

Consultation on Regional Planning Framework Discussion Paper

Summary of Submissions – May 2023



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Glossary

The following acronyms and abbreviations are used in this report.

LUPA Act	–	<i>Land Use Planning and Approvals Act 1993</i>
LPS	–	Local Provisions Schedule
RLUS	–	Regional Land Use Strategy
RMPS	–	Resource Management and Planning System
TPC	–	Tasmanian Planning Commission
TPPs	–	Tasmanian Planning Policies
TPS	–	Tasmanian Planning Scheme
SPG	–	Structure Plan Guidelines
SPO	–	State Planning Office
SPPs	–	State Planning Provisions



1. Introduction

The State Planning Office (SPO) recently released the Regional Planning Framework Discussion Paper (Discussion Paper) and the draft Structure Plan Guidelines (SPG) for a three-month public comment period, which closed on 28 February 2023.

This report summarises the matters raised in response to the Discussion Paper's themes. It does not outline the SPO's response to the matters. A position paper will follow the release of this summary report, once it has been determined how the matters raised in the submissions can best inform improvements to the regional planning framework.

1.1 Background

The regional planning framework refers to the legislative, regulatory and administrative arrangements that support regional land use strategies (RLUS). The RLUSs are a critical component of Tasmania's planning system. They are where broader social, economic and environmental issues are implemented through spatial land use plans and represent the coming together of local, regional and State interests. They are also required to spatially implement the Tasmanian Planning Policies (TPPs), once made, and inform the application of zones and overlays in the Tasmanian Planning Scheme's (TPS) Local Provisions Schedules (LPS).

The RLUSs are provided for under Section 5A of the *Land Use Planning and Approvals Act 1993* (LUPA Act). The current regional planning framework provides few requirements and little guidance on the scope of the RLUS, and processes for public consultation, assessment, declaration, review and amendment. There is a case for improving the framework to reflect the important role they have in Tasmania's planning system.

More detail about the planning reform agenda and the background to the regional planning framework project is available in the [Regional Planning Framework Discussion Paper](#) and on the SPO's planning reform [website](#).

2. Consultation

During the consultation period 45 submissions were received. Generally, the submissions were positive and supported the intent of the Discussion Paper and the draft SPGs.

The SPO was commended on the level of engagement and collaboration with stakeholders in preparing the Discussion Paper and the draft SPGs. Many submissions strongly supported the collaborative and consultative approach taken by the SPO for the ongoing planning reforms and welcomed the proposal of a streamlined framework to guide land use planning at the regional and local level.



2.1 Feedback on Regional Planning Framework

The following sections summarise the feedback received in response to the Discussion Paper's main themes. Other comments outside of those themes were also received. The SPO welcomes these comments, and the summary below has tried to capture them, as far as possible, where they are relevant to consideration of preparing an improved regional planning framework.

2.1.1 Scope and purpose

The scope and purpose section of the Discussion Paper raised matters that the RLUSs should provide for and asked whether those matters should be outlined in the legislation or regulations to the LUPA Act.

The submissions suggested there is general support for the scope and the content for the RLUS suggested in the Discussion Paper, including consistent timeframes for which the RLUSs apply.

Many submissions stressed the importance of the RLUS's being developed through an agreed vision between:

- the State (agencies and authorities);
- the regions;
- councils;
- communities; and
- stakeholders;

rather than simply providing another regulatory tool in the planning system. It was considered important that they incorporate local strategy and bottom-up input with higher order State instruments to express policy in a regional and spatial context.

A number of submissions made broad comment about the purpose of the RLUSs. These comments included that the RLUSs should:

- better integrate the Resource Management and Planning System (RMPS);
- recognise the role of local planning in the preparation of regional policy and strategy; and
- improve public participation in planning in line with the objectives of the LUPA Act and the RMPS.

It was submitted that they should be focussed documents that provide for clear and measurable objectives, but that clear guidance is needed to achieve this within the future framework.

Comments also suggested that the framework should more explicitly require the RLUSs to protect or provide for particular resources, environmental, cultural or historic values, or other land use attributes.



Some respondents, therefore, considered the scope outlined in the Discussion Paper to be too limited and suggested further matters, including:

- more broadly defining the purpose of RLUSs and their relationship to the other instruments in the system;
- identify natural hazards and responses to climate change, such as resilience, adaptation or retreat;
- spatially define and protect resources and land use under other legislation such as forestry, mining or renewable energy;
- identify regional economic opportunities and provide for key industries;
- mechanisms to facilitate supply of social and affordable housing;
- engagement and collaboration with the Aboriginal community for the protection and management of cultural heritage;
- prioritise sustainable development and address the United Nations Sustainable Development Goals; and
- respond to State of the Environment reporting actions;

Some submissions suggested matters for inclusion in the RLUSs scope might be too detailed for inclusion in legislation or regulations. However, the SPO notes that they may be appropriate for inclusion in any future guidelines or templates.

A number of drafting and structural issues raised in relation to the regional planning framework and the RLUSs have been noted by the SPO. These included:

- text suggestions for the legislation;
- document features such as purpose statements, compliance tables or checklists; and
- explanation of operational components of the system.

Largely, there was support for the information that should accompany the RLUSs, with some respondents including additional suggestions, such as:

- features to improve implementation such as the prioritisation of infrastructure, funding and decision-making; and
- access to background reports, data, methodology and best practice guidelines.

Whilst some submissions supported the inclusion of the RLUS scope and purpose in the legislation or regulation, caution with the approach was also noted by respondents. Some of the issues raised in these submissions included:

- only higher-level matters should be included in the legislation to encourage local content to be captured;
- more detailed matters should be addressed through guidelines rather than in the legislation or regulations to avoid legislative drafting potentially undermining the aspiration potential of the policy; and
- a regulatory approach to defining the scope and content of the RLUS may hamper community involvement in and local ownership of the RLUS vision and objectives;



Duplication was also raised as a concern, with some submissions querying why the RLUS need to be prepared consistently with the State Policies and the Objectives of the Act, when the TPPs are already required to meet those requirements.

2.1.2 Consistency

This section of the Discussion Paper asked whether there should be a level of consistency achieved between the RLUSs, such as through the preparation of a template, and what attributes should be consistent.

There was general support for some consistency achieved through a template and consistent features, such as settlement category and definitions. A range of features where consistency can be achieved were outlined in a number of the submissions. It was further suggested that attributes, such as definitions and terminology, should be consistent across instruments within the planning system and the RMPS more broadly.

Submitters supported a consistent approach because it would assist in familiarisation and interpretation of the RLUSs, particularly for those engaging with the planning system across all three regions. Feedback also suggested consistency would provide efficiencies when preparing the strategies.

A number of submissions provided further suggestions about the detail that should be included in any future template. Some also supported consistent methodologies to prepare the RLUSs and background studies where relevant.

Of those in support of consistent features, some also expressed caution that the use of templates and standardised features might constrain regional and local content and impose prescriptive and regulatory processes.

Some respondents suggested that a template approach may only be appropriate where the RLUSs are owned by the Minister, however, if in the future they are owned by the regions, then the template approach may not be suitable.

Some respondents considered that the use of guidelines, as per the scope and content section above, would be preferable to the use of templates, because they can encourage greater flexibility and responsiveness, allowing for meaningful community and stakeholder participation in the preparation process.

2.1.3 Preparation

The Discussion Paper did not raise any specific questions in relation to the preparation of the RLUS, however a number of the submissions addressed it.

The involvement of State agencies was considered to be critical in the preparation of RLUSs in order to effectively coordinate growth with necessary social and physical infrastructure through prioritised funding arrangements and work programs.

Some suggested a formal State agency working group should be established, that State agency involvement should be legislated, and their ongoing role defined. Submissions also identified the SPO as best placed to coordinate engagement with other State agencies involved in the preparation of the RLUSs.



There was strong support for community involvement in preparing the RLUSs to create a vision for a region's growth, obtaining community support for the processes and outcomes, and providing more certainty to councils, developers, and the community in terms of future land use changes.

A number of submissions suggested that the framework must encourage bottom-up approaches, and that improvements to the way the LUPA Act deals with methods for community consultation could be modernised.

2.1.4 Assessing and declaring

This section of the Discussion Paper asked for responses to whether the RLUSs should be assessed independently by the TPC, including a hearing process, and what matters should be considered when assessing or declaring a RLUS.

The majority of respondents supported the TPC having a role in the assessment of the RLUSs and for hearings to be held to encourage transparency and public involvement.

However, amongst some of the submissions agreeing to the independent TPC process, there was caution noted that if an assessment process is carried out by the TPC with hearings, then the RLUS may be applied in a regulatory manner, like an additional layer of planning scheme.

Some submissions were opposed to a TPC assessment, considering it inappropriate for a statutory body to have an assessment role over aspirational policy formulated through a collaborative, community involved process.

One submission further suggested that a TPC assessment process could discourage early and meaningful community participation, buy-in by councils, and limit the capacity for the RLUSs to respond to changing circumstances due to a regulatory process being prioritised. It was therefore suggested that the framework should clarify whether it would be the TPCs role to assess or review the RLUSs, and if publicly exhibited, what would be the scope and purpose of public involvement in the assessment process.

Some respondents suggested that in its consideration of a RLUS, the TPC should consider matters similar to those outlined for the TPPs, whilst others suggested further matters that might be considered, including local and regional issues, background information, data and methodologies, or unreasonable impacts on landowners.

Some respondents, however, suggested that the matters to be considered should be limited to whether the objectives of Schedule 2 of the Act are furthered, and consistency with the State Policies and the TPPs achieved. It was submitted that this would ensure consistency between the RLUSs and the higher order instruments, and avoid regulating a collaborative, strategic planning process.

2.1.5 Reviewing

This section of the Discussion Paper posed questions around the review cycles for RLUS, the matters that should trigger reviews, and what the review process should be.



Most respondents supported five yearly review cycles, aligned to the other instruments in the planning system. There was support for these reviews to assess the effectiveness of the RLUSs policies and to incorporate changes in other policy and legislative settings, that affect land use planning.

It was suggested by some that the framework should specify what the review process should involve, and that it should be undertaken by, or engage, the regions.

Some respondents were cautious of a comprehensive five yearly review cycle due to resourcing constraints and the timeframe being too short for the policies to be effective. They suggested that the scope of the reviews be clarified in the framework.

A number of submissions also raised circumstances under which a review of the RLUS could be undertaken outside of the five yearly review cycle, including:

- ministerial capacity to instigate a review;
- at the request of the region;
- significant change in other instruments, policy or legislation, with some submissions suggesting local strategic work may trigger the requirement for review and amendment;
- significant social, economic or environmental events, including in response to impacts from climate change;
- trigger events, such as census data release; and
- periodically in response to land supply, environmental or natural hazards data.

Some submissions supported a 'systems-based' approach to maintaining the RLUSs, which incorporates 'live' updates in response to certain triggers, rather than relying on review cycles. One example offered was the automatic relocation of an urban growth boundary to a pre-defined limit once a certain amount land supply has been developed.

Of the submissions supporting this approach, it was suggested that continual monitoring would feed updates to the RLUSs, which would be complemented by the formal review cycle to monitor the effectiveness of the RLUSs policies.

2.1.6 Amending

The Discussion Paper asked respondents to consider what processes the framework should provide to amend the RLUSs, under what circumstances should amendments be able to be requested, and by whom.

The SPO notes that there was some overlap between the responses for reviewing the RLUS and their amendment, due to amendments generally arising from the review process.

There was general support for a minor amendment process and a more substantial review process that reflected the assessment and declaration process for the RLUS.

Some submissions also suggested an urgent amendment process to allow efficient updates to a RLUS in response to certain issues, similar to the SPP process. It was noted, however, that the benefits of such processes need to be weighed up against the requirement to consider



competing policies and issues such as the conversion of agricultural land and land use conflict issues.

Some submissions considered that amendments to the RLUSs should be limited in between the standard review cycle, particularly if regular reviews of the RLUSs are being undertaken. One submission also suggested that the capacity for amendment should be limited to those that have broader impacts on the community, rather than those limited to site specific issues.

The SPO notes that those who did not support the TPC having an assessment role over the RLUSs were also cautious of the same processes being utilised for amendments to RLUSs.

2.1.7 Other Matters

Structural and drafting issues

Some submissions suggested changes to improve the operation of the RLUSs in the planning system, and to improve processes within the planning system more generally.

Concerns with the drafting of the LUPA Act and its ease of use for practitioners and non-practitioners alike were also raised. The need for plain English to be incorporated into the framework, particularly in supporting guidelines were considered important.

The SPO notes that issues associated with interpretation and application of the LUPA Act underpinned much of the support for the use of guidelines in place of new legislative provision.

Some respondents suggested structural changes to the legislative framework supporting the RLUSs and Tasmania's RMPS system more broadly. The SPO notes these comments, however they are largely beyond the scope of what the Regional Planning Framework Project can address.

Governance, monitoring and review

Respondents raised the governance of the RLUSs with some submissions suggesting that the governance arrangements under the framework needs to be more clearly defined under the Act.

Ownership of the current RLUS's was considered unclear, and it was suggested that ongoing ownership should sit with the regions. Some submissions gave more detailed suggestions for more governing structures and ownership arrangements for the RLUS.

The data collection and ongoing monitoring of the RLUS was raised as a key issue for resolution by many respondents. They considered that the lack of data and monitoring has hampered the capacity to monitor the existing strategies and to maintain effective policy responses.

A number of respondents expressed concern that if ongoing arrangements to maintain the RLUSs are not resolved, the new iteration of the RLUSs will become outdated and constrain the capacity to respond efficiently to changing social, economic and environmental circumstances.



The SPO has noted these comments, however, as outlined in the Discussion Paper, it will be necessary to address issues around governance, monitoring and review in Stage 2 of the Regional Planning Framework Project.

Further comments about the governance and ongoing maintenance of the RLUSs centred around the capacity and resources available in Tasmania's planning system, particularly with reference to the extent of reform undertaken over recent years.

Implementation of TPPs

A few submissions requested clarification around how the TPPs, and some of their competing policy positions, will be implemented through the RLUSs. It was suggested the SPO provide an advice role to the councils and regions.

Some submissions asserted that the TPPs will limit the region's ability to envisage planning outcomes representative of the local community's wishes. It was suggested that, whilst the implementation of the TPPs implies a top-down approach to the formulation of strategy, the importance of local strategy also informing growth should comprise part of the framework.

3. Next steps

When preparing the draft regional planning framework, the SPO will consider the submissions received in response to the Discussion Paper. This will likely include a draft Bill for legislative amendments to the LUPA Act.

Further consultation will be undertaken to seek feedback on the draft regional planning framework, including the SPO's responses to the matters raised during the Discussion Paper submission process.





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