are maximised and shared. If this can be achieved, there will be real benefits to the Tourism sector and economic diversity within regions. The same can be said about provision of affordable long-term housing to ensure the hospitality and tourism sector is able to source employees.

TOPIC 5 PHYSICAL INFRASTRUCTURE

The Break O'Day Council would like to see the development of a State Infrastructure Plan that informed the Tasmanian Regional Plans and assisted strategic planning at the local level. Integration of entities such as Department State Growth, TasNetworks and TasWater into the statewide planning system as statutory referral agencies with a vested interest in the Tasmanian Planning Policies, Regional Plans and Tasmanian Planning Scheme may help in moving forward cohesively. Their role in contributing to the development of structure plans could then be formalised, as would their role in regional planning forums.

The Tasmanian Planning Policies need to set the requirement for a comprehensive framework of infrastructure delivery and infrastructure contributions to ensure delivery through regional and local planning instruments. As this is a developing area of conversation and consideration, this planning policy needs to be broad enough to support any future changes in this area.

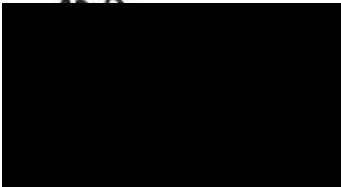
TOPIC 7 PLANNING PROCESSES

In terms of strategic planning processes the following address the Break O'Day position in this regard:

- In what way can the TPPs better integrate Regional Development Australia – Tasmania into the planning system and planning outcomes;
- Further investigation into coordinated state wide planning data collection, reporting framework and accessibility;
- How do the TPPs ensure Infrastructure entities such as DSG, TasNetworks and TasWater are better integrated into strategic planning and development assessment (statutory referral agencies);

We look forward to the final version of the Tasmanian Planning Policies being developed that recognises the role regional Tasmania plays in terms of growth and sustainable development for the whole of Tasmania and progresses the review of the Regional Land Use Plans efficiently.

Yours sincerely



John Brown
General Manager

9 November 2022

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

Dear Sir/Madam,

RESPONSE TO CONSULTATION OPPORTUNITY – DRAFT TASMANIAN PLANNING POLICIES

Thank you for the opportunity to comment on the *Draft Tasmanian Planning Policies*, and for providing a briefing to interested parties on 19 October 2022. The Planning Institute of Australia, Tasmanian Division (PIA Tas) also thanks the Government and the State Planning Office for progressing work on the Tasmanian Planning Policies (TPPs or Policies) and providing this consultation period.

As the peak body representing planning professionals, we emphasise the critical and urgent need for this specific reform at the current time, to effectively provide the engine that drives the strategic delivery of development programs within Tasmania as part of a well-functioning planning system.

PIA Tasmania has long called for State policy to drive and inform the implementation of the Tasmanian Planning Scheme (TPS). It is pleasing to see that some of our recommendations from our submission in October 2021 on the TPP framework have been adapted into the draft TPPs currently available for consultation.

In particular, we strongly support reforms that improve planning processes and outcomes, especially the return to strategic consideration of planning matters that this TPPs seeks to provide. More broadly, this is consistent with PIA Australia's position on liveability, health, national and local settlement strategies, climate conscious planning systems and management of risk in a changing environment.

The recent Australian Bureau of Statistics data confirms that Tasmanian has grown beyond expectations, which highlights the urgent and critical need for this work to be completed to inform review of the Regional Land Use Strategies (RLUS) and the TPS. It is critical the TPP's are written within this context to ensure they do not create undue delays and blockages with the strategic consideration and delivery of land through the RLUS and planning schemes.

General comments

Section 12B of the *Land Use Planning and Approvals Act 1993* (the Act) provides that the Policies will set out the aims or principles to be achieved or applied through RLUS and the TPS. We note this is inconsistent with other sections of the Act that require the Policies to be assessed for Local Provisions Schedules (LPS criteria for assessment of LPS and amendments to LPS, pursuant to sections 34 and 40F). This inconsistency is not critical to the current program for delivery of the Policies.

The exhibited document does not clearly establish the aims or principles that are to be achieved or applied through RLUS and the TPS. While much detail and prescription are provided on a wide range of matters, the high level aims and principles as presented in the draft TPPs are difficult to determine. *We suggest they require clarification to enable assessment compliance with the requirements of section 12B of the Act.*

The critical need and timing of this reform does not support delays within the wider work program of Government for land use planning. As a result, we suggest that the higher order aims and principles must be clearly identified as part of this process, while the more detailed statements are subject to further work and addressed through implementation guidelines within the policies or non-statutory equivalents that sit outside the policies.

Purpose of the TPPs – policy versus strategy

As we understand it, the TPPs are intended to be a policy document that will “*guide planning outcomes delivered through the Regional Land Use Strategies and the Tasmanian Planning Scheme*” (page 2, Draft Tasmanian Planning Policies document).

There are some fundamental differences between policy and strategy which we believe is crucial to note for the purposes of implementing the TPPs. A policy is generally as a set of guidelines or rules which defines the limits within which decisions must be made. Strategies, on the other hand, is a plan of action designed to reach an objective or outcome.

However, the way that many of the provisions drafted under each of the TPPs are not in itself policies. As such it is then hard to implement this, as there are no limits or guidelines to assess a proposal against.

Recommendation:

- *There must be overarching policy statements within each TPP, preferably listed under the ‘strategies’ of each TPP. This would provide certainty and expectations for developers (and their consultants) of their responsibilities.*

Implementation of the TPPs

Implementation of the existing RLUS provides well-documented consideration of how the policies must operate in terms of wording and implementation. Operation of the existing RLUS highlights the problems that a lack of hierarchy and structure for the implementation and assessment provides, particularly in balancing competing or conflicting interests within and between policy areas. This results in unnecessary arguments, delays and costs as part of all subsequent hearings on planning schemes and planning scheme amendments. This lack of clarity directly conflicts with the RMPS objectives to enable participation within the planning system and the sharing of responsibilities between all levels of government and the community. Experience identifies this will continue under the Policies and will fail to provide for the sound and coordinated action between state and local government, and the development sector.

We submit that continuation of the requirement that all policies and strategies are assessed in detail and on balance of the overall policy suite fails the RMPS objectives (due to conflicts within and between policy areas) and must be addressed.

A process must be established to inform and manage competing interests under the Policies to minimise the ongoing risk and cost to the community and development sector. Interstate jurisdictions provide such guidance, which is critical to achieve compliance with the statutory assessment criteria and minimise the unnecessary and ongoing red tape and blockages within the planning system. This can be addressed within the existing structure through inclusion of a high level principles or outcomes section for each policy area, combined with a section to manage conflicts, any additional matters could be addressed across policy areas under section 7.

Recommendation:

- *The high level aims and principles that are to be achieved or implemented are identified for each policy area are clearly established;*
- *Some guidance is provided on interpretation and resolution of conflict within and between policy areas;*
- *Strategies are worded to require consideration of specified matters to achieve an identified outcome, rather than mandated compliance with all strategies;*
- *The policy settings and statements reflect a high growth environment, rather than the traditional low growth Tasmania has experienced.*

Many of the statements are highly prescriptive and it is not clear how they relate to implementation through RLUS and the TPS (and the LPS as the implementation tool for the TPS assuming statutory conflicts can be resolved).

Compliance with the Policies is mandated under the Act, yet the wording of strategies creates unnecessary and sometimes irreconcilable conflicts for future assessments or do not realistically reflect the needs and requirements of local communities. Examples include:

- Exclusion of rural residential communities from strategies, noting their role in providing lifestyle choices, meeting dwelling demands and their mandated use in areas with limited services under the TPS;
- The wording of individual strategies that mandate compliance with all supporting statements, rather than consideration of the issues, noting that compliance with each strategy is mandated;
- The provision of integrated transport networks rather than their facilitation through the development process (1.2.3.6). Absent commitments from State agencies (Metro and State Growth), this is not achievable, agency participation or commitment is not required and has been historically difficult to obtain;
- Multiple social infrastructure strategies (1.3), such as the use of existing infrastructure, the provision of vulnerable support services and promotion of community participation and social inclusion. None of these requirements can be delivered through RLUS or planning schemes, yet compliance is mandatory under the Act;
- Establishing theoretical prohibitions with legally restrictive terms, such as settlements for Rural Residential use having to avoid all natural, landscape, environmental, heritage, hazard and agricultural values – many of which are the reasons that make the land suitable for the intended use; and

- Land use planning being forced to minimise the spread and impact of environmental weeds.

Recommendation:

- *Policies are reviewed to ensure that wording does not create blockages to development, are relevant to application through the RLUS and planning schemes, where relevant are committed to and supported by the relevant State agencies and that consideration is required of listed issues rather than mandated compliance with all criteria, regardless of context.*

The high growth scenario of recent years is unlikely to change, and the Policies need to reflect that to reasonably meet the needs of current and future generations through land use planning.

We suggest that strategies are worded to enable a specified outcome through consideration of a range of relevant matters rather than mandated compliance and use of terms that then results in effective prohibitions. The terminology needs to be carefully considered to avoid unintended problems in operation.

We note the draft policies provide for implementation guidelines, which are mandatory requirements under the terms of the Act. Only one implementation guideline is provided. We suggest this approach is not consistent with the Objectives of the RMPS and fails to reasonably facilitate a fair, orderly and sustainable process for the sharing of responsibility between the different spheres of Government, the community and industry within the State.

Implementation Guidelines provide a critical tool for assessment of the Policies and management of internal conflicts within and between policy areas, particularly for existing and new areas of development. We note the Office's position on these in the supporting documents and during the online presentation, but urge a change in this position and suggest they are a critical tool for compliance with the RMPS objectives and the operation of the Policies.

Noting the mandatory compliance with guidelines under the Act, Section 8A provides an alternative method to assist in the interpretation and application of the Policies through the TPS and LPS. Section 8A Guidelines can provide necessary and significant assistance to the use and assessment of the TPS and LPS against the Policies and assist with the strategic maintenance for operation and implementation of the Policies that then informs the reviews required under section 12I of the Act.

With statutory amendment, this provision should be expanded to include RLUS. Absent that change, Section 8A Guidelines can provide significant opportunity to address implementation and assessment matters. We suggest they are critical for the Policies to provide real-life effect to the RMPS objectives.

Recommendation:

- *Implementation Guidelines are established to inform development and assessment of RLUS, the TPS and LPS;*
- *Section 8A Guidelines are also used to provide non-binding guidance for implementation of the Policies and inform the ongoing maintenance and periodic review under Section 12I of the Act.*

The Policies are a critical reform for the future of land use planning in Tasmania and the urgent need to establish the aims and principles to be delivered through land use planning programs. The lack of any significant policy and strategy basis in the land use planning arena has significantly curtailed the sustainable provision of the reasonably foreseeable needs of current and future generations of Tasmanians.

Settlement TPP

We largely agree to the topics identified under this TPP. However, it is prudent that commentary within this TPP refer to both the terrestrial environment as well as aquatic/coastal environments, as settlements near coastal area will require consideration and future planning with climate change scenarios.

We understand that there may be some concerns amongst the profession at the differing timeframes mentioned within and between policy areas. Growth refers to 15 years, at least 15 years and 20 years. It is not clear that these relatively short timeframes adequately provide for suitable consideration of investments in major infrastructure across a range of social, cultural, physical and biodiverse functions. We suggest that a more structured approach to timeframes may be appropriate, with short, medium and long term goals (say 10, 25 and 50 year horizons) should be reflected through the policies.

Recommendation:

- *Policies establish consistent timeframes across areas to reflect short, medium and long term aims and outcomes at intervals such as 10, 25 and 50 years.*

Environmental values TPP

As written, many of the policy areas do not provide an adequate and realistic criteria for considering the management of existing areas, as opposed to the consideration of expansions into new areas or greenfield proposals. Many of the policy areas would benefit from separation of matters that relate to new development or application to existing areas. Environmental values and hazards are typical examples where there is clear difference in the strategic response required for land use planning, particularly around management of risk and development opportunity.

Recommendation:

- *Policies establish clear aims or principles for the consideration of land use issues in new and existing areas; and*
- *Policies reflect the relatively high growth that Tasmanian has and is likely to continue to experienced.*

Further, it would be beneficial to align terminology with commonly used terms, such as 'riparian zones' instead of 'terrestrial verges' (in section 2.2.3) and clearly defining other terms such as 'significant landscapes', 'high-water mark', as well as other referred bodies such as 'catchment management' (when our system does not have catchment management authorities). To effectively implement the TPPs, it is pivotal to have clear definitions to prevent inconsistent interpretation and application.

The TPP should also refer to other bodies of work which has been undertaken by the Government to support and inform the TPS and the risk management framework for natural hazards in land use planning. For example, the Government has the [DPAC Principles for consideration of natural hazards](#) which could be considered.

Planning processes TPP

As discussed in our previous submission, we do not believe this TPP is necessary as the matters are already addressed under the Act. Subsequently having a TPP for this adds complexity and conflict.

We request that the Policies are delivered in the best form and as soon as possible to minimise the potential blockages, delays and costs to the wider community and development sectors that plague perception of the planning system.

We thank you for the opportunity to make a submission and are keen to discuss how our concerns can be addressed. If the State Planning Office would like to discuss this matter further with PIA, please contact me by return email.

Yours sincerely



Michael Purves
President
Planning Institute of Australia
Tasmanian Division



State Planning Office
Department of Premier & Cabinet
yoursay.planning@dpac.tas.gov.au

25 November 2022

Dear Sir/Madam

TASMANIAN PLANNING POLICIES REVIEW – KING ISLAND SUBMISSION

The King Island Council welcomes the opportunity to provide feedback on the Tasmanian Planning Policies (TPPs) and commends the Tasmanian Government and the State Planning Office for the development and progression of these policies.

The planning officers of the Council have worked in conjunction with the Flinders Council to prepare this submission. The Council shares several of the points raised by the Flinders Council in context of an island community in their submission of the TPPs. While there is a shared common view, the Council makes its own submission.

The TPPs are necessary and are an important link between the Tasmanian Planning Scheme and the Regional Land Use Strategies (RLUS) as clearly legislated in section 12B of the *Land Use Planning and Approvals Act 1993* (the Act). The TPPs must also seek to further the objectives set out in Schedule 1 of the Act.

Section 12B (1) of the Act defines the contents and purpose of the TPPs. The purpose of the TPPs is to provide the 'aims and principles' which will provide guidance for the review of the RLUS and Tasmanian Planning Scheme.

In review of the TPPs as exhibited, the TPPs provide a number of 'strategies' which are set out under a broad range of headings. While the headings or subject areas identified in the TPPs are commended, the strategies under each heading in the document are written as objectives. The construction of the strategies confuses the role of the document and the purpose of the TPPs as set out under the Act.

It is the Council's view, that the structure of the TPPs is such that it has not embedded the 'aims and principles' as anticipated by the legislation. The TPPs also have a significant impact on the RLUS in that there is repetition between the TPPs and the strategies expressed in the RLUS.

To comply with the requirements of section 12B of the Act, the high level aims and policies must be established to inform reviews and assessments under the RLUS and TPS. Clear statements of these values is likely to assist and manage the competing interests within and between each area under the 'policies'.



Compliance with the policies is mandatory under the Act, however many of the strategies are written to require compliance with a list of statements rather than a decision based on consideration of a list of specified matters. Multiple strategies could effectively prohibit planning scheme amendments and development on King Island. The TPPs also disregards or fails to recognise the recent changes made in the *Cradle Coast Regional Land Use Strategy 2010-2030* for the island. In particular of concern are in the TPPs are as follows:

- Growth 1.1.3 specifically the lack of application to rural residential settlements and development occurring outside of defined settlements;
- Livability 1.2.3 strategies 1, 2(a), 3, 6;
- Settlement types 1.3.1 exclusion of rural residential areas and strategies 4 and 6;
- Biodiversity 2.1.3 strategies 2, 5, and generally in information and assessments required under multiple strategy statements as a forced compliance that does not recognise the varied nature of existing areas that may have compromised values; and
- Waterways, wetlands & estuaries strategies 2 and 4.

The strategies within the TPPs are heavily focused on urban areas. While infill and consolidated development in urban areas is supported, it disregards the current or historical land use patterns of the island. Without embedding a nuanced approach for regional locations in the TPPs, the municipality as well as other regional locations is likely to be constrained for future use and development.

The TPPs must include aims and principles that distinguish between metropolitan areas and regional locations. The construction of many of the strategies in TPPs combined with mandated compliance is expected to place unreasonable impacts on future growth for King Island and other settlements in regional locations.

Specific issues will limit future growth on King Island through the urban-focused wording of strategies and include examples such as:

- Growth and livability strategies not applying to rural residential areas (arguably Naracoopa and Grassy);
- Livability and social infrastructure strategies that do not reflect the real employment and activity of the rural towns and sectors, particularly in remote areas, by omission from the policy area;
- Settlement type strategy 6f (avoiding all areas with any natural, landscape, environmental, cultural or agricultural values) effectively prohibits any future expansion on King Island through overly restrictive wording and mandated compliance with all other parts of the strategy;
- Biodiversity strategies require significant amounts of expert assessment and advice to progress any growth;
- Waterways, wetlands and estuaries strategies that are worded as end outcomes rather than allowing balanced consideration of the specified matters as part of a strategic process, particularly noting the lack of guidance on balancing competing interests within and between different areas under TPPs. The strategies are silent concerning agriculture and farming in regard to waterways and wetlands. This means careful consideration must be given in this context as clean waterways are just as important for continuation of agriculture as they are for providing clean, high-quality drinking water;



- Coast strategies mandating application of the legal definition of the coast established under the State Coastal Policy, rather than adopting the scientific and hazard based data definitions that were established through the relevant Codes under the TPS;
- Tourism Strategy 1 requires that future and potential projects are known and identified as part of the RLUS and/or TPS. This does not allow for the unexpected or unique and highlights the current uncertainties around the ongoing maintenance of the existing RLUS; and
- Many of the specific areas overlap and create conflict with other strategies within and between each area, particularly around growth, environmental values and hazards, economics, tourism and heritage. A framework must be established to balance those conflicts.

It is understood that the existing policies and strategies tend to be interpreted in a conservative nature by the relevant agencies. This highlights the need to ensure the construction and language of the TPPs allow for the current growth environment the Bass Strait islands and much of Tasmania are experiencing.

It is recommended that the TPPs establish clear and separate requirements for dealing with existing areas that may have compromised natural values or significant existing use and development entitlements, to new areas where those limitations do not exist. This may assist in dealing with some of the contradictions between and within policy areas.

Council has concerns with the TPPs as follows:

- the TPPs do not adequately provide for the established and future needs of the King Island and other such remote communities;
- the TPPs must provide framework that is focused on 'aims and principles';
- the conservative nature of the TPPs is unnecessarily restrictive and does not reasonably provide for the needs of remote communities such as King Island;
- the lack of any framework or process to balance contradictions within and between policy areas degrades a significant and expected component of the TPPs to all future assessments before the Tasmanian Planning Commission;
- the TPPs do not clearly establish their aims and principles; and
- there are significant questions over whether the TPPs promote the fair, orderly or sustainable sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

As a result, the Council is concerned that the TPPs do not comply with the Schedule 1 objectives of the Act and therefore, could not be approved in their current form.

Council has welcomed the opportunity to provide feedback but it is paramount that the matters raised in this letter are carefully considered in any future revision and development of the TPPs.

Yours sincerely



Kate Mauric
General Manager



Tuesday, November 29, 2022

ATT: State Planning Office

Dear Sir/Madam

**TASMANIAN PLANNING POLICIES – SUBMISSION FROM GLAMORGAN SPRING BAY COUNCIL
OFFICERS**

Thank you for the opportunity to respond to the consultation of the policies. Please note that the following submission is from Council Officers only. The policies will be workshopped with Council on the 1st of December 2022, and a formal report will be presented to Council on the 13th December 2022 to obtain a resolution on the position of Council on these policies. Shortly thereafter this position will be forwarded to the State Planning Office.

The Tasmania Planning Scheme (TPS) was recently established for the Glamorgan Spring Bay Municipality, at significant cost to Council and community. The lack of a clear strategic and policy basis for many of the controls within the Tasmanian Planning Scheme at the State level did not assist that process and added to the cost and timeframe for the organisation and the community.

Drawing on that experience, the legislated purpose of the Policies, to set out the aims or principles to be achieved or applied through Regional Land Use Strategies (RLUS) and the TPS, is critical, necessary and supported. Section 12B of the *Land Use Planning and Approvals Act 1993* (Act) establishes that the Policies must clearly establish the aims and principles for review of the RLUS and TPS.

The Policies propose to continue the current requirement to comply with all of the RLUS and State Policies on balance of an assessment and without any guidance from State on how to balance competing matters between different policy areas and within individual policies is not consistent with the RMPS objectives to reasonably address the foreseeable needs of current and future generations and for the equitable sharing of resource management obligations between the spheres of government and the community. The existing approach derogates all evaluation and balancing to the assessment process, at the cost of applicants, Councils, and the Commission. This is inconsistent with the objectives of the Act and the recommendations of the PESRAC Report.

To comply with the requirements of section 12B, the high level aims and policies must be established to inform reviews and assessments under the RLUS and TPS. Clear statements of these values will assist to manage the competing interests within and between each area under the Policies.

Compliance with the policies is mandatory under the Act, but that many of the strategies are written to require compliance with a list of statements rather than promote outcomes based on consideration of a list of specified matters.

There are concerns that multiple strategies will result in an effective prohibition for current and future growth within Glamorgan Spring Bay, such as:

- Growth 1.1.3 specifically the lack of application to rural residential settlements and strategies 2, 7 (in contrast to the requirements of 2), 10;
- Liveability 1.2.3 strategies 1, 2(a), 3, 6;
- Settlement types 1.3.1 exclusion of rural residential areas and strategies 4 and 6;
- Biodiversity 2.1.3 strategies 2, 5, and generally in information and assessments required under multiple strategy statements as a forced compliance that does not recognise the varied nature of existing areas that may have compromised values;
- Waterways, Wetlands & estuaries strategies 2 and 4; and
- Flooding, in conflicts between terms such as consider and avoid.

The relevance of these strategies outside the greater urban areas is questioned. The construction of many of the strategies combined with mandated compliance is expected to place unreasonable limitations on the future growth for settlements within Glamorgan Spring Bay, and other settlements outside metropolitan urban areas.

Specific issues will limit future growth through the urban-focused wording of strategies and include examples such as:

- Growth and liveability strategies not applying to rural residential areas, which provide extensive lifestyle opportunity within Glamorgan Spring Bay;
- Liveability and social infrastructure strategies that do not reflect the real employment and activity of coastal and rural towns across agricultural and tourism sectors, particularly in remote areas, by omission from the policy area;
- Settlement type strategy 6f (avoiding all areas with any natural, landscape, environmental, cultural or agricultural values) effectively prohibits future expansion in many areas of Glamorgan Spring Bay through overly restrictive wording and mandated compliance with all other parts of the strategy;
- Biodiversity strategies require significant expert assessments and advice to progress any growth, the cumulative impacts of which are likely to be cost prohibitive if the required information is not provided through State agencies;
- Waterways, wetlands and estuaries strategies that are worded as end outcomes rather than allowing balanced consideration of the specified matters as part of a strategic process, an issue that is highlighted by the lack of guidance on balancing competing interests within and between different areas under the Policies;
- Coast strategies mandating application of the legal definition of the coast established under the State Coastal Policy, rather than adopting the scientific and hazard based data definitions that were established through scientific work over the past 10 years and through the relevant Codes under the TPS;
- Tourism Strategy 1 requires that future and potential projects and known and identified as part of the RLUS and/or TPS. This does not allow for the unexpected or unique proposals that may arise, such as Saffire or Tempus, and highlights the current uncertainties around the ongoing maintenance of the existing RLUS; and
- Many of the specific areas overlap and create conflict with other strategies within and between each area, particularly around growth, environmental values and hazards, economics, tourism and heritage. A framework must be established to balance those conflicts, in addition to many others.

The existing policies and strategies tend to be interpreted in a conservative nature by the relevant agencies. This highlights the need to ensure the construction and language of the Policies allow for the current high growth environment the Glamorgan area and much of Tasmania, experienced over the last 10 years and more particularly, since Covid.

It is suggested that the Policies establish clear and separate requirements for dealing with existing areas, which may have different values through existing use and development, compromised natural values, to new areas where those limitations do not exist. This may assist in dealing with some of the contradictions between and within policy areas.

The policies and strategies should clarify those requirements to be established at State, region and local levels. For example, the identification and mapping of environmental hazards or establishment of the policy basis for response to those hazards requires a response across Tasmania. Risk thresholds would reflect existing national and state frameworks, including a position on when and how mapping could be challenged. Implementation would then be through inclusion of the relevant codes through the TPS, mapping through Local Provisions Schedules and ongoing maintenance of that mapping by the relevant state agency. A regional response would not be required. Other issues, such as biodiversity, heritage or scenic values, will require different thresholds that require establishment across the Municipality on a consistent basis.

Failure to clearly establish the differing levels of responses is likely to frustrate future assessments of the RLUS and TPS and raise serious questions for compliance of the Policies against the statutory assessment criteria. The resulting impact on assessments for the TPS and planning scheme amendments will be significant and must then be carried by the end users of the system. We understand that other submissions identified this issue and that it is addressed in other regions within Australia. We strongly support this issue being addressed as part of the current process, rather than its deferral to the end users of the system.

Many of the strategy statements do not appear to relate to their implementation mechanisms through the RLUS and the TPS. Given these are the only two tools for implementation of the Policies, all policies and strategies must relate to the implementation methods.

Like the rest of Tasmania, Glamorgan Spring Bay municipality experienced significant growth over the last 5 to 10 years.

Council has critical problems with the cost of construction, availability of housing for residents and workers, the conversion of existing dwellings to visitor accommodation combined with various difficulties in replacement of dwelling stock and the ongoing costs of regulatory processes to islanders to comply with contemporary requirements. Like many other areas in Tasmania, we expect that the lack of available and affordable housing is placing significant economic constraints on the municipality, and the expansion of existing businesses locally.

This is demonstrated by the recent population and housing data following the 2021 census, which identify that unoccupied dwellings (both holiday homes and visitor accommodation) comprise a significant component of growth over the reporting period that does not rely on permanent residents and therefore, traditional growth statistics used by Government to assess dwelling requirements. The following summary was compiled from the ABS website.

Issue	2011	2016	2021	Change
Population	4,190	4,400	5,102	912

Dwellings Occupied	1,718 (45%)	1,794 (47.3%)	2,085 (46.8%)	367
Dwellings unoccupied	2,101 (55%)	1,996 (52.7%)	2,358 (53%)	257

The lack of dwellings for permanent residents and workers is a critical blockage for growth in the municipality. The increasing impact of holiday homes and short stay accommodation is clearly demonstrated by the ABS data.

It is critical that the Policies and strategies do not place restrictive limitations on the future development of Glamorgan Spring Bay to meet existing demands for resident and worker housing, in addition to increasing demands for holiday homes and visitor accommodation (following ABS data).

It is also critical that the Policies provide recognition of the specific issues affecting rural and tourism-based areas such as Glamorgan to enable local strategy to inform growth and development, in place of strategies that are more appropriate to urban, and city based populations. The exhibited draft of the Policies does not appear to provide that recognition.

We also note that the Policies do not provide recognition of or establish a framework to deal with inter and intra-regional issues. We suggest this is a critical element in dealing with specific policies relating to natural values and hazards, scenic management, and other matters such as the east coast tourism region (with other Councils).

The Policies must clearly recognise the nature of such issues and establish appropriate mechanisms for responses at varying levels.

Following implementation of the TPS, we are unable to accept general assurances and require clear and specific commitments on these issues. We note that this is also a significant issue for any area within Tasmania that relies on rural lifestyle locations to provide dwelling diversity, choices and opportunities. The lack of recognition in the exhibited policies must be addressed and clearly provide for such responses.

As noted in the ABS data, the increasing impact of short stay visitor accommodation within our communities needs to be better reflected in future planning to enable their management and response through RLUS and planning schemes. This is an increasing component of growth within the Municipality and other communities with high lifestyle amenity, desirability and proximity to desirable lifestyle resources such as coasts, walking or bike infrastructure. This is likely to be an increasing element in future planning, particularly in areas that already have critical resident and worker housing shortages. Settlement and economic strategies for growth, liveability, settlement types and design within the Policies need to reflect this and must be to enable consideration of its impacts and requirements.

While inclusion of Aboriginal Cultural Heritage is supported, consultation with the affected communities is not clear. The strategy statements are likely to have significant impacts on how Aboriginal heritage is required to be managed under the RLUS and the TPS that must be supported by Aboriginal communities if they are to proceed as exhibited.

Council Officers have significant concerns over the following:

- the Policies do not adequately provide for the established and reasonably foreseeable future needs of the Glamorgan Spring Bay municipality and other such remote communities;
- the Policies must provide better recognition of growth outside the greater Hobart area and through the policies within the RLUS;
- the lack of any framework or process to balance contradictions within and between policy areas derogates a significant and expected component of the Policies to all future assessments before the Tasmanian Planning Commission;
- the detailed wording of the policies forces compliance with listed criteria and does not provide for the strategic consideration of issues against listed outcomes;
- the conservative nature of the Policies is unnecessarily restrictive and does not reasonably provide for the needs of rural and remote communities;
- the Policies do not clearly establish their aims and principles; and
- there are significant questions over whether the Policies clearly provide for the reasonably foreseeable needs of current and future generations, promote the fair, orderly or sustainable sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

As a result, Officers are concerned that the Policies do not comply with the Schedule 1 objectives of the Act and therefore, could not be approved in their current form.

Officers support the continued development of the Policies and their timely completion, particularly considering their critical timing and the future program for planning reforms.

Yours sincerely,



Greg Ingham
GENERAL MANAGER



30 November 2022

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Email: yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam,

Draft Tasmanian Planning Policies

Thank you for the opportunity to provide comment on the draft Tasmanian Planning Policies (TPPs) recently made available for public exhibition.

Council notes the statement provided in the Foreword section of the draft TPPs which details that the TPPs are to *'provide consistent, high level planning policy direction that will guide planning outcomes delivered through Regional Land Use Strategies (RLUS) and the Tasmanian Planning Scheme (TPS).'*

The establishment of this high-level strategic policy direction is generally supported.

Notwithstanding the above, a review of the policy content included with the suite of seven draft TPPs (and which cover a broad range of land use planning related matters) does reveal a prescriptive nature of both policy content and direction and which seems to go beyond the 'high level policy direction' indicated.

With regard to content of the draft TPPs, it is further noted that the prepared Supporting Report (which accompanies the exhibition of the draft TPPs) includes a list of criteria that has been used to guide the range and content of the draft TPPs. These criteria include a guiding instruction that the TPPs *'cannot address issues that are too specific or that deliver detailed, predetermined outcomes.'*

Despite this guiding instruction, it is apparent that a number of specific issues are addressed within the suite of draft TPPs, and for which a predetermined outcome has seemingly been set or otherwise implied. The specific requirements relating to rural-residential settlements in section 1.4.3(6) of the draft TPPs are offered as a general example.

Whilst Council remains supportive of the purpose behind the TPPs and their intended function within the Tasmanian Planning System – the current policy content is considered overly prescriptive, where policy settings seem too rigid and inflexible and with outcomes already implied. These circumstances may unreasonably frustrate the preparation and amending of Regional Land Use Strategies, considerations for the Tasmanian Planning Scheme (including amending the State Planning Provisions and the preparation and amendment of Local Provisions Schedules), and also the pursuit of local strategic planning initiatives.

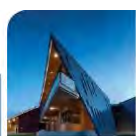
Council makes the suggestion that a focus on high level strategic policy direction should be held by TPPs and one that affords Regional Land Use Strategies, the Tasmanian Planning Scheme, and local strategic planning initiatives a level of flexibility to evolve, respond and adapt to changing circumstances.

Thank you again for the opportunity to provide comment.

Yours sincerely,



Matthew Atkins
GENERAL MANAGER





LATROBE COUNCIL

Our Ref:
Your Ref:

30 November 2022

State Planning Office
Dept. Premier & Cabinet
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HOBART 7001

By email: yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam

Council submission to the consultation draft of the Tasmanian Planning Policies

Council welcomes the opportunity to make a submission to the consultation of the Draft Tasmanian Planning Policies (TPP's), currently being undertaken pursuant to section 12C (2) of the *Land Use Planning & Approvals Act 1993* (the Act).

The TPP's make up a significant component of the State's planning framework and more broadly, the State's planning reform program and Council acknowledges the efforts of the State Planning Office to prepare the Draft TPP's and inform stakeholders. Council appreciates the difficulty of the task.

Given the critical role of the TPP's in regard to future strategic planning outcomes for individual municipalities and collectively, the State, Council submits that there are numerous structural and interpretation issues that will prevent practical and appropriate implementation of the TPP's through the legislated statutory instruments.

The attached submission outlines Council's concerns and it is submitted that these matters ideally should be clarified and resolved at this stage, before engaging the process of statutory public notification under section 12D of the Act, which has more restrictive parameters for considering modifications.

Council would welcome the opportunity to work with government agencies to review the structure and content of the Draft TPP's to assist advancement of a suite of policies that can be practically implemented.

If you have any queries regarding this submission, could you please contact Council's consultant planner [REDACTED] with copy to Council.

Yours faithfully

[REDACTED]
Gerald Monson
GENERAL MANAGER



Latrobe Council Submission

Tasmanian Planning Policies – Section 12C Consultation Draft

The Minister for Planning has commenced a process under section 12C of the *Land Use Planning & Approvals Act* (LUPAA) 1993 to prepare a draft of the Tasmanian Planning Policies (TPP's) and is undertaking consultation with the Tasmanian Planning Commission (TPC), planning authorities and State agencies and authorities.

The following submission seeks to emphasise a number of Council's concerns in regard to the structure of the TPP's and subsequent impacts of their implementation, as currently drafted.

The legislative requirements for drafting and finalising the TPP's encompass a two-stage process for consultation. It can be reasonably assumed that the first stage of engagement with the TPC, planning authorities and state service agencies/authorities in preparing the TPP's, is to draw on the knowledge and understanding embedded within these bodies in regard to policy content, the relative technical considerations and subsequent implementation of policy through statutory regulation. It is recognised that on a State-wide basis, the task is very complex to reconcile numerous competing interests to achieve economic, social and environmental benefit.

However, ultimately it must be fundamentally understood that in progressing to statutory implementation, the outcomes will manifest at a local level. In preparing the Draft TPP's there must be a detailed appreciation of what these outcomes will be 'on the ground' in the highly diverse settlement and resource areas across the State. To that end, the State must be clear in its intentions in regard to higher-order expectations, or positions, on various matters where the outcomes of the TPP's will have a significant impact on regional and local strategic planning, particularly in regard to future growth and settlement.

The current stage of the process under section 12C, provides an opportunity to review and refine the Draft TPP's with a clear view on appropriate expressions of intent and the subsequent local outcomes. Council submits that significant review is required of the current Draft TPP's and that this would best be undertaken in collaboration with the expertise employed in local government, before proceeding to public notification and the statutory limitations of that process.

The following provides Council's detailed observations and comments.

1. Structure of the TPP's

- a) Section 12B of the Act, relating to the contents and purposes of the Tasmanian Planning Policies, establishes that the purposes of the TPP's '*are to set out the aims, or principles, that are to be achieved or applied by*':
 - the Tasmanian Planning Scheme (TPS) – as the composite of the State Planning Provisions and the Local Provisions Schedules; and
 - the regional land use strategies (RLUS's).

Section 12B(3) further states that the '*TPP's may specify the manner in which the TPP's are to be implemented*' into those instruments.

In drafting and establishing the TPP's, it is critical to understand the procedural and interpretative outcomes that eventuate as a result of their required application through

statutory instruments. Both the regional land use strategies and the Tasmanian Planning Scheme are statutory instruments that, in concert with the TPP's, carry the weight of devolving State, regional and local policy through to the regulatory instruments that regulate how and where use and development happens 'on the ground'.

- b) Despite being 'policy' in title, the TPP's are clearly a statutory document that has a statutory role in a hierarchy that determines how use and development manifest throughout the State. This hierarchy must be clear in how the each of the instruments that have a legislated role interact and how these flow to the lowest level of regulation of land use and development.

The structure of section 12B prescribes that the aims/principles of the TPP's (as a reflection of their purpose) are to be achieved or applied through subordinate instruments ... the RLUS's, the SPP's and the LPS's. This is a clear expectation of a hierarchical system. Targeting policy at the right level within this hierarchical system must also properly account for legislative entitlements at the lower levels of regulation, such as that provided for in the sections of the LUPAA that relate to the preparation of Local Provisions Schedules and the ability to justify strategic application of the SPP's and local variation under section 32(4) and the Schedule 1 Objectives.

The Draft TPP document is structured in a framework that includes:

- Foreword
- Implementation
- TPP Topics which include:
 - Principles and Policy Context;
 - Climate Change Statement;
 - 'sub-headings' with associated application requirements, objective and 'strategies'; and
 - Implementation Guidelines.

LUPAA specifies that the TPP's are to set out the aims and principles that are to be achieved by the subordinate instrument of the RLUS's, SPP's and LPS's. The structure proposed does not achieve this and is not in clear alignment with the prescribed structure set out in the LUPAA. If alignment is not clear, this leaves the TPP's open to legal challenge and risks decisions where compliance must be demonstrated. The best way to achieve alignment is to specifically draw from and then augment the language and structure prescribed by the legislation.

Commentary that is more an expression of planning theory and context is best left to separate explanatory documents. The Principles and Policy Context sections should be revised (and renamed) to reflect that the jurisdiction conferred by section 12B of the LUPAA only relates to the 'aims and principles' that are to be applied or achieved (noting that this is a mandatory requirement in legal construction) through the subordinate instruments. Revision to comply with the LUPAA requirements will also inevitably then require greater clarity in expression of the intended outcomes.

For example ... in regard to settlement policy, the Principles and Policy Context section states ...
"With the guidance of the TPPs, the planning system will determine how and where growth will occur...

Settlement patterns have a direct impact on infrastructure and service requirements and outcomes. Where possible, use and development should align with and maximise the use of existing infrastructure and services...

The policy prioritises a settlement pattern that locates people where they have access to employment, social infrastructure and transport networks to improve connectivity and liveability of settlements".

Growth strategy 4. then states... *'Prioritise growth of settlements that are within the higher tiers of the settlement hierarchy'*. To be properly constructed under legislation, the section should express the aims and principles to be achieved by the RLUS and the TPS.

Are the RLUS's and LPS decisions to expressly prohibit settlement growth that are not in the higher tiers of the hierarchy? What are the higher tiers of the hierarchy?

The common meaning of 'priority' prevails given that it is not a defined term, that is ... the right to precede others in order of rank or privilege. This can only be lawfully interpreted in statutory process that the higher order settlements will always be preferred in providing for growth, because they will always be able to in a number of ways. This will effectively prohibit LPS amendments to provide for growth in middle to lower tiers of the hierarchy, irrespective of the attributes they offer to residents, commercial enterprises or local economies.

If it is the intention of government that this is the outcome 'on the ground', it must clearly state this as the 'aim or principle to be achieved' by the RLUS's and the LPS's.

This is not a matter that can be 'shunted off' to a future process to determine what it actually, and practically, means. This results in protracted, expensive arguments in a TPC amendment assessment process whereby unintended consequences become apparent through decisions, which then can only be addressed by separate process to amend the statutory document that created the interpretive impediment. Prior issues with the three RLUS's have provided a salutary lesson in this regard and it is critical that the same mistakes are not repeated.

- c) The Draft TPP's incorporate 'Strategies' as statements of policy, noting that the majority are prescriptive in nature, more akin to a regulatory document. The structure and content prescribed by section 12B of the LUPAA does not include a notion of 'strategies' and the legislative authority to invent parts of a structure that has statutory application is not evident. To avoid potential regulatory confusion or risk to validity in the application of the TPP's, it is suggested that this may be addressed by providing clear definition for the various parts of the TPP's and how these parts relate to the actual jurisdiction conferred by section 12B. Council suggests that procedural clarity would benefit by just labelling them 'Policies'.
- d) The structure includes 'Implementation Guidelines'. The supporting report describes the guidelines as a statutory component and presumably it draws upon the power conferred by section 12B(3) of the LUPAA as specifying the "manner in which the TPP's are to be implemented into the SPP's LPS's and RLUS's". Noting that it is not mandatory for the TPP's to include this specification, but where the manner is specified, it becomes a mandatory requirement. The terminology used should reflect that they are not in fact 'guidelines' but a mandatory, statutory component to be complied with (refer discussion below relating to section 34(2) of the LUPAA). It is suggested that this component be renamed to 'Implementation Requirements', because this is what they are.
- e) Climate Change - Council supports recognition of climate change and appropriate responses for land use and development. It is noted however that jurisdiction to address this matter is limited in the planning system. If specific actions are intended, these should be clearly expressed as policies that are to have effect through the RLUS's, SPP's and LPS's. Explanatory material is best provided in a supporting document to avoid potential confusion as to the statutory effect (refer discussion on section 34(2) below).

- f) It is strongly recommended that advice is sought from the Solicitor General in regard to legal interpretation and construction of the Draft TPP documentation before proceeding to public notification, as it is at its foundation, a statutory document.
- g) In their current form, the highly prescriptive, and often prohibitive, nature of the Draft TPP's prevents appropriate consideration, and the rights conferred, for local strategic planning under section 32(4) and the Schedule 1 Objectives of the LUPAA. The reason this is the case are the statutory requirements set out in section 34(2)(da) of the Act.

2. Statutory Application of the TPP's Through Section 34(2) of the LUPAA

Section 34(2) specifies that any Draft LPS, or an amendment to a LPS, must meet the LPS criteria which includes (da) - satisfying the relevant TPP criteria. The relevant TPP criteria are satisfied if:

- where the SPP's and the applicable RLUS have not yet been reviewed against the TPP's, the Draft LPS/amendment is consistent with the TPP's in force; and
- irrespective of the SPP's and the applicable RLUS having been reviewed against the TPP's, the Draft LPS/amendment complies with each direction in the TPP's as to the manner in which the TPP's are to be implemented into the LPS.

There is significant concern about the impact of these statutory requirements on the assessment of future LPS amendments particularly, as in effect, section 34(2)(da) is requiring LPS amendments to demonstrate consistency with every individual strategy (in effect 'the TPP's').

This is reinforced by the text of the Draft TPP document which states under 'Implementation' ... *"There is no order or hierarchy associated with the application of the TPPs. It is intended that, where the Act requires consideration of the TPPs, the TPPs should be considered in their entirety with all relevant strategies applying equally"*.

It does not provide any confidence that the foreword states... *"The Foreword and Implementation, Table of Contents, headings, footnote and the Principles and Policy Context section of each TPP are not intended to have statutory application"* [our emphasis]. Irrespective of the 'intention', the TPP's clearly have a strictly applied function through s34(2)(da) and as a statutory instrument, it must be clearly established at law as to how the obligations outlined in section 34(2)(da) manifests in process, for all parts of the document. Council considers that this is particularly complicated by the structure of the TPP's where there appears to be no direct relationship to the language and terms set down in the authorising section 12B (refer discussion above). It is impossible to distinguish in the document which parts would be legally regarded as the 'TPP' in statutory process, and which parts are advisory. In the absence of a clear distinction (that is valid in law) the TPC will likely need to view the entirety of the document as the statutory 'TPP's'.

Reinforcing this point are statements in the supporting report in regard to Implementation Guidelines and that at this stage, there is only one included at 1.1 Growth. The Implementation Guidelines are presented as being a mechanism for the 'manner' in which the TPP's are to be implemented into the RLUS, SPP's and LPS's, as authorised by section 12B(3). In noting that there may be additional Implementation Guidelines over time, the supporting report goes on to state ... *"As drafted, many of the policies have implementation guidance embedded within the strategies"*.

Considering the statutory onus of section 34(2)(da) for compliance with the TPP's in full, for any amendment to a LPS, the implications of this observation are extreme. It is submitted that this observation is quite correct. Given that there is only one set of Implementation Guidelines, the TPC

will have no choice but to exercise its statutory obligations in assessing draft LPS amendments by drawing on the *“implementation guidance embedded within the strategies”*.

Any potential alternative position that, post RLUS and SPP reviews, the vast majority of the TPP’s would be ignored is not tenable as:

- many of the matters addressed in the TPP’s are not able to be applied in a statutory capacity through the RLUS’s and SPP’s; and
- section 34(2)(da) clearly mandates that even after the review of the RLUS’s and SPP’s, that any LPS amendment must comply with ‘each direction’ as to the manner in which the TPP’s are to be implemented into the LPS.

The ‘embedded implementation guidance’ in each strategy would naturally be regarded as the direction as to the manner in which the TPP’s are to be implemented into the LPS.

Amendments to LPS’s would need to be tested against each of the strategies to discharge statutory obligation. Even though some strategies may not be applicable to particular circumstances, the statutory onus of section 34(2)(da) is such that applicability, or otherwise, must be demonstrated.

There is no mechanism, or guidance in the text of the Draft TPP’s, to address internal conflicts between the strategies. There is no implied hierarchy as stated in the supporting report.

Extensive prior experience amongst councils has shown that in regard to assessing draft amendments, Draft LPS’s and the interpretation of statutory documents, the TPC errs on the side of caution to ensure that all statutory obligations are fulfilled. This has been previously explained by the TPC in regard to the statutory effect of the contents of RLUS’s, a result of prior advice from the Solicitor General that there is no flexibility in interpretation, that the text must be literally applied where the policy or action is expressed in absolute terms.

The mandatory expression of section 34(2)(da) together with the absolute and highly prescriptive construction of the text in the TPP ‘Strategies’ means that the TPC will have no choice but to refuse any amendment that does not comply absolutely.

By way of example...

1.1 Growth:

1.1.3 Strategy 2.

d) avoid the development of land at risk of natural hazards, that has high environmental or landscape value or are, or could have the potential to be used for, viable agricultural or extractive industry uses.

The term ‘avoid’ has legal meaning and legal precedent. It is absolute. It means that any interaction cannot be considered.

Draft amendments that relate to development of land in a Rural Living Zone or a General Residential Zone at the periphery of a settlement, will always be subject to bushfire risk. The only decision open to the TPC is to refuse such amendments because bushfire risk cannot be ‘avoided’. There is similar concern regarding the potential interpretation of terms used such as ‘promote’, ‘plan and provide for’, ‘integrate’, ‘protect’, ‘support’ as these are mandatory directions. When taken together with other more subjective, but undefined, terms which are mandatory nonetheless, such as ‘well-located’ and ‘well-serviced’, the inevitable result will be the failure of normal and reasonable amendments against the prescription contained in the TPP’s.

3. Impacts on Strategic Planning

The effect of the Draft TPP's as written, will undermine the more recent 'repairs' to the three RLUS's, which were undertaken to provide flexibility to demonstrate variable local circumstances and appropriate responses in accordance with the objectives of the LUPAA. These repairs were undertaken due to the unintended consequences of the statements and mapping contained in the RLUS's that resulted in overly strict interpretations in the assessment of planning scheme amendments that were never intended at the time of drafting.

Providing for local recognition and demonstration of circumstances is a right enshrined in the LUPAA in the Schedule 1 Objectives that promotes *Sustainable Development*, which [in short] is managing use and development in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety, while safeguarding resources and environmental values. Objective 1(c) is "*to encourage public involvement in resource management and planning*". The objectives of the planning process require sound, strategic planning and co-ordinated action by State and local government and "*the explicit consideration of social and economic effects when decision are made about the use and development of land*".

More particularly, section 32(4) of the LUPAA enables the expression of local values and localised management of use and development in LPS's that are different to the SPP's in demonstration of significant social, economic or environmental benefit to the State, region or municipality, or that land has particular economic, social, spatial or environmental qualities that require unique provisions.

Section 32(4) works in concert with the Schedule 1 Objectives of LUPAA to enable Councils and communities to engage in a process to determine their own, best future. This may be aspirational or responsive in nature. The TPP's as drafted will eliminate many opportunities, particularly in the example cited above relating to growth being effectively prohibited for settlements in the middle to lower orders in the settlement hierarchy. There is no evidence presented as to why such a severe approach is warranted.

Page 10 of the supporting report makes reference to the "matters that present recurring issues in planning" that require policy to provide strategic and statutory direction.

What are these recurring issues that require such a prescriptive intervention that will override the rights to local strategic planning provided for in the LUPAA?

What is the evidence that underpins the need for the high degree of prescription contained in the Draft TPP's?

Simply importing content from the existing RLUS's is not appropriate as:

- the RLUS's are afforded a different statutory weight including a 'repair' mechanism in the LUPAA that added the term '*where practicable*' to address the intractable parts of the documents when the unintended statutory 'catches' became apparent. This is not available to the application of the TPP's;
- the recent amendments to provide for flexibility to demonstrate variable local circumstances and appropriate responses have not been carried through with the relevant text; and
- the three regions took different approaches to managing use and development based on regional data and council consensus. The Draft TPP's imports a significantly higher onus on numerous matters, particularly associated with settlement growth, that does not currently exist in some of the existing RLUS's without explaining why those higher obligations are necessary across the State and the evidence that underpins it.

It is important to remember that the RLUS's were 'repaired' due to significant, unintended consequences for economic development and growth throughout the regions.

4. Summary Concerns and Recommendations

Council reiterates that it has fundamental concerns in regard to the Draft TPP's that it considers should be addressed prior to advancing to the stage of public notification. In summary these are:

- Council has a right enshrined in the LUPAA to demonstrate local circumstances and the appropriateness of local, strategic responses in its LPS under the objectives and section 32(4) of the LUPAA and in the soon to be amended RLUS. The TPP's should be structured and drafted in a language that reflects this legislative right. Each municipality has within it, areas with unique attributes that contribute to the Tasmanian way of life.
- The highly prescriptive nature of the 'strategies' are statutory in application, effectively replicating a planning scheme in many instances. The policies should be targeted at a higher level.
- The State should be transparent on fundamental policy positions that affect key local issues including, but not limited to:
 - future growth and smaller settlements;
 - future of rural residential land use as a housing choice;
 - resourcing the excessive elements of required information such as ranking systems for biodiversity, identifying and mapping mineral resources, infrastructure plans for a 20 year timeframe etc.;
 - How it will prevent a repetition of the economic inertia of prioritising infill development, when this may not be appropriate or achievable in all circumstances.
- The provision of evidence to demonstrate the stated 'issues' that the TPP's purport to address.
- Municipal allocation of growth opportunity is an unreasonable and inequitable impost that:
 - is a theoretical exercise that does not understand the Tasmanian market and the best way for the State to capitalise on its diverse attributes;
 - will result in economic inertia as it artificially constrains the market and reasonable strategic proposals;
 - will harm inter-Council relationships in that it unnecessarily pits Councils against one another in competition for land supply;
 - Will undo the collaborative work of the Councils in repairing the RLUS's to provide flexibility in demonstrating the merits of local circumstances.
- Legal advice should be sought from the Solicitor General in regard to structure of the TPP's and the consequences of the application of the TPP's under the obligations set down in section 34(2)(da) of the LUPAA.

5. Comments on the TPP Content

The following table provides more detailed commentary on the content of the Draft TPP's.

TASMANIAN PLANNING POLICIES	COMMENTS
1.0 SETTLEMENT	
<p>The strategies are written in a very prescriptive manner that will inevitably be interpreted as absolute. This will preclude the ability to plan strategically at the local level, particularly for aspirational growth that could improve the liveability of settlements and attraction of population.</p> <p>The approach does not provide for recognition of changing circumstances.</p>	
1.1 Growth	<ul style="list-style-type: none"> • The 15 to 20 year planning timeframe is reasonable for forecast growth. Does this take the form of a rolling reserve or 5 year RLUS review periods? The review period has not proven to be a sufficient parameter given the unprecedented demand over the last 3 years. Generally, the 15-20 year timeframes allow for regulatory approval turnover and infrastructure planning. • In 'prioritising' infill development, how will the prior experience of inertia be prevented if infill is not feasible or commercially viable? The TPP's need to be expressed in a way that does not unnecessarily impede reasonable expansion while waiting for infill and densification that may never come. • What is meant by the term 'well-serviced' for physical and social infrastructure? 'Avoid' has legal meaning and TPP expression will likely have unintended consequences in precluding reasonable development. • 'Avoiding' land at risk of natural hazards is an absolute requirement. It will prohibit all settlement edge expansion and rural residential use due to bushfire risk and will prohibit any land subject to low hazard band landslide risk being allocated for development. The concept embedded the SPP's is 'tolerable risk'. The TPP's should refer to this, and at a higher level. • If the State is going to mandate a settlement hierarchy, it should set the framework and characteristics as the three existing RLUS frameworks are not the same. • The settlement hierarchy, and any policy related to it, must allow for changing circumstances and demonstration of local need and aspiration. There is no evidence to support the effective prohibition of growth of middle to lower tiers of the settlement hierarchy. The effect of technological change on work patterns and residential preferences is one aspect that should be considered. • "Actively address impediments to infill development..." How can the planning system do this in the context of a state-wide planning scheme? The planning system mechanisms to do this are limited. • Strategy 6 - Preparing structure plans for every amendment to an LPS is not a reasonable requirement, but is the ultimate effect of the strategy as drafted. Point g) relating to a minimum requirement for analysis of impacts on broader physical and social infrastructure including health and education is too high an onus on smaller amendments. These types of analyses generally apply to the demonstration of appropriateness

	<p>under the objectives of LUPAA at the level commensurate with the degree of change. Structure planning is more aligned with the set out and rationale of use and development on the ground.</p> <ul style="list-style-type: none"> Requirement for setting growth boundaries for every settlement (apart from middle to lower order because they can't have any) is not reasonable as this is not the only way to manage growth. It precludes the consideration of opportunities not previously recognised, but this does not make them inappropriate. The tests contained in the LUPAA appropriately analyse whether growth is appropriate or not. The mandatory requirement to set growth boundaries assumes there is adequate information on infrastructure and services to set the terms for the next 15 years. This is simply not feasible when organisations such as Taswater, TasNetworks and Dept State Growth cannot provide their plans for this advance period. This requirement to lay down the spatial boundaries of everything that will happen in the next 15-20 years is a theoretical, utopian view that is not supported in reality. The inevitable consequence of the prescriptive nature of the Strategies will be that without these growth boundaries in place, and they can't be put in place until all issues are resolved, no amendment that enables growth can be approved. This will result in significant economic inertia in the development sector. Strategy 10 is not feasible as many settlements that have an activity centre and can support minor adjustments for suitable commercial or cultural uses, do not have highly accessible public transport. How does a RLUS or an LPS 'encourage' outcomes? It can only be provided by planning scheme provisions that enable particular uses. Strategy 12 – Sequence of development is often related to the response of the market and commercial feasibility. The issue of land banking is significant in managing a constrained market supply and sequencing of development. The TPP's should consider how to address issues relating to land banking. Rural residential land use is an integral part of settlement and should not be separated out in policy. Growth policy should account for the diverse range of housing opportunities that play a significant part in attracting population.
1.2 Liveability	<ul style="list-style-type: none"> Strategies include matters that are outside the purview of the planning system such as public transport and location of telecommunications infrastructure, cultural and recreational facilities. A planning scheme can only enable. Connectivity and improved public open space would be assisted by provisions in the SPP's, where there is currently a significant deficiency. Strategy 10 to 'protect and enhance settlements' is in conflict with strategies for growth as it precludes middle to lower order settlements. If all SPP's are to be considered equally how will this conflict (and other conflicts as below) be resolved? Facilitating place making conflicts with strategies that limit the ability to add cultural and commercial uses to settlements that do not have public transport.
1.3 Social Infrastructure	<ul style="list-style-type: none"> Strategies include matters that are outside the purview of the planning system such as locating schools, aged care and social services. Policies

	need to reflect the limited degree of intervention by the planning system.
1.4 Settlement Type	<ul style="list-style-type: none"> • Strategy 1 – peri-urban development encroachment does not relate to the topic. • The issue of the impact of visitor accommodation in settlements that have high attraction is matter that is inherent to settlement growth and population characteristics. • Settlement type is an unnecessary topic that is confusing in its duplication with other settlements strategies. Recommend condensing into one section. • Strategy 6 - Rural residential land use is an integral part of settlement – use of the term ‘avoid’ in regard to the consideration criteria is too restrictive. Rural Residential use will never be able to ‘avoid’ bushfire risk. The criteria conflict with one another such that any amendment will not be able to demonstrate compliance with all, which is mandatory. Policy relating to rural residential land use as part of the settlement mix needs to be substantially reviewed and must account for strategic repair, rather than being caught by unresolved zoning of land.
1.5 Housing	<ul style="list-style-type: none"> • Strategies include matters that are outside the purview of the planning system such as facilitating social and affordable housing and aged care services. • Densification of settlements must also be a product of local community consultation.
1.6 Design	<ul style="list-style-type: none"> • Only relates to urban spaces. • Many of the matters relating to building design are outside the purview of the planning system and cross into building code territory that is prohibited by section 8 of the Building Act. • Strategy 4 relating to the character of neighbourhoods is not achievable in a planning system that seeks to homogenise the standards for General Residential zoning. Multiple attempts to reflect different pathways have been rejected for lack of consistency with the TPS. Is the State saying that aspiration for neighbourhood character can now be considered? The policy needs to be clear. • Strategies 7 and 8 import planning scheme criteria for subdivision. SPP should be at a higher level in expressing expectations for subdivision. Planning instruments can only provide a minimum standard for lot size. Point j) would require a SAP over every subdivision in variation to the SPP standards.
2.0 ENVIRONMENTAL VALUES	
There is little point in recognising that values management is largely outside the planning system. This is better reflected in supporting documentation. The TPP’s can only express how the management of issues occurs within the system.	
2.1 Biodiversity	<ul style="list-style-type: none"> • It is not feasible to ‘rank’ biodiversity values for mapping within the planning system. • Many of the strategies relate to matters that are outside the purview of the planning system, such as land clearance for agriculture or forestry, weed management, carbon storage and climate change impacts on habitat.

2.2 Waterways, wetlands and estuaries	<ul style="list-style-type: none"> Strategies for avoiding land within proximity to waterways does not appropriately consider the implications for urban waterways. The strategies are unnecessarily prescriptive given the range of regulatory instruments available to manage impacts on waterways and wetlands, noting that the SPP's could benefit from some improved provisions relating to the management of stormwater.
2.3 Geodiversity	<p>Who will resource the mapping of high conservation value geodiversity which could be an extensive exercise? What is the definition of high conservation value geodiversity?</p> <p>In regard to karst systems, the townships of Mole Creek, Chudleigh and Railton, including the Cement Australia extraction and processing facilities are located on a karst system, as are extensive areas of agriculture. It is not possible to 'avoid' designating land within those areas for development. It is however possible to manage use and development to prevent or mitigate adverse impacts. These provisions are included in the local provisions schedules.</p>
2.4 Landscape Values	<p>Is it the State position that all municipalities must include mapped scenic/landscape areas in their LPS's? On the basis of what criteria?</p> <p>Strategy 3 effectively requires all use and development to avoid those areas subject to provisos that in effect, replicate the management approach of the SPP Landscape Conservation Zone and Scenic Protection Code.</p> <p>The TPP should make it clear what the expectations are for inclusion in RLUS's and reflect the available management mechanisms in the SPP's and LPS's.</p>
2.5 Coasts	<p>Given the evolution of mapping of coastal hazards at State level that includes climate change scenarios, the TPP should appropriately reflect this work, rather than defaulting to the clunky 1km definition in the State Coastal Policy, which only ever applied to rectify a legal validity issue that arose many years ago.</p> <p>The planning system will not be able to reduce threats, only respond to them in an appropriate way by allowing for development for asset and infrastructure protection and preventing or mitigating development that may be affected by/or impact upon coastal processes.</p> <p>It is more appropriate to discuss risk, as this is what the State Natural Hazard Framework is based on.</p> <p>There is some overlap in regard to policies for Environmental Hazards. Suggest policies may be more efficient if separated into coastal development as part of settlement and hazard/risk addressed through Environmental Hazards.</p>
3.0 ENVIRONMENTAL HAZARDS	
<p>Policies should reflect at higher level the notion of conflict and hazard that may exist naturally in the landscape.</p> <p>The concept of avoidance should not be used due to its absolute interpretation, except perhaps for the most extreme scenarios such as active landslip. The SPP content and RLUS's all reflect the ability to manage hazard and risk to a tolerable level.</p>	
3.1 Bushfire	<p>Strategy 2 is incorrect. Many aspects of bushfire protection for singular buildings have been appropriately removed from the planning system. The regulatory burden associated with bushfire certification for individual buildings in planning process has proven to be untenable. This would still be the case even with increased numbers of practitioners, contrary to State planning reform to reduce unnecessary regulation.</p>

	<p>Strategy 4- Given most of the state is mapped as bushfire prone, is it the State's intention to bring certification for individual developments back into the planning system? If so, there needs to be a clear statement of expectation and evidence as to why this is necessary.</p> <p>Who will resource the identification of bushfire conditions based on climate change? It is not appropriate to relegate this task to local government.</p>
3.2 Landslip	<p>The vast majority of land mapped as landslide hazard in the State Natural Hazard Framework is manageable for a tolerable risk.</p> <p>The TPP's should not prescribe avoidance only to then apply a proviso. This confuse the intent of the policy. The TPP should just reflect the management approach and tolerable risk.</p>
3.3 Flooding	<p>Why does the climate change scenario only relate to State Government determination. Numerous local flood studies have included the climate change scenario for 1% event and have incorporated into LPS's.</p> <p>The policy needs to reflect the State position on where the extreme flood event threshold now lies given the 2011, 2016 and 2022 events.</p> <p>What is incompatible use and development? Currently the provisions relating to flooding do not account for many industrial type uses which can be severely impacted, or create impacts to other land in the event of flooding such as containers/materials that are swept into infrastructure such as bridges and into other private property. Determining hazardous use as defined in the SPP's is a highly complex exercise that includes high thresholds for storage of contaminants such as fuels and chemicals, which means substantive levels of contaminants are not subject to flood management regulations.</p> <p>There needs to be a conversation about the elements of use and development that should be managed for flood risk, noting that State has commenced a process for flood risk under the Natural Hazards Framework to apply Statewide. This process is supported.</p> <p>Policies for flooding and tolerable risk need to account for uses that are neither sensitive nor hazardous.</p> <p>The recognition and support for flood mitigation infrastructure is supported. Many of Tasmania's settlements are located downstream of a dam, both public and privately owned. It is not tenable for every amendment to an LPS for settlement growth to do a dam safety assessment.</p>
3.4 Coastal Hazards	<p>Refer comments above.</p> <p>Retreat may be an appropriate solution for economic development for tourism that capitalises on a coastal location.</p> <p>Strategy 6 – Avoidance is not appropriate – tolerable risk is the appropriate concept.</p>
3.5 Contaminated Air and Land	<p>It is not tenable to map all land that may have historically been exposed to potentially contaminating activities.</p> <p>Strategy 3 confuses contamination with attenuation in regard to land use conflict.</p> <p>The TPP's should recognise the processes that are in place for attenuating uses and clearly state expectations, as this has a significant impact on the cost of regulatory process for 'mum and dad' developers.</p>
4.0 SUSTAINABLE ECONOMIC DEVELOPMENT	

4.1 Agriculture	<p>The TPP strategies largely import the principles of the State PAL Policy, however does not carry over the nuances of the PAL Policy in allowing for agricultural land to be converted if a higher order benefit can be demonstrated, such as the need to expand settlements.</p> <p>The exercise is one of balance and to date and the absolute nature of the TPP strategies as drafted will prevent normal and reasonable amendments at the periphery of settlements.</p> <p>It is not tenable to include complex climate change science that is still evolving for assessment of long term agricultural viability for individual amendments. This is a broader statewide project that can be reflected in land use policy across the state when completed.</p> <p>Value added uses may not always be ancillary to the agricultural use. This does not mean they are inappropriate and can provide an economic benefit.</p> <p>The issue of seasonal worker accommodation needs to be addressed in policy. It is a unique land use with specific needs to provide critical support to the agricultural sector and will not prefer locations on agricultural land.</p> <p>Dwellings that are directly associated with and subservient to agriculture are not 'residential uses'. Policy must, as a minimum, reflect the legal response in regulation.</p> <p>How can a planning system 'acknowledge' small farm contribution? What are small farms?</p>
4.2 Extractive Industry	<p>Who will resource the identification of key resource areas and deposits in order to map them?</p> <p>Strategy 5 – what if identified resources occur in a rural residential area?</p> <p>The exercise must be one of balance, rather than absolute protection.</p> <p>Strategy 7 - Policies for housing and recognising that mining may have unique needs for locating housing, is better located with settlement policies to ensure that there is no interpretive conflict.</p>
4.3 Tourism	<p>Identifying potential tourism sites and assessing them for sustainability in a free market is an impractical and untenable requirement. Policies must reflect market identification of attributes and enable consideration of a range of matters to determine appropriateness.</p> <p>It is not the place of a planning system to undertake market feasibility.</p> <p>Strategy 3 – visitor accommodation – This is a curious position given the State planning directive that required all planning schemes to alleviate regulation of visitor accommodation, many now not requiring a permit?</p> <p>Has the State altered its position on visitor accommodation levels in settlements?</p>
4.4 Renewable Energy	<p>Who will resource the identification of renewable resource areas?</p> <p>It is not possible to predict the market and where future investment decisions will be directed. Eg. pumped hydro schemes, location of green hydrogen production. Where renewable energy will locate will be a product of many different factors at play in the market. The system must be open to opportunities not yet identifiable.</p> <p>The strategies appear to relate more to investment strategies that the planning system. The State needs to be clear about preference for infrastructure and the local aspirations of community in the location of infrastructure.</p>

4.5 Industry	<p>Industrial land is usually more appropriate outside of urban growth boundaries, not only due to higher impact uses, but also cumulative effects and the benefits of aggregation. It is extremely difficult to manage land use conflict in an urban setting, yet the TPP's preference this.</p> <p>The TPP is too prescriptive in the requirements for locating industrial land beyond the urban growth boundary.</p>
4.6 Business and Commercial	<p>The TPP's must recognise that there is role for the market as a demonstration of demand for commercial use, whether this is for local service or the tourism economy. The Strategy 1 criteria for assessment for small activity centre amendments is not reasonable or practical. And are too prescriptive for State policy level.</p> <p>Intensification of growth generally around activity centres may not always be possible dependent upon local circumstances, such as heritage values. The role of local planning for activity centres should be reflected and elevated in policies for economic development.</p> <p>Strategy 5 - New local activity centres may be required and appropriate for larger, new greenfield sites.</p>
4.7 Innovation and Research	<p>Many of the strategies relate more to investment matters that are outside the jurisdiction of the planning system.</p> <p>Policies for precinct planning are better located with policies for settlement and industry.</p>
5.0 PHYSICAL INFRASTRUCTURE	
5.1 Provision of Services	<p>It is not possible to identify where land needs to be set aside for infrastructure or protect future infrastructure, when the infrastructure authorities have not yet determined what and where that will be. The strategy assumes forward planning by service authorities that does not actually exist at a level that provides certainty.</p> <p>The TPP should reconcile expectations in the provision of infrastructure that serves multiple parties e.g 'facilitate developer contributions'. How is the planning system to do this? It has no authority over Taswater and in order to levy developer contribution, a party must act as 'the bank' to actually establish the infrastructure that is being paid for. This is quite a complicated and legal exercise.</p> <p>The strategies are too prescriptive for State policy level and stray into areas that are outside of the planning system jurisdiction, such as providing for electricity transmission from an alternate source of power.</p> <p>The TPP should simply express expectations for levels of service, taking into account the variabilities across localities and different types of settlement.</p>
5.2 Energy Infrastructure	<p>Future energy facilities are unknown and are usually a response to the market.</p> <p>The strategies relate to matters that are outside the jurisdiction of the planning system.</p> <p>The state needs to be clear in its expectations for design intervention in urban environments. The SPP standards for urban areas do not allow for this degree of intervention. Has the State position changed?</p>
5.3 Roads	<p>Many of the strategies relate to matters that are outside the jurisdiction of the planning system.</p> <p>There are no definitions of the key road corridors.</p> <p>What is the last mile urban freight route?</p>

	Road investment programs should align with strategic planning, not the other way around.
5.4 Transport Modes	<p>Good urban planning that enables access to public transport is appropriately recognised in policy, however it cannot dictate that the provision of those services occur as this outside of the planning system.</p> <p>Many of the strategies relate to matters involving the provision of service by organisations that are not incorporated into the planning system.</p> <p>In addition, there is an increasing role of ride sharing in the transport market that will affect the traditional provision of public transport.</p> <p>Strategy 8 – not all developments that attract high numbers will be appropriate in urban activity centres, nor will they be accessible to urban public transport, as is the case in middle or lower order settlements. This does not mean that a popular tourism use for example will not be appropriate. Eg. Distilleries in heritage character towns.</p> <p>The effect of the strategy is to prohibit uses that may have a high economic benefit to a settlement or locality, because it is not urban or within proximity to public transport.</p> <p>The strategies are too prescriptive for State policy level.</p>
5.5 Ports and Strategic Transport Networks	<p>Future distribution facilities are unknown and are usually a response to the market.</p> <p>There are obvious conflicts with policies for locating industrial development within urban growth boundaries.</p> <p>The planning system cannot anticipate, as yet, unknown changes to freight systems as a result of market or technological change.</p> <p>What is the strategic value of non-operational rail corridors? Tourism?</p>
6.0 TASMANIAN PLANNING POLICY: CULTURAL HERITAGE	
6.1 Aboriginal Cultural Heritage	<p>The strategies relate to numerous matters that are outside the jurisdiction of the planning system.</p> <p>There is a process under separate State legislation in consultation with the Aboriginal community for determining whether land use will adversely impact Aboriginal heritage. There are circumstances where Aboriginal heritage values and development co-exist and promote Aboriginal cultural values, which it is noted are current cultural practice as well as heritage e.g. tourism uses.</p> <p>Strategy 3 could effectively prohibit use and development that is acceptable to the Aboriginal community in regard to its degree of impact and is conflict with Strategy 4. Measures to manage protection of values may include more than remediation.</p> <p>Strategy 5 is not appropriate language to dictate when it's 'appropriate' for the Tasmanian Aboriginal community to use and culturally identify with places.</p>
6.2 Non-Indigenous Cultural Heritage	<p>Is local heritage regarded as 'significant'? How is significant to be interpreted?</p> <p>Is the expectation of the State that there will be a local heritage list of places and/or heritage precincts in LPS's?</p>

7.0 PLANNING PROCESSES	
Discussion around the mechanisms for local planning and involvement in the process is supported and goes to Council's earlier comments that the TPP's must inherently recognise the right to local planning and provide for it.	
7.1 Consultation	The strategies for consultation relate to matters that are outside the jurisdiction of the planning scheme. Ideally the TPP should elevate the role of local consultation in determining the balance of competing interests expressed in the suite of TPP's. It is not just a 'top-down' approach, the objectives of the LUPAA also enshrine a 'bottom-up' role in regard to local aspiration.
7.2 Strategic Planning	The strategies actually read as an effective suite of principles that inform not only the TPP's, but the subordinate instruments that are subject to them. Recommend reframing this section as the 'principles and aims to be achieved by the TPP's'.
7.3 Regulation	Further to comments above, regulation must also be able to reflect local aspiration, as enshrined in the LUPAA.

KENTISH COUNCIL

Promoting
Tasmania's Outdoor Art Gallery



30 November 2022

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Dept. Premier & Cabinet
GPO Box 123
HOBART 7001

By email: yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam

Council submission to the consultation draft of the Tasmanian Planning Policies

Council welcomes the opportunity to make a submission to the consultation of the Draft Tasmanian Planning Policies (TPP's), currently being undertaken pursuant to section 12C (2) of the *Land Use Planning & Approvals Act 1993* (the Act).

The TPP's make up a significant component of the State's planning framework and more broadly, the State's planning reform program and Council acknowledges the efforts of the State Planning Office to prepare the Draft TPP's and inform stakeholders. Council appreciates the difficulty of the task.

Given the critical role of the TPP's in regard to future strategic planning outcomes for individual municipalities and collectively, the State, Council submits that there are numerous structural and interpretation issues that will prevent practical and appropriate implementation of the TPP's through the legislated statutory instruments.

The attached submission outlines Council's concerns and it is submitted that these matters ideally should be clarified and resolved at this stage, before engaging the process of statutory public notification under section 12D of the Act, which has more restrictive parameters for considering modifications.

Council would welcome the opportunity to work with government agencies to review the structure and content of the Draft TPP's to assist advancement of a suite of policies that can be practically implemented.

If you have any queries regarding this submission, could you please contact Council's consultant planner [REDACTED] with copy to Council.

Yours faithfully

[REDACTED]

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Kentish Council Submission

Tasmanian Planning Policies – Section 12C Consultation Draft

The Minister for Planning has commenced a process under section 12C of the *Land Use Planning & Approvals Act* (LUPAA) 1993 to prepare a draft of the Tasmanian Planning Policies (TPP's) and is undertaking consultation with the Tasmanian Planning Commission (TPC), planning authorities and State agencies and authorities.

The following submission seeks to emphasise a number of Council's concerns in regard to the structure of the TPP's and subsequent impacts of their implementation, as currently drafted.

The legislative requirements for drafting and finalising the TPP's encompass a two-stage process for consultation. It can be reasonably assumed that the first stage of engagement with the TPC, planning authorities and state service agencies/authorities in preparing the TPP's, is to draw on the knowledge and understanding embedded within these bodies in regard to policy content, the relative technical considerations and subsequent implementation of policy through statutory regulation. It is recognised that on a State-wide basis, the task is very complex to reconcile numerous competing interests to achieve economic, social and environmental benefit.

However, ultimately it must be fundamentally understood that in progressing to statutory implementation, the outcomes will manifest at a local level. In preparing the Draft TPP's there must be a detailed appreciation of what these outcomes will be 'on the ground' in the highly diverse settlement and resource areas across the State. To that end, the State must be clear in its intentions in regard to higher-order expectations, or positions, on various matters where the outcomes of the TPP's will have a significant impact on regional and local strategic planning, particularly in regard to future growth and settlement.

The current stage of the process under section 12C, provides an opportunity to review and refine the Draft TPP's with a clear view on appropriate expressions of intent and the subsequent local outcomes. Council submits that significant review is required of the current Draft TPP's and that this would best be undertaken in collaboration with the expertise employed in local government, before proceeding to public notification and the statutory limitations of that process.

The following provides Council's detailed observations and comments.

Structure of the TPP's

Section 12B of the Act, relating to the contents and purposes of the Tasmanian Planning Policies, establishes that the purposes of the TPP's *'are to set out the aims, or principles, that are to be achieved or applied by'*:

- the Tasmanian Planning Scheme (TPS) – as the composite of the State Planning Provisions and the Local Provisions Schedules; and
- the regional land use strategies (RLUS's).

Section 12B(3) further states that the *'TPP's may specify the manner in which the TPP's are to be implemented'* into those instruments.

In drafting and establishing the TPP's, it is critical to understand the procedural and interpretative outcomes that eventuate as a result of their required application through statutory instruments.

Both the regional land use strategies and the Tasmanian Planning Scheme are statutory instruments that, in concert with the TPP's, carry the weight of devolving State, regional and local policy through to the regulatory instruments that regulate how and where use and development happens 'on the ground'.

Despite being 'policy' in title, the TPP's are clearly a statutory document that has a statutory role in a hierarchy that determines how use and development manifest throughout the State. This hierarchy must be clear in how the each of the instruments that have a legislated role interact and how these flow to the lowest level of regulation of land use and development.

The structure of section 12B prescribes that the aims/principles of the TPP's (as a reflection of their purpose) are to be achieved or applied through subordinate instruments ... the RLUS's, the SPP's and the LPS's. This is a clear expectation of a hierarchical system. Targeting policy at the right level within this hierarchical system must also properly account for legislative entitlements at the lower levels of regulation, such as that provided for in the sections of the LUPAA that relate to the preparation of Local Provisions Schedules and the ability to justify strategic application of the SPP's and local variation under section 32(4) and the Schedule 1 Objectives.

The Draft TPP document is structured in a framework that includes:

- Foreword
- Implementation
- TPP Topics which include:
 - Principles and Policy Context;
 - Climate Change Statement;
 - 'sub-headings' with associated application requirements, objective and 'strategies'; and
 - Implementation Guidelines.

LUPAA specifies that the TPP's are to set out the aims and principles that are to be achieved by the subordinate instrument of the RLUS's, SPP's and LPS's. The structure proposed does not achieve this and is not in clear alignment with the prescribed structure set out in the LUPAA. If alignment is not clear, this leaves the TPP's open to legal challenge and risks decisions where compliance must be demonstrated. The best way to achieve alignment is to specifically draw from and then augment the language and structure prescribed by the legislation.

Commentary that is more an expression of planning theory and context is best left to separate explanatory documents. The Principles and Policy Context sections should be revised (and renamed) to reflect that the jurisdiction conferred by section 12B of the LUPAA only relates to the 'aims and principles' that are to be applied or achieved (noting that this is a mandatory requirement in legal construction) through the subordinate instruments. Revision to comply with the LUPAA requirements will also inevitably then require greater clarity in expression of the intended outcomes.

For example ... in regard to settlement policy, the Principles and Policy Context section states ...
"With the guidance of the TPPs, the planning system will determine how and where growth will occur...

Settlement patterns have a direct impact on infrastructure and service requirements and outcomes. Where possible, use and development should align with and maximise the use of existing infrastructure and services...

The policy prioritises a settlement pattern that locates people where they have access to employment, social infrastructure and transport networks to improve connectivity and liveability of settlements".

Growth strategy 4. then states... *‘Prioritise growth of settlements that are within the higher tiers of the settlement hierarchy’*. To be properly constructed under legislation, the section should express the aims and principles to be achieved by the RLUS and the TPS.

Are the RLUS’s and LPS decisions to expressly prohibit settlement growth that are not in the higher tiers of the hierarchy? What are the higher tiers of the hierarchy?

The common meaning of ‘priority’ prevails given that it is not a defined term, that is ... the right to precede others in order of rank or privilege. This can only be lawfully interpreted in statutory process that the higher order settlements will always be preferred in providing for growth, because they will always be able to in a number of ways. This will effectively prohibit LPS amendments to provide for growth in middle to lower tiers of the hierarchy, irrespective of the attributes they offer to residents, commercial enterprises or local economies.

If it is the intention of government that this is the outcome ‘on the ground’, it must clearly state this as the ‘aim or principle to be achieved’ by the RLUS’s and the LPS’s.

This is not a matter that can be ‘shunted off’ to a future process to determine what it actually, and practically, means. This results in protracted, expensive arguments in a TPC amendment assessment process whereby unintended consequences become apparent through decisions, which then can only be addressed by separate process to amend the statutory document that created the interpretive impediment. Prior issues with the three RLUS’s have provided a salutary lesson in this regard and it is critical that the same mistakes are not repeated.

The Draft TPP’s incorporate ‘Strategies’ as statements of policy, noting that the majority are prescriptive in nature, more akin to a regulatory document. The structure and content prescribed by section 12B of the LUPAA does not include a notion of ‘strategies’ and the legislative authority to invent parts of a structure that has statutory application is not evident. To avoid potential regulatory confusion or risk to validity in the application of the TPP’s, it is suggested that this may be addressed by providing clear definition for the various parts of the TPP’s and how these parts relate to the actual jurisdiction conferred by section 12B. Council suggests that procedural clarity would benefit by just labelling them ‘Policies’.

The structure includes ‘Implementation Guidelines’. The supporting report describes the guidelines as a statutory component and presumably it draws upon the power conferred by section 12B(3) of the LUPAA as specifying the “manner in which the TPP’s are to be implemented into the SPP’s LPS’s and RLUS’s”. Noting that it is not mandatory for the TPP’s to include this specification, but where the manner is specified, it becomes a mandatory requirement. The terminology used should reflect that they are not in fact ‘guidelines’ but a mandatory, statutory component to be complied with (refer discussion below relating to section 34(2) of the LUPAA). It is suggested that this component be renamed to ‘Implementation Requirements’, because this is what they are.

Climate Change - Council supports recognition of climate change and appropriate responses for land use and development. It is noted however that jurisdiction to address this matter is limited in the planning system. If specific actions are intended, these should be clearly expressed as policies that are to have effect through the RLUS’s, SPP’s and LPS’s. Explanatory material is best provided in a supporting document to avoid potential confusion as to the statutory effect (refer discussion on section 34(2) below).

It is strongly recommended that advice is sought from the Solicitor General in regard to legal interpretation and construction of the Draft TPP documentation before proceeding to public notification, as it is at its foundation, a statutory document.

In their current form, the highly prescriptive, and often prohibitive, nature of the Draft TPP's prevents appropriate consideration, and the rights conferred, for local strategic planning under section 32(4) and the Schedule 1 Objectives of the LUPAA. The reason this is the case are the statutory requirements set out in section 34(2)(da) of the Act.

Statutory Application of the TPP's Through Section 34(2) of the LUPAA

Section 34(2) specifies that any Draft LPS, or an amendment to a LPS, must meet the LPS criteria which includes (da) - satisfying the relevant TPP criteria. The relevant TPP criteria are satisfied if:

- where the SPP's and the applicable RLUS have not yet been reviewed against the TPP's, the Draft LPS/amendment is consistent with the TPP's in force; and
- irrespective of the SPP's and the applicable RLUS having been reviewed against the TPP's, the Draft LPS/amendment complies with each direction in the TPP's as to the manner in which the TPP's are to be implemented into the LPS.

There is significant concern about the impact of these statutory requirements on the assessment of future LPS amendments particularly, as in effect, section 34(2)(da) is requiring LPS amendments to demonstrate consistency with every individual strategy (in effect 'the TPP's').

This is reinforced by the text of the Draft TPP document which states under 'Implementation' ... *"There is no order or hierarchy associated with the application of the TPPs. It is intended that, where the Act requires consideration of the TPPs, the TPPs should be considered in their entirety with all relevant strategies applying equally"*.

It does not provide any confidence that the foreword states... *"The Foreword and Implementation, Table of Contents, headings, footnote and the Principles and Policy Context section of each TPP are not intended to have statutory application"* [our emphasis]. Irrespective of the 'intention', the TPP's clearly have a strictly applied function through s34(2)(da) and as a statutory instrument, it must be clearly established at law as to how the obligations outlined in section 34(2)(da) manifests in process, for all parts of the document. Council considers that this is particularly complicated by the structure of the TPP's where there appears to be no direct relationship to the language and terms set down in the authorising section 12B (refer discussion above). It is impossible to distinguish in the document which parts would be legally regarded as the 'TPP' in statutory process, and which parts are advisory. In the absence of a clear distinction (that is valid in law) the TPC will likely need to view the entirety of the document as the statutory 'TPP's'.

Reinforcing this point are statements in the supporting report in regard to Implementation Guidelines and that at this stage, there is only one included at 1.1 Growth. The Implementation Guidelines are presented as being a mechanism for the 'manner' in which the TPP's are to be implemented into the RLUS, SPP's and LPS's, as authorised by section 12B(3). In noting that there may be additional Implementation Guidelines over time, the supporting report goes on to state ... *"As drafted, many of the policies have implementation guidance embedded within the strategies"*.

Considering the statutory onus of section 34(2)(da) for compliance with the TPP's in full, for any amendment to a LPS, the implications of this observation are extreme. It is submitted that this observation is quite correct. Given that there is only one set of Implementation Guidelines, the TPC will have no choice but to exercise its statutory obligations in assessing draft LPS amendments by drawing on the *"implementation guidance embedded within the strategies"*.

Any potential alternative position that, post RLUS and SPP reviews, the vast majority of the TPP's would be ignored is not tenable as:

- many of the matters addressed in the TPP's are not able to be applied in a statutory capacity through the RLUS's and SPP's; and
- section 34(2)(da) clearly mandates that even after the review of the RLUS's and SPP's, that any LPS amendment must comply with 'each direction' as to the manner in which the TPP's are to be implemented into the LPS.

The 'embedded implementation guidance' in each strategy would naturally be regarded as the direction as to the manner in which the TPP's are to be implemented into the LPS.

Amendments to LPS's would need to be tested against each of the strategies to discharge statutory obligation. Even though some strategies may not be applicable to particular circumstances, the statutory onus of section 34(2)(da) is such that applicability, or otherwise, must be demonstrated.

There is no mechanism, or guidance in the text of the Draft TPP's, to address internal conflicts between the strategies. There is no implied hierarchy as stated in the supporting report.

Extensive prior experience amongst councils has shown that in regard to assessing draft amendments, Draft LPS's and the interpretation of statutory documents, the TPC errs on the side of caution to ensure that all statutory obligations are fulfilled. This has been previously explained by the TPC in regard to the statutory effect of the contents of RLUS's, a result of prior advice from the Solicitor General that there is no flexibility in interpretation, that the text must be literally applied where the policy or action is expressed in absolute terms.

The mandatory expression of section 34(2)(da) together with the absolute and highly prescriptive construction of the text in the TPP 'Strategies' means that the TPC will have no choice but to refuse any amendment that does not comply absolutely.

By way of example...

1.1 Growth:

1.1.3 Strategy 2.

d) avoid the development of land at risk of natural hazards, that has high environmental or landscape value or are, or could have the potential to be used for, viable agricultural or extractive industry uses.

The term 'avoid' has legal meaning and legal precedent. It is absolute. It means that any interaction cannot be considered.

Draft amendments that relate to development of land in a Rural Living Zone or a General Residential Zone at the periphery of a settlement, will always be subject to bushfire risk. The only decision open to the TPC is to refuse such amendments because bushfire risk cannot be 'avoided'. There is similar concern regarding the potential interpretation of terms used such as 'promote', 'plan and provide for', 'integrate', 'protect', 'support' as these are mandatory directions. When taken together with other more subjective, but undefined, terms which are mandatory nonetheless, such as 'well-located' and 'well-serviced', the inevitable result will be the failure of normal and reasonable amendments against the prescription contained in the TPP's.

Impacts on Strategic Planning

The effect of the Draft TPP's as written, will undermine the more recent 'repairs' to the three RLUS's, which were undertaken to provide flexibility to demonstrate variable local circumstances and appropriate responses in accordance with the objectives of the LUPAA. These repairs were undertaken due to the unintended consequences of the statements and mapping contained in the RLUS's that resulted in overly strict interpretations in the assessment of planning scheme amendments that were never intended at the time of drafting.

Providing for local recognition and demonstration of circumstances is a right enshrined in the LUPAA in the Schedule 1 Objectives that promotes *Sustainable Development*, which [in short] is managing use and development in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety, while safeguarding resources and environmental values. Objective 1(c) is "*to encourage public involvement in resource management and planning*". The objectives of the planning process require sound, strategic planning and co-ordinated action by State and local government and "*the explicit consideration of social and economic effects when decision are made about the use and development of land*".

More particularly, section 32(4) of the LUPAA enables the expression of local values and localised management of use and development in LPS's that are different to the SPP's in demonstration of significant social, economic or environmental benefit to the State, region or municipality, or that land has particular economic, social, spatial or environmental qualities that require unique provisions.

Section 32(4) works in concert with the Schedule 1 Objectives of LUPAA to enable Councils and communities to engage in a process to determine their own, best future. This may be aspirational or responsive in nature. The TPP's as drafted will eliminate many opportunities, particularly in the example cited above relating to growth being effectively prohibited for settlements in the middle to lower orders in the settlement hierarchy. There is no evidence presented as to why such a severe approach is warranted.

Page 10 of the supporting report makes reference to the "matters that present recurring issues in planning" that require policy to provide strategic and statutory direction.

What are these recurring issues that require such a prescriptive intervention that will override the rights to local strategic planning provided for in the LUPAA?

What is the evidence that underpins the need for the high degree of prescription contained in the Draft TPP's?

Simply importing content from the existing RLUS's is not appropriate as:

- the RLUS's are afforded a different statutory weight including a 'repair' mechanism in the LUPAA that added the term '*where practicable*' to address the intractable parts of the documents when the unintended statutory 'catches' became apparent. This is not available to the application of the TPP's;
- the recent amendments to provide for flexibility to demonstrate variable local circumstances and appropriate responses have not been carried through with the relevant text; and
- the three regions took different approaches to managing use and development based on regional data and council consensus. The Draft TPP's imports a significantly higher onus on numerous matters, particularly associated with settlement growth, that does not currently exist in some of the existing RLUS's without explaining why those higher obligations are necessary across the State and the evidence that underpins it.

It is important to remember that the RLUS's were 'repaired' due to significant, unintended consequences for economic development and growth throughout the regions.

Summary Concerns and Recommendations

Council reiterates that it has fundamental concerns in regard to the Draft TPP's that it considers should be addressed prior to advancing to the stage of public notification. In summary these are:

- Council has a right enshrined in the LUPAA to demonstrate local circumstances and the appropriateness of local, strategic responses in its LPS under the objectives and section 32(4) of the LUPAA and in the soon to be amended RLUS. The TPP's should be structured and drafted in a language that reflects this legislative right. Each municipality has within it, areas with unique attributes that contribute to the Tasmanian way of life.
- The State should be transparent on fundamental policy positions that affect key local issues including, but not limited to:
 - future growth and smaller settlements;
 - future of rural residential land use as a housing choice;
 - resourcing the excessive elements of required information such as ranking systems for biodiversity, identifying and mapping mineral resources, infrastructure plans for a 20 year timeframe etc.;
 - How it will prevent a repetition of the economic inertia of prioritising infill development, when this may not be appropriate or achievable in all circumstances.
- The provision of evidence to demonstrate the stated 'issues' that the TPP's purport to address.
- Municipal allocation of growth opportunity is an unreasonable and inequitable impost that:
 - is a theoretical exercise that does not understand the Tasmanian market and the best way for the State to capitalise on its diverse attributes;
 - will result in economic inertia as it artificially constrains the market and reasonable strategic proposals;
 - will harm inter-Council relationships in that it unnecessarily pits Councils against one another in competition for land supply;
 - Will undo the collaborative work of the Councils in repairing the RLUS's to provide flexibility in demonstrating the merits of local circumstances.
- Legal advice should be sought from the Solicitor General in regard to structure of the TPP's and the consequences of the application of the TPP's under the obligations set down in section 34(2)(da) of the LUPAA.

The following table provides more detailed commentary on the content of the Draft TPP's.

TASMANIAN PLANNING POLICIES	COMMENTS
1.0 SETTLEMENT	
<p>The strategies are written in a very prescriptive manner that will inevitably be interpreted as absolute. This will preclude the ability to plan strategically at the local level, particularly for aspirational growth that could improve the liveability of settlements and attraction of population.</p> <p>The approach does not provide for recognition of changing circumstances.</p>	
1.1 Growth	<ul style="list-style-type: none"> • The 15 to 20 year planning timeframe is reasonable for forecast growth. Does this take the form of a rolling reserve or 5 year RLUS review periods? The review period has not proven to be a sufficient parameter given the unprecedented demand over the last 3 years. Generally, the 15-20 year timeframes allow for regulatory approval turnover and infrastructure planning. • In 'prioritising' infill development, how will the prior experience of inertia be prevented if infill is not feasible or commercially viable? The TPP's need to be expressed in a way that does not unnecessarily impede reasonable expansion while waiting for infill and densification that may never come. • What is meant by the term 'well-serviced' for physical and social infrastructure? 'Avoid' has legal meaning and TPP expression will likely have unintended consequences in precluding reasonable development. • 'Avoiding' land at risk of natural hazards is an absolute requirement. It will prohibit all settlement edge expansion and rural residential use due to bushfire risk and will prohibit any land subject to low hazard band landslip risk being allocated for development. The concept embedded the SPP's is 'tolerable risk'. The TPP's should refer to this, and at a higher level. • If the State is going to mandate a settlement hierarchy, it should set the framework and characteristics as the existing RLUS frameworks are not the same. • The settlement hierarchy, and any policy related to it, must allow for changing circumstances and demonstration of local need and aspiration. There is no evidence to support the effective prohibition of growth of middle to lower tiers of the settlement hierarchy. The effect of technological change on work patterns and residential preferences is one aspect that cannot be considered. • "Actively address impediments to infill development..." How can the planning system do this in the context of a state-wide planning scheme? The planning system mechanisms to do this are limited. • Strategy 6 - Preparing structure plans for every amendment to an LPS is not a reasonable requirement, but is the ultimate effect of the strategy as drafted. Point g) relating to a minimum requirement for analysis of impacts on broader physical and social infrastructure including health and education is too high an onus on smaller amendments. These types of analyses generally apply to the demonstration of appropriateness under the objectives of LUPAA at the level commensurate with the degree of change. Structure planning is more aligned with the set out and rationale of use and development on the ground.

	<ul style="list-style-type: none"> Requirement for setting growth boundaries for every settlement (apart from middle to lower order because they can't have any) is not reasonable as this is not the only way to manage growth. It precludes the consideration of opportunities not previously recognised, but this does not make them inappropriate. The tests contained in the LUPAA appropriately analyse whether growth is appropriate or not. The mandatory requirement to set growth boundaries assumes there is adequate information on infrastructure and services to set the terms for the next 15 years. This is simply not feasible when organisations such as Taswater, TasNetworks and Dept State Growth cannot provide plans for this advance period. This requirement to lay down the spatial boundaries of everything that will happen in the next 15-20 years is a theoretical, utopian view that is not supported in reality. The inevitable consequence of the prescriptive nature of the Strategies will be that without these growth boundaries in place, and they can't be put in place until all issues are resolved, no amendment that enables growth can be approved. This will result in significant economic inertia in the development sector. Strategy 10 is not feasible as many settlements that have an activity centre and can support minor adjustments for suitable commercial or cultural uses, do not have highly accessible public transport. How does a RLUS or an LPS 'encourage' outcomes? It can only be provided by planning scheme provisions that enable particular uses. Strategy 12 – Sequence of development is often related to the response of the market and commercial feasibility. The issue of land banking is significant in managing a constrained market supply and sequencing of development. The TPP's should consider how to address issues relating to land banking. Rural residential land use is an integral part of settlement and should not be separated out in policy. Growth policy should account for the diverse range of housing opportunities that play a significant part in attracting population.
1.2 Liveability	<ul style="list-style-type: none"> Strategies include matters that are outside the purview of the planning system such as public transport and location of telecommunications infrastructure, cultural and recreational facilities. A planning scheme can only enable. Connectivity and improved public open space would be assisted by provisions in the SPP's, where there is currently a significant deficiency. Strategy 10 to 'protect and enhance settlements' is in conflict with strategies for growth as it precludes middle to lower order settlements. Facilitating place making conflicts with strategies that limit the ability to add cultural and commercial uses to settlements that do not have public transport.
1.3 Social Infrastructure	<ul style="list-style-type: none"> Strategies include matters that are outside the purview of the planning system such as locating schools, aged care and social services. Policies need to reflect the limited degree of intervention by the planning system.
1.4 Settlement Type	<ul style="list-style-type: none"> Strategy 1 – peri-urban development encroachment does not relate to the topic.

	<ul style="list-style-type: none"> • The issue of the impact of visitor accommodation in settlements that have high attraction is matter that is inherent to settlement growth and population characteristics. • Settlement type is an unnecessary topic that is confusing in its duplication with other settlements strategies. Recommend condensing into one section. • Strategy 6 - Rural residential land use is an integral part of settlement – use of the term ‘avoid’ in regard to the consideration criteria is too restrictive. Rural Residential use will never be able to ‘avoid’ bushfire risk. The criteria conflict with one another such that any amendment will not be able to demonstrate compliance with all, which is mandatory. Policy relating to rural residential land use as part of the settlement mix needs to be substantially reviewed and must account for strategic repair, rather than being caught by unresolved zoning of land.
1.5 Housing	<ul style="list-style-type: none"> • Strategies include matters that are outside the purview of the planning system such as facilitating social and affordable housing and aged care services. • Densification of settlements must also be a product of local community consultation.
1.6 Design	<ul style="list-style-type: none"> • Only relates to urban spaces. • Many of the matters relating to building design are outside the purview of the planning system and cross into building code territory that is prohibited by section 8 of the Building Act. • Strategy 4 relating to the character of neighbourhoods is not achievable in a planning system that seeks to homogenise the standards for General Residential zoning. Multiple attempts to reflect different pathways have been rejected for lack of consistency with the TPS. Is the State now saying that aspiration for neighbourhood character can now be considered? The policy needs to be clear. • Strategies 7 and 8 import planning scheme criteria for subdivision. SPP should be at a higher level in expressing expectations for subdivision. Planning instruments can only provide a minimum standard for lot size. Point j) would require a SAP over every subdivision in variation to the SPP standards.
2.0 ENVIRONMENTAL VALUES	
There is little point in recognising that values management is largely outside the planning system. This is better reflected in supporting documentation. The TPP’s can only express how the management of issues occurs within the system.	
2.1 Biodiversity	<ul style="list-style-type: none"> • It is not feasible to ‘rank’ biodiversity values for mapping within the planning system. • Many of the strategies relate to matters that are outside the purview of the planning system, such as land clearance for agriculture or forestry, weed management, carbon storage and climate change impacts on habitat.
2.2 Waterways, wetlands and estuaries	<ul style="list-style-type: none"> • Strategies for avoiding land within proximity to waterways does not appropriately consider the implications for urban waterways. • The strategies are unnecessarily prescriptive given the range of regulatory instruments available to manage impacts on waterways and wetlands, noting that the SPP’s could benefit from some improved provisions relating to the management of stormwater.

2.3 Geodiversity	<p>Who will resource the mapping of high conservation value geodiversity which could be an extensive exercise? What is the definition of high conservation value geodiversity?</p> <p>In regard to the Mole Creek Karst system, the townships of Mole Creek and Chudleigh are located on this system, as are extensive areas of agriculture. It is not possible to 'avoid' designating land within those areas for development. It is however possible to manage use and development to prevent or mitigate adverse impacts. These provisions are included the local provisions schedules.</p>
2.4 Landscape Values	<p>Is it the State position that all municipalities must include mapped scenic/landscape areas in their LPS's? On the basis of what criteria?</p> <p>Strategy 3 effectively requires all use and development to avoid those areas subject to provisos that in effect, replicate the management approach of the SPP Landscape Conservation Zone and Scenic Protection Code.</p> <p>The TPP should make it clear what the expectations are for inclusion in RLUS's and reflect the available management mechanisms in the SPP's and LPS's.</p>
2.5 Coasts	<p>Given the evolution of mapping of coastal hazards at State level that includes climate change scenarios, the TPP should appropriately reflect this work, rather than defaulting to the clunky 1km definition in the State Coastal Policy, which only ever applied to rectify a legal validity issue that arose many years ago.</p> <p>The planning system will not be able to reduce threats, only respond to them in an appropriate way by allowing for development for asset and infrastructure protection and preventing or mitigating development that may be affected by/or impact upon coastal processes.</p> <p>It is more appropriate to discuss risk, as this is what the State Natural Hazard Framework is based on.</p> <p>There is some overlap in regard to policies for Environmental Hazards. Suggest policies may be more efficient if separated into coastal development as part of settlement and hazard/risk addressed through Environmental Hazards.</p>
3.0 ENVIRONMENTAL HAZARDS	
<p>Policies should reflect at higher level the notion of conflict and hazard that may exist naturally in the landscape.</p> <p>The concept of avoidance should not used due to its absolute interpretation, except perhaps for the most extreme scenarios such as active landslip. The SPP content and RLUS's all reflect the ability to manage hazard and risk to a tolerable level.</p>	
3.1 Bushfire	<p>Strategy 2 is incorrect. Many aspects of bushfire protection for singular buildings have been appropriately removed from the planning system. The regulatory burden associated with bushfire certification for individual buildings in planning process has proven to be untenable. This would still be the case even with increased numbers of practitioners, contrary to State planning reform to reduce unnecessary regulation.</p> <p>Strategy 4- Given most of the state is mapped as bushfire prone, is it the State's intention to bring certification for individual developments back into the planning system? If so, there needs to be a clear statement of expectation and evidence as to why this is necessary.</p> <p>Who will resource the identification of bushfire conditions based on climate change? It is not appropriate to relegate this task to local government.</p>

3.2 Landslip	<p>The vast majority of land mapped as landslide hazard in the State Natural Hazard Framework is manageable for a tolerable risk.</p> <p>The TPP's should not prescribe avoidance only to then apply a proviso. This confuse the intent of the policy. The TPP should just reflect the management approach and tolerable risk.</p>
3.3 Flooding	<p>Why does the climate change scenario only relate to State Government determination. Numerous local flood studies have included the climate change scenario for 1% event and have incorporated into LPS's.</p> <p>The policy needs to reflect the State position on where the extreme flood event threshold now lies given the 2016 and 2022 events.</p> <p>What is incompatible use and development? Currently the provisions relating to flooding do not account for many industrial type uses which can be severely impacted, or create impacts to other land in the event of flooding such as containers/materials that are swept into infrastructure such as bridges and into other private property. Determining hazardous use as defined in the SPP's is a highly complex exercise that includes high thresholds for storage of contaminants such as fuels and chemicals, which means substantive levels of contaminants are not subject to flood management regulations.</p> <p>There needs to be a conversation about the elements of use and development that should be managed for flood risk, noting that State has commenced a process for flood risk under the Natural Hazards Framework to apply Statewide. This process is supported.</p> <p>Policies for flooding and tolerable risk need to account for uses that are neither sensitive nor hazardous.</p> <p>The recognition and support for flood mitigation infrastructure is supported.</p> <p>Many of Tasmania's settlements are located downstream of a dam. It is not tenable for every amendment to an LPS for settlement growth to do a dam safety assessment.</p>
3.4 Coastal Hazards	<p>Refer comments above.</p> <p>Retreat may be an appropriate solution for economic development for tourism that capitalises on a coastal location.</p> <p>Strategy 6 – Avoidance is not appropriate – tolerable risk is the appropriate concept.</p>
3.5 Contaminated Air and Land	<p>It is not tenable to map all land that may have historically been exposed to potentially contaminating activities.</p> <p>Strategy 3 confuses contamination with attenuation in regard to land use conflict.</p> <p>The TPP's should recognise the processes that are in place for attenuating uses and clearly state expectations, as this has a significant impact on the cost of regulatory process for 'mum and dad' developers.</p>
4.0 SUSTAINABLE ECONOMIC DEVELOPMENT	
4.1 Agriculture	<p>The TPP strategies largely import the principles of the State PAL Policy, however does not carry over the nuances of the PAL Policy in allowing for agricultural land to be converted if a higher order benefit can be demonstrated, such as the need to expand settlements.</p> <p>The exercise is one of balance and to date and the absolute nature of the TPP strategies as drafted will prevent normal and reasonable amendments at the periphery of settlements.</p> <p>It is not tenable to include complex climate change science that is still evolving for assessment of long term agricultural viability for individual</p>

	<p>amendments. This is a broader statewide project that can be reflected in land use policy across the state when completed.</p> <p>Value added uses may not always be ancillary to the agricultural use. This does not mean they are inappropriate and can provide an economic benefit. The issue of seasonal worker accommodation needs to be addressed in policy. It is a unique land use with specific needs to provide critical support to the agricultural sector and will not prefer locations on agricultural land. Dwellings that are directly associated with and subservient to agriculture are not 'residential uses'. Policy must, as a minimum, reflect the legal response in regulation.</p> <p>How can a planning system 'acknowledge' small farm contribution? What are small farms?</p>
4.2 Extractive Industry	<p>Who will resource the identification of key resource areas and deposits in order to map them?</p> <p>Strategy 5 – what if identified resources occur in a rural residential area? The exercise must be one of balance, rather than absolute protection.</p> <p>Strategy 7 - Policies for housing and recognising that mining may have unique needs for locating housing, is better located with settlement policies to ensure that there is no interpretive conflict.</p>
4.3 Tourism	<p>Identifying potential tourism sites and assessing them for sustainability in a free market is an impractical and untenable requirement. Policies must reflect market identification of attributes and enable consideration of a range of matters to determine appropriateness.</p> <p>It is not the place of a planning system to undertake market feasibility.</p> <p>Strategy 3 – visitor accommodation – This is a curious position given the State planning directive that required all planning schemes to alleviate regulation of visitor accommodation, many now not requiring a permit? Has the State altered its position on visitor accommodation levels in settlements?</p>
4.4 Renewable Energy	<p>Who will resource the identification of renewable resource areas?</p> <p>The strategies appear to relate more to investment strategies than the planning system. The State needs to be clear about preference for infrastructure and the local aspirations of community in the location of infrastructure.</p>
4.5 Industry	<p>Industrial land is usually more appropriate outside of urban growth boundaries, not only due to higher impact uses, but also cumulative effects and the benefits of aggregation. It is extremely difficult to manage land use conflict in an urban setting, yet the TPP's preference this.</p> <p>The TPP is too prescriptive in the requirements for locating industrial land beyond the urban growth boundary.</p>
4.6 Business and Commercial	<p>The TPP's must recognise that there is a role for the market as a demonstration of demand for commercial use, whether this is for local service or the tourism economy. The Strategy 1 criteria for assessment for small activity centre amendments is not reasonable or practical. And are too prescriptive for State policy level.</p> <p>Intensification of growth generally around activity centres may not always be possible dependent upon local circumstances, such as heritage values. The role of local planning for activity centres should be reflected and elevated in policies for economic development.</p> <p>Strategy 5 - New local activity centres may be required and appropriate for larger, new greenfield sites.</p>

4.7 Innovation and Research	<p>Many of the strategies relate more to investment matters that are outside the jurisdiction of the planning system.</p> <p>Policies for precinct planning are better located with policies for settlement and industry.</p>
5.0 PHYSICAL INFRASTRUCTURE	
5.1 Provision of Services	<p>It is not possible to identify where land needs to be set aside for infrastructure or protect future infrastructure, when the infrastructure authorities have not yet determined what and where that will be. The strategy assumes forward planning by service authorities that does not actually exist at a level that provides certainty.</p> <p>The TPP should reconcile expectations in the provision of infrastructure that serves multiple parties e.g 'facilitate developer contributions'. How is the planning system to do this? It has no authority over Taswater and in order to levy developer contribution, a party must act as 'the bank' to actually establish the infrastructure that is being paid for. This is quite a complicated and legal exercise.</p> <p>The strategies are too prescriptive for State policy level and stray into areas that are outside of the planning system jurisdiction, such as providing for electricity transmission from an alternate source of power.</p> <p>The TPP should simply express expectations for levels of service, taking into account the variabilities across localities and different types of settlement.</p>
5.2 Energy Infrastructure	<p>Future energy facilities are unknown and are usually a response to the market.</p> <p>The strategies relate to matters that are outside the jurisdiction of the planning system.</p> <p>The state needs to be clear in its expectations for design intervention in urban environments. The SPP standards for urban areas do not allow for this degree of intervention. Has the State position changed?</p>
5.3 Roads	<p>Many of the strategies relate to matters that are outside the jurisdiction of the planning system.</p> <p>There are no definitions of the key road corridors.</p> <p>What is the last mile urban freight route?</p> <p>Road investment programs should align with strategic planning, not the other way around.</p>
5.4 Transport Modes	<p>Good urban planning that enables access to public transport is appropriately recognised in policy, however it cannot dictate that the provision of those services occur as this outside of the planning system.</p> <p>Many of the strategies relate to matters involving the provision of service by organisations that are not incorporated into the planning system.</p> <p>Strategy 8 – not all developments that attract high numbers will be appropriate in urban activity centres, nor will they be accessible to urban public transport, as is the case in middle or lower order settlements. This does not mean that a popular tourism use for example will not be appropriate. Eg. Distilleries in heritage character towns.</p> <p>The effect of the strategy is to prohibit uses that may have a high economic benefit to a settlement or locality, because it is not urban or within proximity to public transport.</p> <p>The strategies are too prescriptive for State policy level.</p>

5.5 Ports and Strategic Transport Networks	<p>Future distribution facilities are unknown and are usually a response to the market.</p> <p>There are obvious conflicts with policies for locating industrial development within urban growth boundaries.</p> <p>The planning system cannot anticipate, as yet, unknown changes to freight systems as a result of market or technological change.</p> <p>What is the strategic value of non-operational rail corridors? Tourism?</p>
6.0 TASMANIAN PLANNING POLICY: CULTURAL HERITAGE	
6.1 Aboriginal Cultural Heritage	<p>The strategies relate to numerous matters that are outside the jurisdiction of the planning system.</p> <p>There is a process under separate State legislation for consultation with the Aboriginal community for determining whether land use will adversely impact Aboriginal heritage. There are circumstances where Aboriginal heritage values and development co-exist and promote Aboriginal cultural values, which is it noted are current cultural practice as well as heritage e.g. tourism uses.</p> <p>Strategy 3 could effectively prohibit use and development that is acceptable to the Aboriginal community in regard to its degree of impact and is conflict with Strategy 4. Measures to manage protection of values may include more than remediation.</p> <p>Strategy 5 is not appropriate language to dictate when it's 'appropriate' for the Tasmanian Aboriginal community to use and culturally identify with places.</p>
6.2 Non-Indigenous Cultural Heritage	<p>Is local heritage regarded as 'significant'? How is significant to be interpreted?</p> <p>Is the expectation of the State that there will be a local heritage list of places and/or heritage precincts in LPS's?</p>
7.0 PLANNING PROCESSES	
<p>Discussion around the mechanisms for local planning and involvement in the process is supported and goes to Council's earlier comments that the TPP's must inherently recognise the right to local planning and provide for it.</p>	
7.1 Consultation	<p>The strategies for consultation relate to matters that are outside the jurisdiction of the planning scheme.</p> <p>Ideally the TPP should elevate the role of local consultation in determining the balance of competing interests expressed in the suite of TPP's.</p> <p>It is not just a 'top-down' approach, the objectives of the LUPAA also enshrine a 'bottom-up' role in regard to local aspiration.</p>
7.2 Strategic Planning	<p>The strategies actually read as an effective suite of principles that inform not only the TPP's, but the subordinate instruments that are subject to them.</p> <p>Recommend reframing this section as the 'principles and aims to be achieved by the TPP's'.</p>
7.3 Regulation	<p>Further to comments above, regulation must also be able to reflect local aspiration, as enshrined in the LUPAA.</p>

29 November 2022

State Planning Office
Dept. Premier & Cabinet
GPO Box 123
HOBART 7001

By email: yoursay.planning@dpac.tas.gov.au

Dear Sir/Madam

Council submission to the consultation draft of the Tasmanian Planning Policies

Council welcomes the opportunity to make a submission to the consultation of the Draft Tasmanian Planning Policies (TPP's), currently being undertaken pursuant to section 12C(2) of the *Land Use Planning & Approvals Act 1993* (the Act).

The TPP's make up a significant component of the State's planning framework and more broadly, the State's planning reform program and Council acknowledges the efforts of the State Planning Office to prepare the Draft TPP's and inform stakeholders. Council appreciates the difficulty of the task.

Given the critical role of the TPP's in regard to future strategic planning outcomes for individual municipalities and collectively, the State, Council submits that there are numerous structural and interpretation issues that will prevent practical and appropriate implementation of the TPP's through the legislated statutory instruments.

The attached submission outlines Council's concerns and it is submitted that these matters ideally should be clarified and resolved at this stage, before engaging the process of statutory public notification under section 12D of the Act, which has more restrictive parameters for considering modifications.

Council would welcome the opportunity to work with government agencies to review the structure and content of the Draft TPP's to assist advancement of a suite of policies that can be practically implemented.

If you have any queries regarding this submission, please contact [REDACTED]

Yours Faithfully

[REDACTED]
John Jordan
GENERAL MANAGER

Meander Valley Council Submission

Tasmanian Planning Policies – Section 12C Consultation Draft

The Minister for Planning has commenced a process under section 12C of the *Land Use Planning & Approvals Act* (LUPAA) 1993 to prepare a draft of the Tasmanian Planning Policies (TPP's) and is undertaking consultation with the Tasmanian Planning Commission (TPC), planning authorities and State agencies and authorities.

The following submission seeks to emphasise a number of Council's concerns in regard to the structure of the TPP's and subsequent impacts of their implementation, as currently drafted.

The legislative requirements for drafting and finalising the TPP's encompass a two-stage process for consultation. It can be reasonably assumed that the first stage of engagement with the TPC, planning authorities and state service agencies/authorities in preparing the TPP's, is to draw on the knowledge and understanding embedded within these bodies in regard to policy content, the relative technical considerations and subsequent implementation of policy through statutory regulation. It is recognised that on a State-wide basis, the task is very complex to reconcile numerous competing interests to achieve economic, social and environmental benefit.

However, ultimately it must be fundamentally understood that in progressing to statutory implementation, the outcomes will manifest at a local level. In preparing the Draft TPP's there must be a detailed appreciation of what these outcomes will be 'on the ground' in the highly diverse settlement and resource areas across the State. To that end, the State must be clear in its intentions in regard to higher-order expectations, or positions, on various matters where the outcomes of the TPP's will have a significant impact on regional and local strategic planning, particularly in regard to future growth and settlement.

The current stage of the process under section 12C, provides an opportunity to review and refine the Draft TPP's with a clear view on appropriate expressions of intent and the subsequent local outcomes. Council submits that significant review is required of the current Draft TPP's and that this would best be undertaken in collaboration with the expertise employed in local government, before proceeding to public notification and the statutory limitations of that process.

The following provides Council's detailed observations and comments.

Structure of the TPP's

Section 12B of LUPAA, relating to the contents and purposes of the Tasmanian Planning Policies, establishes that the purposes of the TPP's *'are to set out the aims, or principles, that are to be achieved or applied by'*:

- the Tasmanian Planning Scheme (TPS) – as the composite of the State Planning Provisions and the Local Provisions Schedules; and
- the regional land use strategies (RLUS's).

the LUPAA requirements will also inevitably then require greater clarity in expression of the intended outcomes.

For example ... in regard to settlement policy, the Principles and Policy Context section states ...

"With the guidance of the TPPs, the planning system will determine how and where growth will occur...

Settlement patterns have a direct impact on infrastructure and service requirements and outcomes. Where possible, use and development should align with and maximise the use of existing infrastructure and services...

The policy prioritises a settlement pattern that locates people where they have access to employment, social infrastructure and transport networks to improve connectivity and liveability of settlements".

Growth strategy 4. then states... *'Prioritise growth of settlements that are within the higher tiers of the settlement hierarchy'*. To be properly constructed under legislation, the section should express the aims and principles to be achieved by the RLUS and the TPS.

Are the RLUS's and LPS decisions to expressly prohibit settlement growth that are not in the higher tiers of the hierarchy? What are the higher tiers of the hierarchy?

The common meaning of 'priority' prevails given that it is not a defined term, that is ... the right to precede others in order of rank or privilege. This can only be lawfully interpreted in statutory process that the higher order settlements will always be preferred in providing for growth, because they will always be able to in a number of ways. This will effectively prohibit LPS amendments to provide for growth in middle to lower tiers of the hierarchy, irrespective of the attributes they offer to residents, commercial enterprises or local economies.

If it is the intention of government that this is the outcome 'on the ground', it must clearly state this as the 'aim or principle to be achieved' by the RLUS's and the LPS's.

This is not a matter that can be 'shunted off' to a future process to determine what it actually, and practically, means. This results in protracted, expensive arguments in a TPC amendment assessment process whereby unintended consequences become apparent through decisions, which then can only be addressed by separate process to amend the statutory document that created the interpretive impediment. Prior issues with the three RLUS's have provided a salutary lesson in this regard and it is critical that the same mistakes are not repeated.

The Draft TPP's incorporate 'Strategies' as statements of policy, noting that the majority are prescriptive in nature, more akin to a regulatory document. The structure and content prescribed by section 12B of the LUPAA does not include a notion of 'strategies' and the legislative authority to invent parts of a structure that has statutory application is not evident. To avoid potential regulatory confusion or risk to validity in the application of the TPP's, it is suggested that this may be addressed by providing clear definition for the various parts of the TPP's and how these parts relate to the actual jurisdiction conferred by section 12B. Council suggests that procedural clarity would benefit by just labelling them 'Policies'.

It does not provide any confidence that the foreword states... *"The Foreword and Implementation, Table of Contents, headings, footnote and the Principles and Policy Context section of each TPP are not intended to have statutory application"* [our emphasis]. Irrespective of the 'intention', the TPP's clearly have a strictly applied function through s34(2)(da) and as a statutory instrument, it must be clearly established at law as to how the obligations outlined in section 34(2)(da) manifests in process, for all parts of the document. Council considers that this is particularly complicated by the structure of the TPP's where there appears to be no direct relationship to the language and terms set down in the authorising section 12B (refer discussion above). It is impossible to distinguish in the document which parts would be legally regarded as the 'TPP' in statutory process, and which parts are advisory. In the absence of a clear distinction (that is valid in law) the TPC will likely need to view the entirety of the document as the statutory 'TPP's'.

Reinforcing this point are statements in the supporting report in regard to Implementation Guidelines and that at this stage, there is only one included at 1.1 Growth. The Implementation Guidelines are presented as being a mechanism for the 'manner' in which the TPP's are to be implemented into the RLUS, SPP's and LPS's, as authorised by section 12B(3). In noting that there may be additional Implementation Guidelines over time, the supporting report goes on to state ... *"As drafted, many of the policies have implementation guidance embedded within the strategies"*.

Considering the statutory onus of section 34(2)(da) for compliance with the TPP's in full, for any amendment to a LPS, the implications of this observation are extreme. It is submitted that this observation is quite correct. Given that there is only one set of Implementation Guidelines, the TPC will have no choice but to exercise its statutory obligations in assessing draft LPS amendments by drawing on the *"implementation guidance embedded within the strategies"*.

Any potential alternative position that, post RLUS and SPP reviews, the vast majority of the TPP's would be ignored is not tenable as:

- many of the matters addressed in the TPP's are not able to be applied in a statutory capacity through the RLUS's and SPP's; and
- section 34(2)(da) clearly mandates that even after the review of the RLUS's and SPP's, that any LPS amendment must comply with 'each direction' as to the manner in which the TPP's are to be implemented into the LPS.

The 'embedded implementation guidance' in each strategy would naturally be regarded as the direction as to the manner in which the TPP's are to be implemented into the LPS.

Amendments to LPS's would need to be tested against each of the strategies to discharge statutory obligation. Even though some strategies may not be applicable to particular circumstances, the statutory onus of section 34(2)(da) is such that applicability, or otherwise, must be demonstrated.

There is no mechanism, or guidance in the text of the Draft TPP's, to address internal conflicts between the strategies. There is no implied hierarchy as stated in the supporting report.

Extensive prior experience amongst councils has shown that in regard to assessing draft amendments, Draft LPS's and the interpretation of statutory documents, the TPC errs on the side

consideration of social and economic effects when decision are made about the use and development of land".

More particularly, section 32(4) of the LUPAA enables the expression of local values and localised management of use and development in LPS's that are different to the SPP's in demonstration of significant social, economic or environmental benefit to the State, region or municipality, or that land has particular economic, social, spatial or environmental qualities that require unique provisions.

Section 32(4) works in concert with the Schedule 1 Objectives of LUPAA to enable Councils and communities to engage in a process to determine their own, best future. This may be aspirational or responsive in nature. The TPP's as drafted will eliminate many opportunities, particularly in the example cited above relating to growth being effectively prohibited for settlements in the middle to lower orders in the settlement hierarchy. There is no evidence presented as to why such a severe approach is warranted.

Page 10 of the supporting report makes reference to the "matters that present recurring issues in planning" that require policy to provide strategic and statutory direction.

What are these recurring issues that require such a prescriptive intervention that will override the rights to local strategic planning provided for in the LUPAA?

What is the evidence that underpins the need for the high degree of prescription contained in the Draft TPP's?

Simply importing content from the existing RLUS's is not appropriate as:

- the RLUS's are afforded a different statutory weight including a 'repair' mechanism in the LUPAA that added the term '*where practicable*' to address the intractable parts of the documents when the unintended statutory 'catches' became apparent. This is not available to the application of the TPP's;
- the recent amendments to provide for flexibility to demonstrate variable local circumstances and appropriate responses have not been carried through with the relevant text; and
- the three regions took different approaches to managing use and development based on regional data and council consensus. The Draft TPP's imports a significantly higher onus on numerous matters, particularly associated with settlement growth, that does not currently exist in some of the existing RLUS's without explaining why those higher obligations are necessary across the State and the evidence that underpins it.

It is important to remember that the RLUS's were 'repaired' due to significant, unintended consequences for economic development and growth throughout the regions.

Summary Concerns and Recommendations

Council reiterates that it has fundamental concerns in regard to the Draft TPP's that it considers should be addressed prior to advancing to the stage of public notification. In summary these are:



	<p>Generally, the 15-20 year timeframes allow for regulatory approval turnover and infrastructure planning.</p> <ul style="list-style-type: none">• In 'prioritising' infill development, how will the prior experience of inertia be prevented if infill is not feasible or commercially viable? The TPP's need to be expressed in a way that does not unnecessarily impede reasonable expansion while waiting for infill and densification that may never come.• What is meant by the term 'well-serviced' for physical and social infrastructure? 'Avoid' has legal meaning and TPP expression will likely have unintended consequences in precluding reasonable development.• 'Avoiding' land at risk of natural hazards is an absolute requirement. It will prohibit all settlement edge expansion and rural residential use due to bushfire risk and will prohibit any land subject to low hazard band landslip risk being allocated for development. The concept embedded the SPP's is 'tolerable risk'. The TPP's should refer to this, and at a higher level.• If the State is going to mandate a settlement hierarchy, it should set the framework and characteristics as the existing RLUS frameworks are not the same.• The settlement hierarchy, and any policy related to it, must allow for changing circumstances and demonstration of local need and aspiration. There is no evidence to support the effective prohibition of growth of middle to lower tiers of the settlement hierarchy. The effect of technological change on work patterns and residential preferences is one aspect that should be considered.• "Actively address impediments to infill development..." How can the planning system do this in the context of a state-wide planning scheme? The planning system mechanisms to do this are limited.• Strategy 6 - Preparing structure plans for every amendment to an LPS is not a reasonable requirement, but is the ultimate effect of the strategy as drafted. Point g) relating to a minimum requirement for analysis of impacts on broader physical and social infrastructure including health and education is too high an onus on smaller amendments. These types of analyses generally apply to the demonstration of appropriateness under the objectives of LUPAA at the level commensurate with the degree of change. Structure planning is more aligned with the set out and rationale of use and development on the ground.• Requirement for setting growth boundaries for every settlement (apart from middle to lower order because they can't have any) is not reasonable as this is not the only way to manage growth. It precludes the consideration of opportunities not previously recognised, but this does not make them inappropriate. The tests contained in the LUPAA appropriately analyse whether growth is appropriate or not.
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	<ul style="list-style-type: none"> • The issue of the impact of visitor accommodation in settlements that have high attraction is matter that is inherent to settlement growth and population characteristics. • Settlement type is an unnecessary topic that is confusing in its duplication with other settlements strategies. Recommend condensing into one section. • Strategy 6 - Rural residential land use is an integral part of settlement – use of the term 'avoid' in regard to the consideration criteria is too restrictive. Rural Residential use will never be able to 'avoid' bushfire risk. The criteria conflict with one another such that any amendment will not be able to demonstrate compliance with all, which is mandatory. Policy relating to rural residential land use as part of the settlement mix needs to be substantially reviewed and must account for strategic repair, rather than being caught by unresolved zoning of land.
1.5 Housing	<ul style="list-style-type: none"> • Strategies include matters that are outside the purview of the planning system such as facilitating social and affordable housing and aged care services. • Densification of settlements must also be a product of local community consultation.
1.6 Design	<ul style="list-style-type: none"> • Only relates to urban spaces. • Many of the matters relating to building design are outside the purview of the planning system and cross into building code territory that is prohibited by section 8 of the Building Act. • Strategy 4 relating to the character of neighbourhoods is not achievable in a planning system that seeks to homogenise the standards for General Residential zoning. Multiple attempts to reflect different pathways have been rejected for lack of consistency with the TPS. Is the State now saying that aspiration for neighbourhood character can now be considered? The policy needs to be clear. • Strategies 7 and 8 import planning scheme criteria for subdivision. SPP should be at a higher level in expressing expectations for subdivision. Planning instruments can only provide a minimum standard for lot size. Point j) would require a SAP over every subdivision in variation to the SPP standards.
2.0 ENVIRONMENTAL VALUES	
There is little point in recognising that values management is largely outside the planning system. This is better reflected in supporting documentation. The TPP's can only express how the management of issues occurs within the system.	
2.1 Biodiversity	<ul style="list-style-type: none"> • It is not feasible to 'rank' biodiversity values for mapping within the planning system. • Many of the strategies relate to matters that are outside the purview of the planning system, such as land clearance for agriculture or

<p>Policies should reflect at higher level the notion of conflict and hazard that may exist naturally in the landscape.</p> <p>The concept of avoidance should not used due to its absolute interpretation, except perhaps for the most extreme scenarios such as active landslip. The SPP content and RLUS's all reflect the ability to manage hazard and risk to a tolerable level.</p>	
3.1 Bushfire	<p>Strategy 2 is incorrect. Many aspects of bushfire protection for singular buildings have been appropriately removed from the planning system. The regulatory burden associated with bushfire certification for individual buildings in planning process has proven to be untenable. This would still be the case even with increased numbers of practitioners, contrary to State planning reform to reduce unnecessary regulation.</p> <p>Strategy 4- Given most of the state is mapped as bushfire prone, is it the State's intention to bring certification for individual developments back into the planning system? If so, there needs to be a clear statement of expectation and evidence as to why this is necessary.</p> <p>Who will resource the identification of bushfire conditions based on climate change? It is not appropriate to relegate this task to local government.</p>
3.2 Landslip	<p>The vast majority of land mapped as landslide hazard in the State Natural Hazard Framework is manageable for a tolerable risk.</p> <p>The TPP's should not prescribe avoidance only to then apply a proviso. This confuses the intent of the policy. The TPP should just reflect the management approach and tolerable risk.</p>
3.3 Flooding	<p>Why does the climate change scenario only relate to State Government determination. Numerous local flood studies have included the climate change scenario for 1% event and have incorporated into LPS's.</p> <p>The policy needs to reflect the State position on where the extreme flood event threshold now lies given the 2016 and 2022 events.</p> <p>What is incompatible use and development? Currently the provisions relating to flooding do not account for many industrial type uses which can be severely impacted, or create impacts to other land in the event of flooding such as containers/materials that are swept into infrastructure such as bridges and into other private property. Determining hazardous use as defined in the SPP's is a highly complex exercise that includes high thresholds for storage of contaminants such as fuels and chemicals, which means substantive levels of contaminants are not subject to flood management regulations.</p> <p>There needs to be a conversation about the elements of use and development that should be managed for flood risk, noting that State has commenced a process for flood risk under the Natural Hazards Framework to apply Statewide. This process is supported.</p> <p>Policies for flooding and tolerable risk need to account for uses that are neither sensitive nor hazardous.</p> <p>The recognition and support for flood mitigation infrastructure is supported.</p>



	Strategy 7 - Policies for housing and recognising that mining may have unique needs for locating housing, is better located with settlement policies to ensure that there is no interpretive conflict.
4.3 Tourism	Identifying potential tourism sites and assessing them for sustainability in a free market is an impractical and untenable requirement. Policies must reflect market identification of attributes and enable consideration of a range of matters to determine appropriateness. It is not the place of a planning system to undertake market feasibility. Strategy 3 – visitor accommodation – This is a curious position given the State planning directive that required all planning schemes to alleviate regulation of visitor accommodation, many now not requiring a permit? Has the State altered its position on visitor accommodation levels in settlements?
4.4 Renewable Energy	Who will resource the identification of renewable resource areas? The strategies appear to relate more to investment strategies than the planning system. The State needs to be clear about preference for infrastructure and the local aspirations of community in the location of infrastructure.
4.5 Industry	Industrial land is usually more appropriate outside of urban growth boundaries, not only due to higher impact uses, but also cumulative effects and the benefits of aggregation. It is extremely difficult to manage land use conflict in an urban setting, yet the TPP's preference this. The TPP is too prescriptive in the requirements for locating industrial land beyond the urban growth boundary.
4.6 Business and Commercial	The TPP's must recognise that there is a role for the market as a demonstration of demand for commercial use, whether this is for local service or the tourism economy. The Strategy 1 criteria for assessment for small activity centre amendments is not reasonable or practical. And are too prescriptive for State policy level. Intensification of growth generally around activity centres may not always be possible dependent upon local circumstances, such as heritage values. The role of local planning for activity centres should be reflected and elevated in policies for economic development. Strategy 5 - New local activity centres may be required and appropriate for larger, new greenfield sites.
4.7 Innovation and Research	Many of the strategies relate more to investment matters that are outside the jurisdiction of the planning system. Policies for precinct planning are better located with policies for settlement and industry.
5.0 PHYSICAL INFRASTRUCTURE	
5.1 Provision of Services	It is not possible to identify where land needs to be set aside for infrastructure or protect future infrastructure, when the infrastructure authorities have not yet determined what and where that will be. The



	<p>The planning system cannot anticipate, as yet, unknown changes to freight systems as a result of market or technological change.</p> <p>What is the strategic value of non-operational rail corridors? Tourism?</p>
6.0 TASMANIAN PLANNING POLICY: CULTURAL HERITAGE	
6.1 Aboriginal Cultural Heritage	<p>The strategies relate to numerous matters that are outside the jurisdiction of the planning system.</p> <p>There is a process under separate State legislation in consultation with the Aboriginal community for determining whether land use will adversely impact Aboriginal heritage. There are circumstances where Aboriginal heritage values and development co-exist and promote Aboriginal cultural values, which it is noted are current cultural practice as well as heritage e.g. tourism uses.</p> <p>Strategy 3 could effectively prohibit use and development that is acceptable to the Aboriginal community in regard to its degree of impact and is conflict with Strategy 4. Measures to manage protection of values may include more than remediation.</p> <p>Strategy 5 is not appropriate language to dictate when it's 'appropriate' for the Tasmanian Aboriginal community to use and culturally identify with places.</p>
6.2 Non-Indigenous Cultural Heritage	<p>Is local heritage regarded as 'significant'? How is significant to be interpreted?</p> <p>Is the expectation of the State that there will be a local heritage list of places and/or heritage precincts in LPS's?</p>
7.0 PLANNING PROCESSES	
<p>Discussion around the mechanisms for local planning and involvement in the process is supported and goes to Council's earlier comments that the TPP's must inherently recognise the right to local planning and provide for it.</p>	
7.1 Consultation	<p>The strategies for consultation relate to matters that are outside the jurisdiction of the planning scheme.</p> <p>Ideally the TPP should elevate the role of local consultation in determining the balance of competing interests expressed in the suite of TPP's.</p> <p>It is not just a 'top-down' approach, the objectives of the LUPAA also enshrine a 'bottom-up' role in regard to local aspiration.</p>
7.2 Strategic Planning	<p>The strategies actually read as an effective suite of principles that inform not only the TPP's, but the subordinate instruments that are subject to them.</p> <p>Recommend reframing this section as the 'principles and aims to be achieved by the TPP's'.</p>
7.3 Regulation	<p>Further to comments above, regulation must also be able to reflect local aspiration, as enshrined in the LUPAA.</p>

1 December 2022

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

By email: yoursay.planning@dpac.tas.gov.au

Dear State Planning Office

Submission to draft Tasmanian Planning Policies (TPPs)

I refer to the draft Tasmanian Planning Policies and the consultation process seeking submissions. This submission seeks to emphasise a number of concerns that draws on the collective view of the eight Councils of the Northern Region in regard to the structure of the TPP's and the subsequent impacts of their implementation, as currently drafted. We are concerned that the TPP's are not fit for purpose, and we seek to meet with you to work through a process to ensure the policies will achieve the intended outcomes, prior to commencing public notification.

The Northern Tasmania Regional Planning Group (RPG) is a regional partnership between Break O'Day, Dorset, Flinders, George Town, Launceston, Meander Valley, Northern Midlands and West Tamar Councils which works to collaborate on and deliver regional planning initiatives. Over the last three years the RPG (on behalf of the respective Councils) have been working towards, and to a substantive degree achieved, a practical and implementable regional planning framework that enables positive planning outcomes, a more transparent and predictable planning process and recognises and provides for local aspiration.

Our efforts have been necessary due to unintended impediments to local strategic planning as a result of the statutory application of the Northern Tasmanian Regional Land Use Strategy (NTRLUS). As such, the RPG has a thorough understanding of statutory application of high-level policy documents.

The legislative requirements for drafting and finalising the TPP's encompass a two-stage process for consultation. The first stage of engagement with the TPC, planning authorities and state service agencies/authorities pursuant to s.12C of the *Land Use Planning & Approvals Act 1993* (LUPAA) in preparing the Draft TPP's, is to draw on the shared knowledge and understanding embedded within these bodies in regard to policy content, the relative technical considerations and subsequent implementation of policy through statutory regulation. It is recognised that on a State-wide basis, the task is very complex to reconcile numerous competing interests to achieve economic, social and environmental benefit.

In preparing the Draft TPP's there must be a detailed appreciation of what these outcomes will be 'on the ground' in the highly diverse settlement and resource areas across the State, particularly in regard to future growth and settlement. The current stage of the process under section 12C, provides an opportunity to review and refine the Draft TPP's with a clear view on appropriate expressions of intent and the subsequent regional and local outcomes.

The Northern RPG's collective view is that substantive review of the Draft TPP's is required and that this would best be undertaken in collaboration with the expertise in the Regional Planning Groups, before proceeding to public notification and the statutory limitations of that process.

Structure and Application of the TPP's



Section 12B of the LUPAA, establishes that the purposes of the TPP's "are to set out the aims, or principles, that are to be achieved or applied by" regional land use strategies (RLUS's) and the Tasmanian Planning Scheme (TPS).

There must be a clear line of sight in the TPP's as to how the aims and principles take effect through those instruments. The Planning Minister and/or Tasmanian Planning Commission will need to ensure that the planning instruments 'satisfy the relevant criteria of the TPPs' when:

- RLUS's are made or amended, the RLUS is consistent with the TPP's (see section 5A Regional areas and regional land use strategies);
- State Planning Provisions are made or amended, the SPP's are consistent with the TPP's (see section 15 SPPs Criteria); and
- Local Provisions Schedules are made or amended, the LPS meets the relevant criteria in relation to the TPP's (see section 34 LPS Criteria). The relevant criteria are defined as being satisfied if:
 - where the SPP's and the applicable RLUS have not yet been reviewed against the TPP's, the Draft LPS/amendment is consistent with the TPP's in force; and
 - irrespective of the SPP's and the applicable RLUS having been reviewed against the TPP's, the Draft LPS/amendment complies with each direction in the TPP's as to the manner in which the TPP's are to be implemented into the LPS. [our emphasis]

The statement in the section titled 'Interpretation' that "...the TPPs should be considered in their entirety with all relevant strategies applying equally" is a reflection of the statutory requirements for application, however upon review of the TPP's as drafted, it is not realistic or practical. The TPP's are strictly applied through s34(2)(da) and as a statutory instrument, the obligations outlined in section 34(2)(da) manifest in process and there must be clear direction on managing conflicting interests in the content of the TPP's must be clearly established.

As drafted, the TPP's represent significant risk that the impediments to strategic planning, experienced due to literal interpretations of the RLUS's, will be repeated. This will undermine the recent work to 'repair' the Northern RLUS, which was undertaken to provide flexibility to demonstrate variable local circumstances and strategic appropriateness.

In this regard, the proposed structure and content of the TPP's is of significant concern, particularly the degree of detail and prescription contained in the 'strategies' and how this manifests within the hierarchy of planning instruments. It is recommended that the structure and content of the Draft TPP's be substantially reviewed to:

- *Reflect the terminology in the LUPAA;*
- *Simplify the expression of policy at an appropriate State level by removing the prescriptive and prohibitive elements and enabling the more detailed expression under regional and local strategic planning, appropriate to the circumstances;*
- *Provide clear direction as to the manner in which the TPP's will be implemented in the RLUS's, SPP's and LPS's while enabling flexibility as to how that will express in strategic planning; and*
- *Ensure the revised policies are legally functional within the framework of assessment criteria under the LUPAA.*

Given our degree of collective experience, the Northern Tasmania Region group of councils would welcome the opportunity to work with the SPO to workshop the structure of the TPP's

to ensure they are fit for purpose, considering other models and options which might provide strategic benefits in adopting in the TPP's.

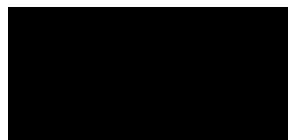
Reference Groups

The RPG represent a large part of the state. and we recognise, there is a need for the TPP's to be well consulted with input from a wide range of planning professionals to ensure the TPP's, and other State planning instruments are fit for purpose and implementable. It is recommended that reference groups be formed with a group of planners from local government and private consultancy to ensure the policies are fit for purpose and likely to achieve the intended outcomes, prior to commencing public notification.

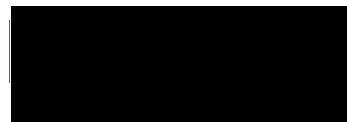
The Regional Planning Group encourages the SPO to progress this consultation and would welcome the opportunity to participate. We know from experience that a collaborative process, encompassing people with a good degree of local knowledge and expertise in policy application and strategic planning, goes a long way to effectively resolving complex issues to a practical outcome.

We would be pleased to discuss these matters further. Please contact [REDACTED] as Chair of the Regional Planning Group on [REDACTED] or via email at [REDACTED].

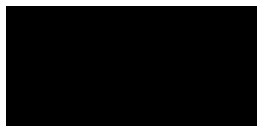
Yours faithfully



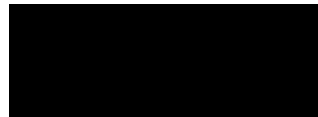
John Brown
General Manager – Break O'Day Council



John Marik
A/General Manager – Dorset Council



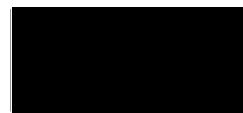
Warren Groves
General Manager – Flinders Council



Shane Power
General Manager - George Town Council



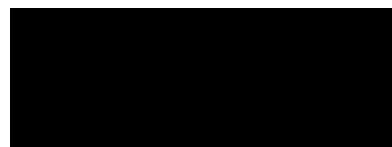
Michael Stretton
Chief Executive Officer – City of Launceston



Des Jennings
General Manager- Northern Midlands Council



John Jordan
General Manager – Meander Valley Council



Rolph Vos
General Manager – West Tamar Council



State Planning Office
Department of Treasury and Cabinet
GPO Box 123
Hobart TAS 7001

Date: 15.11.2021

By email to: yoursay.plannng@dpac.tas.gov.au

To whom it may concern,

RE: DRAFT TASMANIAN PLANNING POLICIES

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) welcomes the opportunity to make comment on the *Draft Tasmanian Planning Policies* (TPPs) and is appreciative of the additional time provided to review the document.

Due to limited capacities at this time, the Institute has limited our review to the *1.0 Settlement* TPP, as this is most relevant to the profession of architecture. We are supportive of the direction of this TPP and commend the innovative and progressive nature of this policy. There are a few suggestions that we have outlined below.

1.5 Housing

Under *1.5.3 Strategies*, the Institute strongly suggest that the development of greenfield sites is minimised and used as a last resort and that preference is always made to prioritise infill development, and the reuse of existing structures and infrastructure, for all the reasons outlined in the *1.0 Settlement* TPP.

The Institute would like to note that while the TPP encourages a diverse range of housing stock, this needs to be encouraged and facilitated by the Tasmanian Planning Scheme. Refer to the Institute's submission to the [State Planning Provisions Review](#).

1.6 Design

Under *1.6.3 Strategies*, the Institute suggests that the requirement for green space (this could be shared or individual) be included in the list of subdivision design

requirements. Refer to the Institute's submission to the [State Planning Provisions Review](#).

Once again, thank you for the opportunity to provide feedback on this important matter for the future of our state. Please feel free to contact us if you need further clarification or explanation on any of the issues the Institute has raised.

Kind regards,



Jennifer Nichols

Executive Director, Tasmanian Chapter
Australian Institute of Architects

12 August 2022

State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001

Review of Draft Tasmanian Planning Policies 2022

To the State Planning Office,

The Northern Tasmanian Natural Resource Management Association Inc., (trading as NRM North) is one of three formally recognised natural resource management organisations in Tasmania. NRM North is a not-for-profit organisation undertaking natural resource management in the northern region of Tasmania. The role of NRMs is to protect, sustainably manage and improve natural resources for the shared environmental, cultural, social and economic benefit of the community. We do this by facilitating and managing investment in on-ground programs and projects; by providing leadership to ensure the sound management of the region's natural resources; and by promoting partnerships with all stakeholders to achieve appropriate investment and cost sharing strategies.

NRM North works effectively and collaboratively with landholders and local councils in the region and has focused on the consideration of the management of natural resources regarding the draft Tasmanian Planning Policies in this submission. We are pleased to provide the following submission through this review.

NRM North considers that planning policies, and planning objectives more generally, should produce outcomes that:

- enable sustainable use of natural resources;
- protect and improve key environmental values;
- mitigate impacts, and improve resilience to, climate change.

This submission focuses on the extent to which the TPPs are able to deliver on, or create challenges for, achieving these outcomes. NRM North strongly supports the approach taken to include climate change in all relevant sections of the TPPs with a focus on both climate change mitigation and adaptation.

Specific comments on sections of the Draft TPPs are provided below.

Section 1.0 Settlement – 1.6 Design

- 1.6.3 – 1. Strategies should include siting and design of buildings to positively contribute to: onsite and offsite environmental values. Examples of strategies that would positively contribute to onsite and offsite environmental values could include siting buildings and access roads on blocks such that they avoid:
 - clearing of native vegetation or fringe effects for important vegetation communities and ecological communities;
 - impacts from activities such as bushfire threat mitigation;
 - impacts on foreshore or riparian vegetation and ecosystems, weed spread from gardens to neighboring bushland.
- 1.6.3 – 1. Siting and design of buildings to positively contribute to adaption to climate change impacts such as increased heat, bushfire risk and extreme weather events. We note that point 6 includes climate change considerations, however these are focused on a settlement or subdivision scale rather than individual building siting and design, which can strongly influence the livability of developments
- 1.6.3 – 8. Subdivision design should incorporate appropriate water sensitive urban design features and mitigate potential impacts on water quality and runoff associated with increased impermeable areas. It should also protect against offsite impacts on important vegetation, ecological communities, and aquatic and riparian ecosystems.

2.0 Environmental values

2.0.1 Principles and policy context

The principles are focused on onsite impacts of development, however, development adjacent to areas containing significant environmental values can degrade these values. These impacts can include, for example, edge effects on vegetation (including impacts of pests, weeds, and disease incursions), impacts from activities associated with hazard reduction such as clearing or burns for bushfire mitigation, human use impacts such as recreational vehicle use and impacts of pets such as cats and dogs on native species.

2.0.2 Climate change statement

This section lists key impacts of climate change on environmental values. These should also include:

- increased frequency and intensity of bushfires;
- changes in runoff and consequently erosion, water quality and flow regime; and
- sea level rise should also include ‘increased storm surge’.

The summary list of mechanisms by which the Environmental Values TPP seeks to address climate change appears to be focused on terrestrial ecosystems. This should also acknowledge aquatic ecosystems through mechanisms such as:

- protecting and enhancing water quality and flow regimes to build the resilience of aquatic ecosystems; and
- protecting and enhancing wetlands, riparian and foreshore areas including intertidal areas.

2.1. Biodiversity

This section is heavily focused on terrestrial biodiversity and does not include consideration of aquatic, riparian, intertidal, wetland or coastal zone biodiversity. While Section 2.2 does focus on the quality of waterways, wetlands, and estuaries this does not explicitly consider factors which affect the biodiversity of these systems.

2.1.3 – 3a considers onsite impacts of designating land for a particular purpose but does not consider the potential offsite impacts (as outlined above) of such designation. These should also be considered.

2.1.3 – 12 considers coastal retreat but not retreat in other environments which are known to be significantly threatened by climate change, including but not limited to, alpine areas, riparian and aquatic ecosystems.

- Given the fragility of alpine ecosystems and the expected impacts of climate change on these areas, alpine area management should be explicitly considered. Development and tourism activities adjacent to or within alpine areas has the potential to impact on alpine ecosystems, and this should be acknowledged and risks avoided, minimised, or mitigated where necessary.

2.2 Waters, wetlands, and estuaries

This section requires greater focus on flow regime/water quantity related issues, including the magnitude, frequency, seasonality and timing of low flows and freshes necessary for ecosystem health within aquatic, riparian and floodplain environments. It should also acknowledge climate change related impacts, including from changes in natural processes such as rainfall and evaporation, as well as those that occur as a consequence of actions to adapt to climate change impacts such as increased reliance on irrigation water which has the potential to impact significantly on flow regimes (e.g., through reversed seasonality, impacts on water temperature and changes in low flow regime and the frequency and timing of flushes).

Strategies do not specifically consider impacts of urban runoff on water quality and flow regime. The section could include strategies such as ‘Promote the use of water sensitive urban design and soil and erosion control during construction to protect and improve water quality, and offset impacts of changes in permeability on runoff and flow regimes’.

Implementation guidelines should include the State Stormwater Strategy and Stormwater Management Plans, and acknowledge the Waterways and Wetlands Works Manual and Tasmanian Coastal Works Manual. Protected Environmental Values and the Water Quality Guideline Values released by EPA in 2020 should also be acknowledged here.

2.5 Coasts

2.5.3 – 2 While technically part of an estuary it would be useful to explicitly acknowledge intertidal areas as one of the environments that will be protected and have reduced threats, as these are often overlooked but are associated with significant environmental values and are sensitive to anthropogenic and climate change impacts.

2.5.3 Strategies should acknowledge the importance of implementing an integrated coastal zone management approach to development and design in the coastal zone as a core principle.

Implementation guidelines should include the Tasmanian Coastal Works Manual.

3.0 Environmental Hazards

3.3 Flooding

This section appears to focus on riverine flooding. One of the impacts of climate change is likely to be increased flash flooding in urban areas due to high intensity rainfall events. Increases in impermeable surfaces associated with development will exacerbate these effects, further increasing the magnitude and frequency of flash flooding. Strategies should include implementation of water sensitive urban design and design of green space to improve permeability and reduce the risks of flash flooding.

There are significant interactions in some areas between coastal inundation and riverine and urban flash flooding. Flood risks are heightened during periods of king tides or due to storm surge coinciding with either urban flash flooding or riverine flooding. These interactions should be acknowledged in the strategies. For example, the 1% AEP flood is likely to incorporate only riverine flood impacts but should also consider the effects of high tides, storm surge and pressures on urban storm water systems from high intensity rainfall events. The interaction between these, particularly under climate change, significantly increases flood risk in many areas.

This section should acknowledge the importance of integrated floodplain management as a core principle for managing floodplains.

3.4 Coastal Hazards

3.4.3 - 7 This should also consider the potential for offsite impacts, for example where coastal defenses can exacerbate erosion in other areas of the coastline.

4.0 Sustainable Economic Development

4.1 Agriculture

While the TPP on agriculture supports the productivity of agricultural land it does not mention the environmental sustainability or the importance of sustainable development of agriculture.

4.1.3 - 7 The strategies list exceptions where conversion of agricultural land may be converted to non-agricultural uses but does not consider circumstances where conversion to native vegetation would occur. For example, conversion of floodplain areas back to native riparian or intertidal flats can provide a buffer between agriculture and waterways which protects aquatic ecosystems and provides corridors and landscape connectivity for many species, including for retreat under climate change. Likewise, some areas of agricultural land might be usefully converted back to native forest to enhance environmental values. In some cases, this conversion may also improve agricultural productivity (e.g., through promoting habitat for bees and other pollinating insects or managing microclimates).

4.3 Tourism

The strategies include promotion of growth and investment in recreational, art and cultural activities that attract tourism growth (point 8) and identification and protection of attributes that enhance and attract tourism experience (point 6). Given that Tasmania's significant environmental values underpin tourist numbers and growth, a strategy that 'protects and enhances environmental values that attract tourist growth' would align with the other strategies and would improve the environmental sustainability of tourism.

6.0 Cultural Heritage

6.1 Aboriginal cultural heritage

The strategies in the draft TPP focus heavily on Aboriginal Cultural Heritage places and objects. The strategies should acknowledge the cultural values associated with Land, Sea and Sky Country and their significance to the Tasmanian Aboriginal community. This includes acknowledging the way in which landscapes have been shaped by Aboriginal management of Country, plants, animals and water and the vital role that Tasmanian Aboriginal people play in the ecology of their environment. Appropriate strategies should be co-designed with the Tasmanian Aboriginal community.

Glossary

The glossary should add definitions of:

- Biodiversity
- Water sensitive urban design
- Flow regime
- Soil and erosion control

Thank you for the opportunity to provide a submission on the Draft Tasmanian Planning Policies, I look forward to seeing the final TPPs in due course, with the hope that they will improve the planning outcomes for natural resource management.

Sincerely,



Jo Fearman
Acting Chief Executive Officer – NRM North