

Number	Name	Organisation
1	Wes Ford	Environment Protection Authority
2	Todd Dudley	North East Bioregional Network
3	Shane Wells	Sorell Council
4	John Ramsay	Tasmanian Planning Commission
5	Matt Derbyshire	TasWater
6	Pattie Chugg	Shelters Tasmania
7	Submission	
8	Tom Reilly	
9	Erin Miles	Northern Midlands Council
10	Stuart Collins	Housing Industry Association
11	Chris Irvine	State Emergency Service
12	Darshini Bangaru	Glenorchy City Council
13	Annalise Varghese	Australian Institute of Architects
14	Greg Ingham	Glamorgan Spring Bay Council
15	Jake Ihnen	Break O'Day Council
16	Melissa Fraser	Tasmanian Dog Walking Clubs
17	Michelle Riley	West Tamar Council
18	Ray Mostogl	Tasmanian Minerals, Manufacturing and Energy Council
19	John Perry	Office of the Coordinator-General
20	Brett Torossi	Tasmanian Heritage Council
21	Damian Mackey	Southern Midlands Council
22	Damian Mackey	Central Highlands Council
23	Damian Mackey	Tasman Council
24	Kylie Williams	GHD
25	Barry Williams	Cement Concrete and Aggregates Australia
26	Matthew Atkins	Devonport City Council
27	Andrew Hargrave	Department of Health
28	Sheree Vertigan	Cradle Coast Authority

Number	Name	Organisation
29	Indra Boss	Clarence City Council
30	Ashley Thornton	Waratah-Wynyard Council
31	Claire Bookless	Environmental Defenders Office
32	Joyce Chung	NICHE Planning Studio
33	Emma Riley	ERA Planning and Environment
34	Sally Shepherd	Department of Natural Resources and Environment Tasmania
35	Erin Langford	Department of Police, Fire and Emergency Management
36	Penny Wells	Private Forests Tasmania
37	John Jordan	Meander Valley Council
38	Michael Purves	Planning Institute of Australia
39	Jan Febey	Latrobe Council
40	Jan Febey	Kentish Council
41	Ben Goodsir	Department of State Growth
42	Sophie Underwood	Planning Matters Alliance Tasmania
43	Iain More	Launceston City Council
44	Dion Lester	Local Government Association Tasmania
45	Kate Mauric	King Island Council

Environment Protection Authority

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Our Ref: File Reference and DocONE/myDAS



6 February 2023

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

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

Dear

Consultation on the Regional Planning Framework and draft Structure Plan Guidelines

I refer to the letter from Minister Ferguson MP seeking comment on the enclosed the Regional Planning Framework Discussion Paper and the Draft Structure Plan Guidelines.

The documents have been reviewed, and while I have no substantive comment on either I note that the Environment Protection Authority (EPA) has not been included in the list of key stakeholders on page 13 of the Draft Structure Plan Guidelines. The EPA was established as an independent State Authority on 1 December 2021 and should be included as a key stakeholder for the development of Structure Plans as envisaged by the Regional Planning Framework.

Thank you for the opportunity to review and provide comment on the documents.

Yours sincerely

Wes Ford
DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY



Regional Planning Framework and Structure Plan Guidelines

In our view the emergence of the Regional Land Use Strategies and Structure Plans over the past decade or so has represented the neoliberalisation/privatisation of land use planning.

We do not support Structure Plans as they have previously been produced in Break O Day because they have been concocted by a pro development Local Council in conjunction with private consultants who primarily work for property developers and or industry. As such the outcome is not high quality land use planning documents that comprehensively consider ecological, social and economic information but rather ad hoc ambit claims on behalf of the vested interests of selected property developers or industries. Structure Plans if they are worth doing at all should go through the same process as rezoning applications where the TPC is responsible for assessment, public hearings and the final approval independent of State or Local Government influence or interference. As an example the St Helens and Surrounds Structure Plan while it had some merit lacked many of the transparency and accountability safeguards built into the TPC rezoning or Planning Scheme Review processes whereby the representations made by various individuals, community groups, industry or businesses are not provided for public scrutiny, there are no public hearings and the final decision as to what should or shouldn't be in the final document is made by Council and a private consultancy firm rather than an independent planning regulator. Given the high risk of corruption associated with property development only the highest standards of independence, transparency and accountability are acceptable.

It is stated in the discussion paper that Structure Plans are not statutory documents but for the purposes of land rezoning applications they do have legal force. In the Tasmanian Planning

Commissions decision 15th January 2020 re Draft Amendment 01-2018 Permit 021-2018 for a rezoning and 54 lot subdivision at 50 St Helens Point road the TPC stated the following:

Decision on draft amendment

75. The Commission finds that the draft amendment:

- is not, as far as is practicable, consistent with the policies and actions under the Northern Tasmania Regional Land Use Strategy, particularly RSN- A26 which requires that rural living growth be directed to areas identified in local strategy, relevantly the St Helens and Surrounds Structure Plan and the Break O'Day Council Municipal Management Plan – Land Use and Development Strategy; and
- does not further objective (b) of the Resource Management and Planning System in Schedule 1 of the *Land Use Planning and Approvals Act 1993* because it does not provide for the fair, orderly and sustainable use and development of land.

We therefore contend that Structure Plans already have legal weight in planning decisions being made. Our view is that Structure Plans as they are currently formulated should have no legal or statutory status because they don't reflect best practice in land use planning and more importantly do not meet the need for the highest standards of governance when dealing with land use planning matters where significant risks of corruption are always present.

We also note that almost immediately after the rejection by the TPC of the above mentioned development the Break O Day Council allocated \$70,000 to review their Land Use Strategy.....

As with the Structure Plans the previous Regional Land Use Strategy for Northern Tasmania was notable for the fact that the State Government considered it acceptable for Northern Tasmania Development (NTD) a development and industry lobby group to facilitate the process. There could be no more blatant example of a clear conflict of interest and this reinforces our preliminary point that planning has become the plaything of the development sector rather than being a regulatory framework protecting the long term public interest.

As with Structure Plans our view is that Regional Land Use Strategies should be administered by the TPC. What now appears to be occurring is the TPC being sidelined and instead the Policy Planning Unit (now renamed the State Planning Office) and Local Councils being given more powers to influence RLUS. This is concerning because in our view the PPU was originally set up as a means to take away the TPC's overarching planning policy and review roles and instead make them only an assessment body subservient to planning policies and directives from the State Planning Office (SPO) which mirrors the "planning reform" agenda of the State Government who in turn reflect the land use planning aspirations of the property development sector ie the Property Council. The increased powers implied for Local Government are also alarming as in the case of Break O Day Council they have a long record of supporting development at any cost rather than a commitment to ecologically sustainable development. Given the Break O Day Councils ideological advocacy for all development and growth they are not fit for purpose to be influencing strategic land use planning documents and outcomes.

While the report notes the requirement for RLUS to be consistent with Schedule 1 and State Policies we are yet to see any evidence that any Planning Scheme review or RLUS is truly consistent with these requirements. If they were we would not be witnessing the continual degradation and decline in biodiversity and natural resources such as water which is occurring. In addition without an up to date State of the Environment report both State and Local Governments lack contemporary information to base their planning decisions on though of course a precautionary approach should always be adopted to minimise the risk of mismanagement and overdevelopment which can have dire short and longer term consequences for people and biodiversity.

Summary recommendations

- The State Planning Office should be abandoned. It has just added another layer of bureaucracy to the Tasmanian Planning System mainly for the purpose of sidelining the Tasmanian Planning Commission (TPC) from its overarching strategic planning role in Tasmania.
- We do not support Structure Plans being able to be submitted by private developers.
- All Regional Land Use Strategies should be overseen by the TPC and involve full disclosure of all submissions and the usual consultation process involving comments on a proposed initial RLUS, comments on a redrafted RLUS as well as public hearings
- All RLUS, Structure Plans etc must genuinely comply with State Policies and Schedule 1

While in theory RLUS, Structure Plans etc are supposed to be consistent with Schedule 1 and State Policies the reality is that there is no mechanism in place to assess State or Local Government performance regarding for example objective and measurable ecologically sustainable performance indicators ie extent and condition of native vegetation and habitat, health and status of threatened species, landscape connectivity, water quality and quantity etc. This allows Local and State Govt to oversee continual decline in the health, integrity and resilience of ecosystems because there is no regular requirement to demonstrate they are properly managing environmental qualities and values. The aim of such a program would be to provide evidence that over time environmental indicators are improving not declining. This would obviously entail not only protecting and managing existing qualities and values but

also considerable increases in ecological restoration to improve the condition of degraded terrestrial and aquatic ecosystems.

An Ecological Indicators Audit System should be implemented whereby prescriptive targets for a range of ecological/biodiversity and landscape health indicators are established and regularly monitored with the overall goal of net gain over time.

All RLUS, Structure Plans etc should link to State of the Environment reporting and the Ecological Indicators Audit System to ensure they are consistent with and meeting the requirements of Schedule 1 and State Policies

The auditing of this process should be undertaken by independent scientists with the relevant skill sets.

Ultimately such an approach requires planning that understands and takes into account limits to growth rather than being demand driven.

Yours sincerely

Todd Dudley

President

North East Bioregional Network



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Our Ref:

Your Ref:

Enquiries to:

15 February 2023

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

Dear Sir/Madam

RE: Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines

Thank you for the opportunity to review the regional planning framework discussion paper and draft structure plan guidelines.

The Sorell Planning Authority considered these documents at its meeting on 7 February 2022.

Discussion Paper

On the issue of the regional planning framework, our submission in response to the questions in the discussion paper is as follows.

Discussion Paper Questions	Council Response	Reasons
<i>Scope and Purpose</i>		
Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?	Yes	Will help ensure the role of regional planning in the broader legislative framework, and its implementation, is clear.
Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?	Yes, agree with the content suggested	If a consistent, say 20-year, time horizon is set, it is important that the analysis and outcomes be able to take into account very long-term infrastructure and growth needs as appropriate.

<i>Consistency</i>		
What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?	As much terminology as possible should be defined and consistent. Hierarchies of activity centres and settlements should be consistent. Matters that are of State interest should be consistently expressed.	To minimise interpretation issues that currently exist within and surrounding land use planning practice in Tasmania.
Should there be a template for RLUSs?	Yes, at a high level	This could adopt the final structure of the Tasmanian Planning Policies with common issues/themes.
<i>Assessment and declaration</i>		
Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?	Yes, a public TPC hearing process is appropriate.	Consistent with LUPAA objectives for shared responsibility and public engagement.
Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?	Yes. The suggested matters on page 12 appear narrower than the suggested scope and purpose on page 9. It is essential that the TPC consider how well a RLUS provides for appropriate and necessary localised outcomes specific to localities or sub-regions.	The suggested matters on page 12 are top-down, being those related to LUPAA objectives, State Policies and Tasmanian Planning Policies. As structure planning takes on an increasingly important role in the planning system, sub-regional and local considerations will be more clearly understood and expressed. The TPC should consider such bottom-up concerns.
<i>Review</i>		
Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?	Yes	
Should any other matters trigger the review of the RLUSs?	Potentially, depending on the provisions, if any, for out of cycle amendments	

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?	Yes	
<i>Amending</i>		
Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?	Yes, LUPAA should specify a process. Yes, the TPPs process is an appropriate basis.	
Should different types of amendments be provided for, such as a minor amendment of the RLUSs?	Yes.	This is critical. The significant interpretation issues of the current RLUS could have been minimised through simple corrective amendments.
What matters should qualify as triggers for amending a RLUS?	Changes to a TPP or State Policy, legislative change, major infrastructure projects, emergency recovery plans or other significant project or program	The need for ad hoc RLUS amendments should be avoided. Regular, 5-year reviews should be sufficient to avoid this. However, strategic planning in Tasmania is still in its infancy and while investment and experience continues to improve, it may be naive to think that reviews outside the five-year cycle will be necessary. Out of cycle reviews however should be limited to matters that impact one or more communities, as opposed to narrow site-specific considerations.
If more regular reviews are required or the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?	No comment	

Structure plan guidelines

Council is supportive of the guidelines and for an increased importance of structure planning in the overall land use system. We ask that consideration be given to broadening or refining the guidelines as follows:

- At section 1.3, which lists what a structure plan can achieve, highlight that structures plans are important to respond to population and demographic change and recognise that structure planning is an important growth management tool to better understand these changes and the implications for services, infrastructure and land use.
- At section 2.1.10, specifically address the need for infrastructure costs to be incorporated into Council Long-Term Financial Plans and the degree to which developer contributions, external funding or separate rates and charges are appropriate or necessary. The LGAT infrastructure contributions project has identified the clear basis for infrastructure contributions as one means to fairly distribute costs of necessary infrastructure. Section 2.1.10 should be broadened in scope and should include reference to infrastructure contributions.
- At section 1.2, include a precise definition on what a structure plan is and (with or without a precise definition) a table or text outlining the key features of a structure plan alongside the key features of an outline development plan, master plan or other land use studies in order to distinguish what a structure plan is and isn't.
- Include in the list of key stakeholders on page 13:
 - local chamber of commerce or similar
 - local NRM bodies
 - other local organisations that assist in coordination environmental, social, health or other important services.

Council is eager to see progress with the next iteration of the regional land use strategy.

If you have any further queries regarding this letter please do not hesitate to contact **Shane Wells**

Yours sincerely,

Shane Wells
Manager Planning

From: Ramsay, John
Sent: Thursday, 16 February 2023 3:24 PM
To: State Planning Office Your Say (DPaC)
Cc:
Subject: Consultation on the Regional Planning Framework and draft Structure Plan Guidelines

The Tasmanian Planning Commission considered the above two documents at its meeting on 6 February last.

The Commission considers that the proposals contained in the Regional Framework Discussion Paper and the Structure Plan Guidelines have the potential to improve the operation and efficiency of a number of aspects of the Tasmanian planning system.

The proposals are generally supported by the Commission. Further the Commission considers that there is potential for the proposals to be of positive assistance to the Commission's assessment and decision making roles .

The Commission noted the suggested assessment and recommendatory role for the Commission in relation to the review and approval process for regional land use strategies.

The Commission considers that it has the necessary experience and processes to successfully undertake that role. However the additional responsibility may have consequential resource requirements, depending on the workload of the Commission at the time of the assessment.

John Ramsay

Executive Commissioner | Tasmanian Planning Commission
 Department of Justice
 61656828

TASMANIAN PLANNING COMMISSION

GPO Box 1691 Hobart Tas 7001
www.planning.tas.gov.au



In recognition of the deep history and culture of this Island, we would like to acknowledge and pay our respects to all Tasmanian Aboriginal people; the past and present custodians of the Land.



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TW HPRM ref: 23/11654

28 February 2023

Deputy Premier
Treasurer
Minister for Infrastructure and Transport
Minister for Planning
Level 10, Executive Building, 15 Murray Street, Hobart
Public Buildings, 53 St John Street, Launceston
GPO Box 123, Hobart TAS 7001 Phone: (03) 6165 7701;

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

Dear Minister Ferguson

Response to Regional Planning Framework

Thank you for the opportunity to provide feedback on the Regional Planning Framework (RPF). TasWater has taken the time to consider the RPF discussion paper and the structure plan guidelines (SPG).

Generally, TasWater are very supportive of the proposed framework, including the SPG, particularly in relation to the level of engagement that is proposed with TasWater within the SPG's.

TasWater's answers to the specific questions in the RPF discussion paper are as follows.

1. *Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?*

Yes. If the RLUSs are to remain an effective part of the Planning System in this State, they need to be treated in the same manner as the other parts of the Planning System that are effective.

2. *Do you agree with the suggested contents above?*

Yes. With the introduction of the TPPs, the contents of RLUSs need to be confined to those items that have been suggested otherwise the difficulties with interpretation and ambiguity outlined in section 1.3 of the discussion paper, will not be mitigated considering the role of the RLUSs in the Planning System is to remain the same.

3. *Are there other matters you think the RLUSs could capture? No*

4. *What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?*

The preferred approach would be that everything is consistent in the RLUSs unless there was good reason for any departure.

5. *Should there be a template for RLUSs?*

Yes

6. *Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister?*

Yes. *Should the assessment process include public hearings?* Yes, subject to the Commission having the discretion to call the hearing.

7. *Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs?*

Yes

8. *Are there any different matters that should be included?*

No

9. *Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?*

Yes

10. *Should any other matters trigger the review of the RLUSs?*

This should not be necessary if the proposed scope of the RLUSs are implemented, and the role of the RLUSs in the Planning System is to remain the same. This is because LPSs only need to be consistent with the RLUSs "as far as practicable", so with the reduced scope of the RLUSs there is little scope for any other triggers to be considered for a full review.

11. *Should the review process for the RLUSs be similar to that of the TPPs and SPPs?*

Yes

12. *Should the LUPA Act provide a specific process for amending RLUSs?*

Yes

13. *Should that process be similar to that of the TPPs?*

Yes

14. *Should different types of amendments be provided for, such as a minor amendment of the RLUSs?*

What matters should qualify as triggers for amending a RLUS? Yes, where a mistake is made or correction that is needed has been identified.

15. *If more regular reviews are required of the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?*

Not Applicable.

16. *Please provide your feedback on the draft Structure Plan Guidelines.*

Excellent. Particularly the level of engagement that is proposed with TasWater.

17. *Do you think the draft structure plan guidelines will assist councils, planners, developers, and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?*

Yes

18. *Are there any other additional matters or issues that should be considered for inclusion in the guidelines?*

No

If you have any further queries in relation to the information supplied, or wish to discuss the matter further, please contact Jason Taylor on _____ or via email at _____

Yours sincerely

Matt Derbyshire

General Manager Asset Management Services



REGIONAL PLANNING FRAMEWORK DISCUSSION PAPER SHELTER TAS SUBMISSION, FEB 2023



ShelterTAS
Housing and Homelessness Peak

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Government**

Shelter Tas is supported by Homes Tasmania.



Shelter Tasmania acknowledges the Traditional Owners of country throughout lutruwita/Tasmania and their continuing connection to the land, sea and community. We pay our respects to them and their cultures, and to elders past and present.



Shelter Tas welcomes and supports people of diverse genders and sexual orientations.

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17 February 2023

By email to yoursay.planning@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 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 vision is affordable, appropriate, safe and secure housing for all Tasmanians, and an end to homelessness. As a member of the Ministerial Housing Reference Group, Shelter Tas is highly aware of the important connections between the development of the twenty-year *Tasmanian Housing Strategy (2024-44)* and reforms to Tasmania's planning system.

Our submission

Shelter Tas welcomes the opportunity to respond to the *Regional Planning Framework Discussion Paper*. The Regional Land Use Strategies (RLUS) provide direction around growth and land use. Given the current and ongoing housing pressures across Tasmania, and in particular, the chronic shortage of affordable rental homes, this planning framework has an essential role in ensuring development that enables that all Tasmanians to find the homes they need. The framework needs to be designed to facilitate an adequate supply of social and affordable homes. The Planning Framework will need to align with and support the current twenty-year *Tasmanian Housing Strategy (2024-2044)* now under development. It will also be important to explicitly recognise the importance of social and affordable housing, which is currently included in the *Draft Tasmanian Planning Policies*.

A core function of the Planning System is to enable every Tasmanian to have access to housing that is:

- affordable — people should not be living in poverty after they have met their housing costs
- adequate — everybody is entitled to housing that meets basic standards of decency and their own basic needs
- secure — people should not live under a threat of loss of home and shelter
- accessible — access to housing should be free from discrimination and conform with universal design principles, at a minimum

- in the right place — housing should be located close to transport, services and support networks, job opportunities, and social and leisure activities
- able to meet their lifecycle needs — people have different housing needs at different stages of their lives, and housing should be available to meet these changing needs.

Shelter Tas supports ongoing reform of the Tasmanian Planning System so that planning can meet the housing needs of all Tasmanians, and support development that alleviates Tasmania's chronic shortage of social and affordable rental housing into the future.

- Shelter Tas supports the immediate and thorough review of the Regional Land Use Strategies, and the establishment of proper processes to support good planning outcomes.
- Shelter Tas recommends that the Regional Land Use Planning Framework and strategies explicitly include as part of their purpose the need for social and affordable housing in all Tasmanian neighbourhoods, as an integral part of contributing to the livability, health and wellbeing of the community. Livability must include social and affordable housing so that regional strategies can play an effective part in improving the standard of living for those whose housing is contributing to ill health and poor wellbeing. This would also reinforce the importance of social and affordable rental housing in the Tasmanian Planning Policies.
- Shelter Tas recommends that the Regional Land Use Framework enable and encourage inclusionary zoning, to ensure diverse and vibrant communities across all Tasmanian neighbourhoods. 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.¹ The Framework could enable a similar system in Tasmania to be phased in over time.
- Shelter Tas recommends that the Regional Land Use Framework and Strategies include mechanisms to manage the impacts of short stay accommodation. Short stay accommodation is a planning issue, and planners need to balance the need for long term rentals and visitor accommodation in all regions of Tasmania. Increasing supply of homes for long term residents (the existing and future needs of Tasmanians) will be undermined wherever new builds are diverted to short stay accommodation. The Framework and Strategies need to support building and maintaining properties in the residential sector. As recent research shows, about two-thirds of current short

¹ <https://www.ahuri.edu.au/sites/default/files/documents/2022-09/Executive-Summary-FR388-Private-sector-involvement-in-social-and-affordable-housing.pdf>

stay properties in Launceston have previously been long term rentals, and in greater Hobart nearly half of the short term rental properties had been long term rentals.²

- Shelter Tas encourages broad consultation to include peak bodies and other expertise from the housing and homelessness sector.

Thank you for the opportunity to contribute to the consultation on the *Regional Planning Framework Discussion Paper*. Planning for social and affordable housing within the RLUS and the broader planning system is essential for good housing outcomes for all Tasmanians.

Please note other relevant submissions by Shelter Tas are available on our website at <https://shelertas.org.au/resources/papers-and-reports-2/>

For any further information on this submission, please contact:

Pattie Chugg
Chief Executive Officer, Shelter Tas

² <https://shelertas.org.au/monitoring-the-impact-of-short-term-rentals-on-tasmanian-housing-markets-1st-update-since-june-2022-baseline-report-dec-2022/> and <https://shelertas.org.au/monitoring-the-impact-of-short-term-rentals-on-tasmanian-housing-markets-baseline-report/>

From:
Sent: Monday, 20 February 2023 2:21 PM
To: State Planning Office Shared Mailbox
Cc: State Planning Office Your Say
Subject: PLANNING ACT REVIEW SUBMISSION

Hello Tasmanian State Planning

While I deem that I am simply not sufficiently well-informed on the minutiae of the Regional Planning Framework Discussion Paper or the draft SPGs to offer detailed comment, two related issues which bear directly on my purchase and occupation of property within a declared Residential zone, is that of pre-existing non-conforming uses, and the transfer of legal ownership of the non-conforming use.

Approaches to my local Northern Midlands Council have yielded neither satisfaction nor even confirmation that the offending land-use is capable of being rendered compliant. My efforts have included lodgement with the Council's General Manager of a Notice under to S63B(2)(C) of the LUPA 1993 Act, which was neither acknowledged, nor did the General Manager respond in any way despite specific provisions for response within the Act.

May I offer the following for your consideration:

- 1 From my reading of Section 12 of the current LUPA 1993 Act, pre-existing but non-compliant land uses are protected indefinitely from any requirement that they either become compliant, or remove to an area whose zoning allows their activity. Copy of Section 12 copied below FYI.
- 2 The instance which bears upon my own amenity is a commercial operation commenced 30+ years ago, when this part of Longford was literally 'green fields', together with a cemetery bounded by Cressy Rd, Cracroft St and Marlborough St. It may indeed be that indefinite allowance of pre-existing non-compliant uses could not anticipate the extent to which competing land-uses may impose on those which, at the time of their establishment, seemed well beyond the need for consideration of other uses.
- 3 In the intervening period, residential development approved by Council has spread to the point where the mentioned commercial operation is now completely surrounded by compliant residential properties.
- 4 Purchasers including myself were ignorant of the extent and the permanence of such an operation, which now involves constant heavy vehicle movement along residential streets, constant mechanical noise from the same source, and the presence and 7-day operation of a poorly-maintained mechanical workshop involving – again – constant vehicle movement and noise, and which is physically completely out of character with the surrounding residential properties.
- 5 Hope for change due to the current operator's increasing age is thrown into doubt by the possibility that he may try to retain the commercial operation's current entity, but effectively transfer the operation to a family member, denying the community any opportunity to be consulted on the impact of any change of effective ownership.

I ask please for your consideration of two potential amendments to the existing Planning Act:

- a. That any protection afforded to a pre-existing non-compliant land-use be subject to a mandated 'sunset clause', giving specific time for the non-compliant use to either become compliant, or remove itself to an area where zoning allows the activity: and
- b. That by whatever means, any significant change of ownership of non-compliant pre-existing use land uses triggers a community consultation process before any such change is permitted.

I thank you for considering my submission, which I ask please be treated as confidential. I would be more than happy to be contacted to discuss further these issues, if required by you. The best means of contact is via this email address, or my phone contacts are 6371 2136, or 0402 541 550.

Yours faithfully,

LUPA 1993 RE PRE-EXISTING LAND USES

12. Existing uses and developments

(1) Subject to [subsections \(5\)](#) , [\(6\)](#) and [\(7\)](#) , nothing in a provision of a planning scheme, or of the Tasmanian Planning Scheme, in relation to a municipal area is to be taken (including by virtue of requiring a permit to be obtained) to –

(a) prevent the continuance of the use, of any land, in the municipal area, upon which buildings or works are not erected, for the purposes for which the land was being lawfully used immediately before the provision came into effect; or

(b) prevent –

(i) the use, of any building in the municipal area that was erected before that provision came into effect in relation to the municipal area, for any purpose for which the building was lawfully being used immediately before the provision came into effect in relation to the municipal area; or

(ii) the maintenance or repair of such a building; or

(c) prevent the use, of any works constructed in the municipal area before the provision came into effect in relation to the municipal area, for any purpose for which the works were being lawfully used immediately before the provision came into effect in relation to the municipal area; or

(d) prevent the use of any building, or works, in the municipal area, for any purpose for which it or they were being lawfully erected, or carried out, immediately before the provision came into effect in relation to the municipal area; or

(e) require the removal or alteration of any lawfully constructed buildings, or works, in the municipal area.

(2) Nothing in a provision of a planning scheme, or the Tasmanian Planning Scheme, in relation to a municipal area is to be taken to prevent a development, in the municipal area –

(a) that is a development in relation to which a permit, or a major project permit, is in force; and

(b) that is a development that was not completed before the provision came into effect in relation to the municipal area –

from being completed within 3 years of that provision coming into effect in relation to the municipal area or any lesser or greater period specified in respect of the completion of that development under the terms of the permit or another permit or to prevent the use of the land on which the development is carried out for any use that is authorised by the permit.

(3) Nothing in a provision of a planning scheme, or the Tasmanian Planning Scheme, in relation to a municipal area is to be taken to prevent a development, in the municipal area –

(a) that is a development –

(i) that was, before the commencement of the provision, a development in relation to which a permit under this Act was not required; and

(ii) in relation to which a permit, or a certificate of likely compliance, under the [Building Act 2016](#) is in force; and

(iii) that was not completed before the provision came into effect in relation to the municipal area; or

(b) that is a development that was lawfully commenced but was not completed before the provision came into effect in relation to the municipal area –

from being completed within 3 years of that provision coming into effect in relation to the municipal area or to prevent the use of the land for the purposes for which the development was carried out.

(4) Nothing in a provision of a planning scheme, or the Tasmanian Planning Scheme, in relation to a municipal area is to be taken to prevent (including by virtue of requiring a permit to be obtained) the reconstruction of a building, or restoration of works, that is or are destroyed or damaged and was or were integral and subservient to a lawfully established existing use, whether or not the use conforms to the provision, if –

(a) the destruction or damage was not caused intentionally by the owner of that building or those works; and

(b) the building or works was or were lawfully established before the provision came into effect in relation to the municipal area –

or to prevent the use of the reconstructed building or works for the purposes for which they were reconstructed or restored.

(5) [Subsections \(1\)](#) , [\(2\)](#) , [\(3\)](#) and [\(4\)](#) do not apply to, or in relation to, a use of land –

(a) that has stopped for a continuous period of 2 years; or

(b) that has stopped for 2 or more periods which together total 2 years in any period of 3 years; or

(c) that is seasonal in nature, if the use does not take place for 2 years in succession.

(6) [Subsection \(1\)](#) does not apply to the extension or transfer from one part of a parcel of land to another of a use previously confined to the first-mentioned part of that parcel of land.

(7) Subsections (1) , (2) , (3) and (4) do not apply to, or in relation to, a use, of any land, building or work, that is substantially intensified.



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From: Tom Reilly
Sent: Monday, 5 December 2022 9:31 AM
To: State Planning Office Your Say
Subject: Regional Framework Discussion Paper Open for Consultation

Dear SPO,

Great work with this initiative to implement State Policies through Regional Land Use Strategies.

LUPAA is almost illegible in parts. Please don't try to add another layer to LUPAA to give effect to this regional planning framework in the same manner as was undertaken for the SPPs and the LPSs. The problems of interpreting multiple grammatical negations in the same sentence and the lack of plain English does no service for practitioners or the public.

Please work with the Office of Parliamentary Council and other organisations such as the Law Society to ensure that the excellent system is not let down by poorly drafted legislation.

Great work, thank you.

Sincerely
Tom Reilly

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Ref: 02/040-EM

14th February 2023

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001
Via email only: yoursay.planning@dpac.tas.gov.au

To whom it may concern

Re: Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines submission

Thank you for the opportunity to provide a submission on the Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines. This submission is separated into two sections – (1) comments in response to the questions within the Regional Planning Framework Discussion Paper and (2) comments in response to the draft Structure Plan Guidelines.

Regional Planning Framework Discussion Paper

2.1 Scope and Purpose

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

The Regional Land Use Strategies (RLUSs), along with the Tasmanian Planning Policies (TPPs) and State Planning Provisions (SPPs) are the three pillars of the planning framework; therefore, for consistency across the region and the state, it is logical that all three are legislated in a similar manner, whether that be under the *Land Use Planning and Approvals Act 1993* (the Act) or associated regulations for ease of amendment. A lower order administrative arrangement may create difficulties in achieving consistency and achieving intended outcomes.

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Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

While it is agreed that the contents and purpose of the RLUS should be set out in legislation or regulations, more detail is required to clearly identify how the purpose and content of the RLUS will be achieved. It may be that this is best outlined within an approved template to reduce the risk of misinterpretation of what the legislation is trying to achieve. A clear distinction is required between the role of the RLUS and the TPPs, what they relate to and to clarify the respective hierarchies of each document.

There is merit in identifying a time frame for the RLUS.

More detail is required in regard to what an accompanying plan for staging would look like within the RLUS (and how this aligns with local strategies) and clarification is required on what is meant by funding arrangements and prioritisation. If this is to specify the role of the Regional Planning Coordinator, surety must be provided that this role can be filled and maintained.

It is noted that stage 1 of the project is not intended to delve into the specific content of the RLUS; however, it is important that there is a clear understanding of how the legislative requirements will transpire into the final document, in order to know if it is sufficiently comprehensive or not.

2.2 Consistency

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)? Should there be a template for RLUSs?

Consistency in terminology and categories would be beneficial to the interpretation and implementation of the RLUSs going forward. Categorisation (hierarchy) of settlements may be best articulated within local level strategies to take into consideration the unique characteristics of the local area and allow for economic and development opportunities that may not have been accounted for between review periods and achieve a responsive approach that feeds into the RLUS. A template for the RLUS would assist in creating consistency across the state and allow for ease and familiarity of interpretation.

2.4 Assessing and declaring regional land use strategies

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister?

Given the similar regulatory weight to other statutory planning instruments, there is merit in the assessment process following a similar method of assessment via the Tasmanian Planning Commission (TPC). Any assessment the TPC undertakes should be done in direct consultation with the Regional Planners Group, to ensure the relevance and workability of the content.

Should the assessment process include public hearings?

Yes – public hearings are required for the transparency of the planning system and community buy-in. Public education in the planning space continues to grow, as seen by the continued participation in the planning reform process and in the planning system more generally; however, more work is required to ensure the accessibility of any public involvement. It is important that the planning in Tasmania strives toward a system that is more democratic and representative. Not providing an opportunity for public involvement would be dismissive to the ideas and expectations of the community.

Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

It is generally agreed that the RLUS should be subject to similar considerations as the TPPs during the assessment process. Other matters that could be considered include:

- Interregional consistency
- Adherence to a state-wide template (if developed)

It is noted that data management and funding arrangements will be considered within stage 2 of the project.

2.5 Reviewing Regional Land Use Strategies

Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

A five yearly review cycle would allow for consistency with the other key planning instruments, particularly if they are structured in a similar manner.

Should any other matters trigger the review of the RLUSs?

Mechanisms should be put in place to allow for a review if growth triggers a specified threshold between the review periods, or to allow for other significant changes to be considered, perhaps at the direction of the Regional Planners Group to ensure there is a baseline desire for change across the region. Such mechanisms will require careful drafting to ensure equality in opportunities for each Council in the region.

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

The review process needs to include consultation at a regional level to ensure the mechanics of the document are fit for purpose and meet the needs of the end users. There is merit in formalising the review process to ensure that timeframes for review are adhered to and there is consistency across the state.

2.6 Amending Regional Land Use Strategies

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

It is logical that the amendment process for each of the key planning instruments are legislated in a similar manner.

Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

A simplified process for minor amendments would allow for the upkeep of the document without the need for lengthy and formal amendment processes.

What matters should qualify as triggers for amending a RLUS?

Minor amendments may be considered as:

- Typographical errors
- Improving the interpretation and readability of the document where the intent and purpose of the strategy does not change

It agreed that the regular review of the RLUS will reduce the need for amendments to the document. Consideration could be given as to whether updated mapping to reflect changes in urban areas would constitute an amendment and whether the completion of local strategic documents should also be reflected in the RLUS via an amendment.

If more regular reviews are required for the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

The option for amendment should be available to consider any significant changes between the review periods at the request of any Council to the relevant minister.

Structure Plan Guidelines

Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?

Once developed, structure plan guidelines will be of great assistance by creating consistency in expectations of both the producers and users of structure plans.

Are there any other additional matters or issues that should be considered for inclusion in the guidelines?

- Define other types of plans – settlement strategies, master plans etc
- Specify one point of contact for each stakeholder that is aware of the scope of information required to be provided by the stakeholder or service provider

- Set objectives to be achieved in consultation with stakeholders to ensure consistency and accuracy in feedback
- Clarification on how conceptual (or not) layouts within a plan should be (more definition assists at amendment stage – provides clarity around compliance)
- Degree of accuracy required in road layouts
- Need for scale in layouts
- Justification/reasoning of layout
- Outline what aspects of a structure plan are crucial, what aspects are recommended and additional considerations
- Requirements that definitions/terms are consistent with state provisions (ie. matching zone density with layout density terms/consistent with RLUS)
- Traffic Impact Study – should be a requirement for inclusion in structure plan and include: all modes of transport, adequacy of existing road networks, need for new works, consideration of connections to bus routes and pedestrian amenities/connectivity
- Tas Gas /Entura and NBN should be included as stakeholders for consultation
- Requirements to achieve best practice consultation and examples of how this might be achieved

Should you have any further questions, please do not hesitate to contact me, either by email or by phone

Yours Sincerely

Erin Miles
Strategic Projects Officer

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24 February 2023

State Planning Office
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HIA Submission on the Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines

Thank you for the opportunity to provide comment in response to the *Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines* (RPF/SPG).

HIA welcomes inter-governmental collaboration and consultation with the residential construction industry on major policy reform that supports the development of new housing, through streamlined approval and cutting of red tape in the planning system.

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 body of work by the State Planning Office to review the Tasmanian Planning System has not gone unnoticed by HIA.

Both directly and indirectly, housing supply in Tasmania is currently being addressed through a number

of inter-related major policy reviews by the Tasmanian Government (the 'government'), including:

- *Tasmanian Housing Strategy Discussion Paper* – public consultation closed in October 2022;
- *State Planning Provisions* review – public consultation closed in August 2022;
- *Tasmanian Planning Policies* review – public consultation closed in November 2022;
- *30 Year Greater Hobart Plan* (in collaboration with the Greater Hobart Committee) – awaiting the next round of consultation;
- *Draft Tasmanian Housing Bill* – public consultation closed in June 2022; and
- *Medium Density Residential Development Standards / Apartment Code* – on hold.

HIA has provided a submission or comments in some form to all of the above. We also participate and contribute to a number of reference groups that have been established as a consequence of these reviews. While these reviews are being led by the government, it appears they are in some instances being independently pursued without an overarching assessment of their holistic effect. It is critical that members of each Policy Team collaborate together to ensure the findings are thoroughly interrogated and final recommendations lead to consistent, supportive and effective statutory policy to enable achievement of the ambitious housing growth targets in Tasmania.

HIA Economics data for 2022 shows Tasmania:

- Commenced construction of 3,125 new homes (2,805 detached and 320 multi-units)
- Completed 3,635 homes (3,483 detached houses and 152 multi-units)
- Had over \$1.15 billion dollars of residential projects in the pipeline.

This exceeded expectations of what is generally considered to be reaching a 'peak' (i.e. commencing 3,000 homes) in Tasmania. The vast majority of these are occupied privately, either by owner occupiers or through the private rental market.

HIA notes the government's target to deliver an additional 10,000 new social and affordable homes by 2032, at an average of 1,000 per year. The addition of approximately one third more homes (i.e. circa 4,000 per year) will put current supply under enormous pressure. HIA believes the government must ensure there are tangible improvements to the *planning system* and *land supply* to meet the growing demand for new housing.

HIA has provided further comments on these important deliverables in other recent submissions to the State Planning Office and through the Ministerial Housing Reference Group. Naturally, HIA welcomes further discussion and consultation with industry on removal of planning constraints.

HIA response to the RPF/SPG

As we generally understand, the RPF/SPG review is to consider what the appropriate legislative amendments/regulatory updates and administrative arrangements should be for regional area structure planning in Tasmania. At the granular level, the SPGs are intended to serve the policy objectives of the Regional Land Use Strategies (RLUS).

Generally speaking, this level of policy making is not something that directly affects our members and is certainly not front of mind in their day to day business. However, HIA wishes to input into this process as it will inevitably correlate to easier navigation of the planning system, avoiding red tape and improving general business conditions, so our members can continue to deliver in-demand homes for Tasmanians.

Referring to the exhibited material, particularly *Figure 1 Hierarchy of Planning Instruments* of the RPF, the RPF/SPG, RLUS and Tasmanian Planning Policies (TPP) must be consistent with and serve the purposes of the State Planning Policies (SPPo).

HIA was a submitter to the TPP consultation in October 2021. We raised concerns that much of the TPP content is not 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*.

Our concern is the state policies pursuant to the *State Policies and Projects Act 1993* are lacking in their object to support *settlement, the built environment and heritage, economic development, transport and infrastructure*.

Consistent with that view, it should be a **first order priority** to address this deficiency before completing a review of the RPF/SPG and TPP.

RPF/SPG consultation questions

The below is not a comprehensive response to all of the feedback questions in the RPF. Our comments generally reflect important structural/technical feedback and address key issues for HIA members.

Q: Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

A: If this content must have statutory weight, it should be via reference documentation in the Tasmanian Planning Schemes (TPS). It is too high level to be incorporated for consideration at the planning permit application level. It should not require consideration as part of the application requirements.

Q: What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

A: There should be consistency of terms and a clear set of definitions in the RPF. The framework should set expectations for what to consider/final outcomes but not constrain the way good outcomes are delivered. Innovation of ideas in strategy planning/delivery should be encouraged.

Q: Should there be a template for RLUSs?

A: A template may be useful to establish the framework. HIA would prefer to see this modelled for

consultation before commenting further. Too much detail in the framework has the potential to introduce confusion and derail innovative solutions.

Q: Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?

A: HIA does not oppose public hearings. They give all stakeholders including the community, the chance to contribute and have their say.

Q: Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

A: HIA does not oppose consistency in the review cycle of the RLUS, TPPs and State Planning Provisions (SPPr), i.e. every 5 years. As per our earlier comment, we see the need for an *urgent* review of the SPPo, because there are policy gaps in informing subordinate policies/strategies.

Q: Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

A: Yes. There should be a clear pathway to streamline minor amendments.

Q: Are there any other additional matters or issues that should be considered for inclusion in the guidelines?

A: HIA's other comments in the RPF/SPG review are as follows:

1. There should be consideration of government and responsible authority initiated investigative reporting at the structure planning stage. This can address for example site constraints, potentially contaminated land, Aboriginal cultural heritage, etc. prior to applications for land use. Preparing investigative reports during the structure planning stage could result in time savings in commencing and assessing land use and development in future. Where land ownership in structure planned precincts is fragmented, earlier intervention by government/authorities will increase the chances of timely progress. Where land ownership is fragmented, progress can be slow due to parties being reluctant to initiate action and/or communicate between stakeholders.
2. There should be a clear benchmark set for the delivery timeframe of a structure plan. The Victoria Planning Authority is currently reviewing its Precinct Structure Planning (PSP) process to seek improvement from more than 2 years to under 2 years. Understanding its own capabilities, the SPO should advise and justify a benchmark delivery target as part of this review.
3. Consideration should be given to how to deal with 'out of sequence' development. Broadly speaking out of sequence development is considered to be proposals that depart from the most logical development staging process. These should not be discouraged where there is a willing proponent(s) and delivery of a net community benefit. As in the example provided with fragmented land ownership, a 'down stream' party may be willing to support a structure plan and permit application process. In this event there should be consideration in the guidance as to how

this can happen. It may otherwise mean authorities derail out of sequence proposals before they can commence.

We thank you for the opportunity to provide comment at this initial stage. HIA would appreciate being consulted with regard to any further matters relating to the RPF/SPG.

Please do not hesitate to contact us if you wish to discuss matters raised in this correspondence – Roger Cooper HIA Senior Planning Advisor (03) 9280 8230 or Stuart Collins 0418 507 377 or s.collins@hia.com.au.

Yours sincerely
HOUSING INDUSTRY ASSOCIATION LIMITED

Stuart Collins
Executive Director
Tasmania



Department of Police, Fire and Emergency Management

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Ref: A23/40250

27 February 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 REGIONAL PLANNING FRAMEWORK DISCUSSION PAPER AND DRAFT STRUCTURE PLAN GUIDELINES

Thank you for the opportunity to provide a submission on the Regional Planning Framework Stage 1 improvements, and the draft Structure Plan Guidelines.

Regional Planning Framework

This submission addresses the legislative, regulatory and administrative arrangements for regional land use planning.

The Regional Planning Framework should:

- be simple, consistent, and efficient;
- deliver risk-based planning outcomes that manage flood risks (and other environmental hazards) to life, property, and infrastructure, and maximises community disaster resilience;
- consider climate change related flood risks; and
- communicate flood risk (and other environmental hazards) clearly to the public and all users of the planning system.

SES understand that the SPO is not seeking feedback on the specific content of the regional strategies/plans yet, and that opportunities to provide submissions on content will come at a later stage in the planning reform process. Recognising this, SES seek a regional planning framework that will result in the preparation of Regional Land Use Strategies (RLUSs) that:

- are consistent;
- apply contemporary disaster resilience land use planning practice such as that detailed in the Australian Disaster Resilience Handbook – *Land Use Planning for*

Disaster Resilient Communities 2020, and detail the matters to be addressed that materially change development potential in flood-prone areas;

- ensure planning addresses flood risks to life, property, and infrastructure and other values inside and outside of flood prone areas;
- require flood risk management planning to be based on a holistic risk-based approach and not on a single defined flood event like the 1% AEP;
- require the spatial representation of the extent of flood-prone areas within the planning region and the key considerations for use and development;
- identify regional stakeholders including municipal councils, state planning agencies, emergency services, Insurance Council of Australia, transport infrastructure owners, dam and irrigation authorities;
- consider regional evacuation including the location and capacity of evacuation routes and centres;
- determine appropriate future growth and intensification of development for the region in flood-prone areas; and
- identify regional flood risk mitigation measures that are required to ameliorate the impact of future development (for example, improved capacity to evacuation routes).

SES response to consultation questions – 2.1 Purpose and Scope

Do you agree that the general content and purpose of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and the SPPs?

Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

The general purpose and content of the RLUSs should be outlined in the legislation or regulations.

The legislation and regulations should clearly specify that RLUSs are concerned with regional level strategic land use planning.

The legislation and regulations should define;

- the distinctions between strategic and statutory planning in the planning system; and
- how different planning instruments (TPPs, RLUS and TPS), and governance arrangements link together to provide for these purposes.

The legislation and regulations should cement the strategic planning process and require that the statutory documents implement the relevant strategic plan directions.

The suggested RULS content specified in the Discussion Paper is appropriate.

The RULS should include a vision for the region that can be achieved over the planning horizon timeframe of the RULS. The vision should be developed through a collaborative process involving relevant stakeholder groups. The vision should be evidence based.

Establishing an achievable future vision for a region can allow the local provisions schedules and other local strategic plans, to do the work required to achieve the vision. It can allow strategic planning for infrastructure and services to be contextualised and funding for delivery of infrastructure and services to be prioritised.

Provisions should be made for regular monitoring and reporting of progress toward achieving the regional vision.

The RLUS should as a minimum include planning that aligns with the TPPs, including strategies for managing:

- Settlement;
- Environmental Values;
- Environmental Hazards;
- Sustainable Economic Development;
- Physical Infrastructure; and
- Cultural Heritage.

SES response to consultation questions – 2.2 Consistency

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

Should there be a template for RLUSs?

RULSs should be prepared in a consistent and simple format that uses language suitable for all users of the planning system including the general public.

The RULS development process should include a requirement for community and stakeholder engagement and consultation.

Legislative language and terminology is not always readily understood by all users of the planning system. Plain english regional planning guidelines may be required to ensure all stakeholders have equitable access to the planning process.

SES response to consultation questions – 2.4 Assessing and declaring RLUSs

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister?

Should the assessment process include public hearings?

Should matters be taken into consideration when assessing a RLUS be similar to the TPPs?

Are there different matters that should be included?

The process for assessing and declaring RLUS should be consistent with the processes in place for other planning instruments including the Tasmanian Planning Policies and the Tasmanian Planning Scheme.

SES response to consultation questions – 2.5 Reviewing regional land use strategies

Should timeframes for the review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

Should any other matters trigger the review of the RLUSs?

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

RLUSs should be reviewed at least once every 5 years.

The *draft Tasmanian Planning Policies section 7.3.3 – Strategy 4* provides for additional review triggers as follows:

“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.”

Provision should be made to enable a RULS to be reviewed after a significant bushfire, flood, storm, earthquake (or other environmental hazard event) that results in a major reconstruction need.

Reviews should include an updated analysis of growth and infrastructure provision. There may be a need to establish centrally based registers to support monitoring growth and development.

Environmental hazard overlays should be reviewed for adequacy at least 5 years and funding made available for the reviews. State agencies responsible for the maintenance and provision of natural hazard overlays should identify important data gaps required to be filled, to allow for hazard reassessment in keeping with contemporary methodologies.

RULS reviews should include an assessment of regional disaster resilience capability and capacity relative to current and projected growth.

Where a review identifies deficiencies in disaster resilience capability and capacity compared to residential and business growth, new strategies should to be included in RULS for the supply of suitable land for the provision of transport, critical infrastructure, and community services necessary for disaster resilience.

There may be matters identified in the *Future of Local Government Review – Stage 1 Interim Report – Council and Peak Organisation Submissions Analysis*¹, that the RLUS could capture and address including regional or state-wide:

¹ [Future of Local Government Review, Stage 1 Interim Report – Council and Peak Organisation Submissions Analysis](#)

- Waste management
- Climate change mitigation
- Bridges management
- Major project assessment and assessment of larger scale applications of State or regional significance, and complex development applications
- Regulatory functions including building permits and environmental health, councils assessing their own development applications

SES response to consultation questions – 2.6 Amending regional land use strategies

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

What matters should qualify as triggers for amending a RLUS?

If more regular reviews are required of the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

The concepts put forward in the discussion paper for amendments of the RLUS are appropriate. A tiered approach similar to the Tasmanian Planning Policies, including processes for:

- Declaring the next iteration of the RLUSs
- For making amendments to the RLUS, which is the same as the original declaration, but with shortened timeframes; and
- For making minor amendments to the RLUS (such as correcting errors and making clarifications) in accordance with set criteria without having to go through the full amendment process.

DRAFT Structure Plans Guidelines

SES supports the introduction of Structure Plan Guidelines. Preparation of Structure Plans at the local level will provide a valuable opportunity for municipal strategic planning for future growth, including the location, layout, design, and functions of settlements to plan for more disaster resilient communities.

Local Structure Plans can deliver nuanced planning solutions to risks from flood and other environmental hazards, with consideration to climate change, in existing settlements. With regular review intervals, Structure Plans could serve as a planning instrument to deliver the preferred options contained in longer-term climate change adaptation plans.

Structure Plans have the potential to address issues such as:

- Flood risks associated with new use and development on the flood hazard and the flow on effects to the existing community
- Impacts of the flood hazard on new use and development and its users

- Impacts of the new use and development and its users on the emergency response of the existing community²

Structure Plans provide for strategic planning at the local level. The complexity and vulnerability of local communities to natural hazards is better understood and planned for at the local level. When considering preparing structure plans that address vulnerability to natural hazard impacts, the following community characteristics should be considered:

- Changes in population
- Significant numbers of older or young persons
- Socio-economic grouping
- Proximity to emergency services
- People with mobility issues
- People with language barriers
- Isolation during and after a hazard event
- Infrastructure located in areas of high risk or that will fail/must cease operating when an event occurs³

Please contact the Manager Flood Policy Unit – Chris Irvine, on _____, or by email _____, if you wish to discuss any of the matters raised in this submission.

Yours sincerely

Chris Irvine
Manager Flood Policy Unit

² [Australian Disaster Resilience Handbook Collection 2020 – Land Use Planning for Disaster resilient Communities.](#)

³ [NSW Government 2021. Planning for a more resilient NSW – a strategic guide to planning for natural hazards](#)

Glenorchy City Council response on Regional Planning Framework Discussion Paper – 27 February 2023

Thank you for the opportunity to provide a response on the Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines. The following submission was endorsed at the 27 February 2023 Council meeting.

Review of Regional Land Use Strategies (RLUSs)

It is apparent the three Tasmanian Regional Land Use Strategies are outdated in a fast-changing environment, inconsistent and well overdue for a comprehensive review. The work involved with the review of the RLUSs needs to be prioritised, properly resourced and commence soon. The review process will require a strong engagement strategy around the challenges and options in managing growth. Without an early and robust consultation process, community trust and confidence on planning decisions later in the process will be undermined. Whilst the Regional Planning Framework (RPF) Project sets up the legislative framework required for the review of RLUSs, which will subsequently inform the necessary amendments to the *Land Use Planning and Approvals Act 1993* (the LUPA Act), this project adds another layer to the planning reform agenda where there are already a number of layers. This further pushes back timeframes in which the review of the RLUSs can occur. Therefore, it is critical that the early preparation work for the review process of the RLUSs (particularly elements such as establishing and gathering data requirements and general analysis work) also be commenced in parallel. This will enable the final review of the RLUSs to be on track for when the legislation is in place, which is the outcome of the RPF project.

Response to the questions posed by the State Planning Office in the Regional Planning Framework Discussion Paper is discussed in detail below.

Feedback

Regional Planning Framework

Purpose and scope

- *Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?*

Comment:

Yes, it is agreed that stipulating the general content and purposes of the RLUSs in the LUPA Act would be appropriate. Example wording provided in the Discussion Paper is supported.

However, the more specific requirements (such as those listed on p.9 of the Discussion Paper under 'other matters that could be considered'), should not be included in legislation. The elements listed under 'other matters that could be considered' would be more appropriately identified via a guideline for drafting the RLUSs. It would also be very useful if the guideline included details on approaches and methodologies for preparing supporting studies required for the local implementation of the strategies. For example, a consistent methodology for assessing land use supply and demand would be beneficial for developers, Councils and the Tasmanian Planning Commission in order to assess consistency with the RLUSs.

- *Do you agree with the suggested contents (as outlined in the Discussion Paper)? Are there other matters you think the RLUSs could capture?*

Comment:

In general, it is considered that the suggested elements listed on Page 9 under 'other matters that could be considered' should be included. However as noted above, they should not be listed in legislation, but rather form part of a guideline or background report associated with a template for drafting the RLUS.

While the list of elements is generally supported, the role and operation of the Tasmanian Planning Policies (TPPs) need to be clear before specific elements for the RLUSs are 'locked in'. Council officers, in their 28 October 2022 submission on the draft TPPs identified concerns with the draft TPPs potentially duplicating the role of the RLUSs and/or planning scheme. Careful consideration on how a RLUSs is to include a 'spatial application of the TPPs' will need to be undertaken to ensure a RLUS does not pre-empt approval of a Local Provisions Schedule (LPS).

Guidelines for preparing the RLUS must ensure that the strategies are properly evidenced and grounded. Broad, visionary themes listed as strategies would leave a gap between the strategy itself and the planning schemes, leading to open interpretation and therefore inconsistent approaches.

Consistency

- *What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?*

Comment:

As detailed in the Discussion Paper, the RLUSs should have consistent:

- Methodologies for background research/studies.
- Time horizons.
- Terminology & definitions.
- Categorization of settlements, activity centres and hierarchies.
- Where feasible, consistent headings for strategies should also be required. For example this may include, but not be limited to, housing, settlement strategies, liveability, infrastructure, transport, economic and industrial activities, biodiversity and natural values, open space opportunities, coastal protection and heritage protection.

Broadly, similar to the state-wide Tasmanian Planning Scheme, it is considered a consistently structured RLUS for the three regions would fit in well in the Tasmanian Planning System.

- *Should there be a template for RLUSs?*

Comment:

As discussed above, it is considered the three RLUSs should be consistent, similarly structured with consistent language, definitions and planning principles. The only differences between the RLUSs would ideally be the strategies themselves, that are the result of the various studies and background work that characterise the specific region they apply to. Therefore, a template for the RLUSs would be very useful. To support the template, a background document identifying the necessary background information on approaches, methodologies and supporting studies required etc, should be included.

Assessing and declaring RLUSs

- *Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?*

Comment:

The assessment and declaration of the RLUSs must be:

- An open and transparent assessment process that includes community consultation and public hearings, similar to the assessment and declaration processes that are applicable for the Tasmanian Planning Policies (TPPs);
- The assessment should be undertaken by the independent Tasmanian Planning Commission (TPC) and include the consideration of representations received during public exhibition, and any information gathered at associated hearings. The TPC would then make recommendations to the Minister for Planning to declare the RLUS.

Clarification required:

The Discussion Paper does not provide details on who / how the public exhibition will be undertaken and the associated costs and resources involved with this. As the Discussion Paper rightly points out, public interest in the RLUSs is evident as private landowner rights are impacted by a LPS or LPS amendment which are required by the LUPA Act to be 'as far as practicable' consistent with the RLUSs. As widely known, local Councils are understaffed and do not have budgets for the cost implications posed by advertising of the RLUSs. Advertising and consideration of representations would also require co-ordination among a number of Councils. Therefore, the draft framework, and subsequent amendments to the LUPA Act, should clarify who is responsible for undertaking the public exhibition, including the associated costs, and this should be undertaken by the State government.

- *Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?*

Comment:

Yes, subject to the clarification point below, similar matters as stipulated for the TPP criteria may be taken into consideration for the assessment of the RLUS.

Clarification required:

At page 12 of the Discussion Paper, reference is made for the TPC to consider any matters of a technical nature that relate to the application of the 'RLUS into a LPS'. It should not be for the TPC to pre-empt the outcomes of a LPS, nor should the assessment of the RLUS be broadened to consider rezoning or planning scheme amendment requests. Further clarification as to the intent of this assessment requirement is requested.

Reviewing the RLUSs

- *Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?*

Comment:

The RLUSs generally seek to implement land use goals that facilitate and manage change, growth and development over the long term [the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) has a 25-year time frame]. Delivering these strategies on the ground takes time, hence a regular review or audit to ensure strategies are being achieved is essential and are generally incorporated as part of a long-term land use strategy's implementation and monitoring and review plans.

The purpose and extent of any review needs to be clear, as constant changes to a long-term strategy may defeat the overall purpose of the strategy itself. For example, a review that was intended to facilitate extension of the Urban Growth Boundary (UGB) every 5-years, may not enable other long-

term strategies to effectively achieve higher density residential development within the UGB. A regular review or audit analysing how effective the strategies have been in delivering a range of housing densities within the UGB should form part of the RLUSs' implementation plan. If this audit identifies significant underperformance, that might identify the need for changes/updates to the RLUS, but the intent to modify the RLUS every 5-years should not be the focus of the review.

[Noting the above, it is acknowledged that the STRLUS has not had the benefit of any audits in line with an implementation plan and is urgently in need of a comprehensive review.]

Clarification required:

What is the purpose of the review, is it to audit the effectiveness and outcomes of the various strategies, or is it comprehensive review that anticipates changes being made to the RLUS?

A proposed 5-yearly review (audit) cycle for the RLUSs is supported where its purpose focuses on the effectiveness of the implementation plan to deliver on various strategies within the document.

Care should be taken in considering a 5-year time frame for a comprehensive review of the RLUS as this timeframe:

- May be too frequent and have limited 'on the ground data to consider'.
- May limit the ability to achieve other longer-term strategies that may not be fully realised if the review timeframe is too short.
- May lead to a constant cycle of reviewing planning instruments, and inefficient use of resources especially given the other planning instruments, including the Tasmanian Planning Policies (TPPs), State Planning Provisions (SPPs) and the Local Provisions Schedule (LPS) all have a similar 5-yearly review cycles.
- Will require significant resources and support from both State and local government.

It is also noted that, as the RLUSs seek to implement policy, they perform a different role to the TPPs and SPPs which identify what the policy is, so adopting similar review times to these instruments for the RLUS may not be appropriate.

If the intent of the review is for a comprehensive analysis, a 10-year time frame may be more effective, (relying on evidence gained from regular 5-yearly audits).

An amendment to the TPPs would not need to trigger the requirement to review the RLUSs, especially if a 5-yearly comprehensive review cycle is selected. If the comprehensive review cycle is longer, such as a 10 yearly cycle, then significant amendments to the TPPs may trigger a review of the RLUSs, as directed by the Minister, within the review period.

The legislation should explicitly exclude any minor amendments as a trigger for a comprehensive review the RLUSs. For example, currently for the review of SPPs in the LUPA Act, s30T Review of the SPPs provides:

(4B) A review of the SPPs that is, in accordance with subsection (1), conducted after the TPPs, or an amendment of the TPPs, is or are made is to consist of a review as to whether the SPPs are consistent with the TPPs, or the amendment of the TPPs, respectively.

This implies any amendments to the TPPs, including minor amendments, trigger the review of the SPPs. Therefore, the legislation should explicitly exclude minor amendments.

- *Should any other matters trigger the review of the RLUSs?*

Comment: As noted above, the intent of the review needs to be fully understood to consider what triggers are appropriate.

- If the review period is selected to be 5-yearly comprehensive review, then it is considered it is unnecessary for any other matters to trigger the review of the RLUSs within the review period.
- However, if the review is intended to be a comprehensive review and is on a 10-yearly cycle, then the potential to consider major social or economic events (for example disruptions in economy/ society due to a pandemic or major economic event), as directed by the Minister, may trigger an early review of RLUS. This could be legislated, with the requirement for the Minister to publish any reasons for such a review.

- *Should the review process for the RLUSs be similar to that of the TPPs and SPPs?*

Comment:

The need for a comprehensive review process for the RLUSs should be stipulated in the LUPA Act, at a similar level of detail to the wording of the review processes of the TPPs or SPPs, and the details of work required for a comprehensive review should form part of the guidelines or template on the preparation of the RLUSs.

However, it would not be appropriate for the TPC to undertake a review and then assess any amendment of the RLUS. A comprehensive review should be undertaken by the SPO and local government with appropriate State funding allocated for the work required. Should any changes be recommended from the review, they should be prepared by the SPO, in consultation with local government and relevant state agencies. The changes should then be considered through an appropriate consultation process, unless the changes are minor, before being submitted to the TPC for public hearings and assessment.

Amending the RLUSs

- *Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?*

Comment:

Yes, processes for amendments to the RLUSs must be stipulated by the LUPA Act specifying who can make a request for amendment, what an amendment can consist of, the assessment process for an amendment, details of required public exhibition and determination of the amendment.

- *Should different types of amendments be provided for, such as a minor amendment of the RLUSs?*

Comment:

Yes, processes for minor amendments to the RLUSs must also be stipulated by the LUPA Act. However, the TPC should determine if an amendment to the RLUS is a minor amendment, and that it would not require public exhibition. The LUPA Act should specify what can be categorised as a minor amendment, similar to that specified for the TPPs. This will ensure minor amendment processes for the RLUSs are streamlined, and consistent.

- *What matters should qualify as triggers for amending a RLUS?*

Comment:

If the RLUSs are comprehensively reviewed periodically, and especially if the review cycle is a 5-yearly cycle, then no other matters should trigger the need for amending a RLUS. However, if a longer comprehensive review cycle is selected, for example a 10-yearly cycle, then there is a potential to consider requests for amending a RLUSs. If the review cycle is longer than a 5-yearly cycle, then other matters that may potentially trigger the amending of a RLUS may be significant policy amendments made to the TPPs.

- *If more regular reviews are required for the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?*

Comment:

Similar to the comment above, if the RLUSs are reviewed periodically, and especially if the review cycle is a 5-yearly cycle, then the making of requests for amendments of a RLUS outside that review period should not be provided for. For example requests to expand the Urban Growth Boundary, should be considered as part of a wholistic assessment of the impacts on achieving **all** of the RLUSs strategies and should be assessed as part of the next review scheduled for the RLUS. However, if the review period is longer, such as a 10-yearly cycle, then the making of requests to amend a RLUS within the review period should be limited to State and Local Government authorities and not by private individuals/ developers. Any such private requests must first be put to the Local Government authority, who will then determine if the request to amend a RLUS is reasonable and make this request as per the requirements that will be set out in the LUPA Act.

Draft Structure Plan Guidelines

- *Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?*

Comment:

The following comments are made regarding the draft Structure Plan Guidelines:

- It is important to understand what a structure plan is to enable local Councils to prepare consistent structure plans. Therefore, it is very useful to have guidelines and the preparation of the draft Structure Plan Guidelines (SPG) is to be commended.
- However, some of the language is confusing. The differences between a Structure Plan and a Strategic Plan / Master Plan is unclear, and how a structure plan would fit into a Local Strategic Plan / Masterplans (Figure 1 Tasmanian's land use planning instruments on page 7 of the Structure Plan Guidelines – Draft November 2022) needs to be clarified.
- The work needed to be undertaken for the various requirements identified under the SPG is also very broad. This could be advantageous, as less well-resourced Councils may find it difficult to meet the specific requirements outlined in the SPG, potentially hindering their opportunities to plan for growth. Therefore, it must be clear that, provided consistent terms and formats for structure plans are used, the SPG are to be used as a guide relevant to the scale of the work being undertaken.
- The draft SPG provide explanations on what is required for the structure planning process and details on the background studies required, but do not clearly define what a structure plan is, or provide guidance on how it should be set out, and what type of topics would be identified under the structure plan (perhaps some images or examples would be useful).
- The draft SPG consists of several components which are currently scattered through the SPG. Separating these out into distinct sections would reduce repetition and improve clarity, such as:
 - Background to structure planning and types of structure plans;

- Developing a project scope / project plan (i.e. background research, governance structure, stakeholder engagement and consultation and SWOT analysis);
 - Development of Discussion Papers and supporting documents; and
 - The Structure Plan (which includes the structure plan itself, vision, implementation program and monitoring and review). This document should be concise (say 20-30 pages), with relevant maps and diagrams to ensure it is accessible to its audience. Elements such as stakeholder engagement and community consultation, and work undertaken to analyse existing conditions and constraints and opportunities development should form part of the background or supporting documents.
- The SPG should be clear that the endorsed structure plan must be capable of being implemented into the statutory framework via amendments to the planning scheme, acknowledging that the implementation plan would potentially contain details of the necessary statutory and non-statutory actions to be undertaken to achieve the objectives and goals of the structure plan.
- *Are there any other additional matters or issues that should be considered for inclusion in the guidelines?*

Comment:

Guidelines on methodology and rationales for background studies would be useful so consistent techniques can be applied for analysing specific data which will then inform the final structure plan. For example, analysing population projections/ demographic changes should provide guidance as to the appropriate time horizon (a period of 10 years vs 20 years); measures to be used in determining if land is appropriate for development (sample sizes and typical constraints such as slope, vegetation cover, hazards, values); how to determine potential yield estimates using consistent percentages for roads and open space; assumptions to be used when assessing potential for infill etc.

REGIONAL PLANNING FRAMEWORK CONSULTATION



TASMANIAN DEPARTMENT OF PREMIER AND CABINET

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Submission issued February 2023

Tasmanian Regional Planning Framework Consultation

INFORMATION ABOUT THE INSTITUTE

- The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with more than 13,000 members across Australia and overseas.
- The Institute's vision is: *Everyone benefits from good architecture.*
- The Institute's purpose is: *To demonstrate the value of architecture and support the profession.*
- At the time of this submission the National President is Shannon Battisson FRAIA and the Acting Chief Executive Officer is Barry Whitmore.

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1 INTRODUCTION

About this submission.

This submission is made in response to the Regional Planning Framework Consultation. The submission answers the questions set out in the discussion paper.

Key messages

Key messages in our responses include:

- The general content of the Regional Land Use Strategies (RLUSs) should be outlined in Section 5A or new appended section of the Land Use Planning and Approvals Act 1993.
- The Institute supports the proposed legislated purposes and content clauses as well as the inclusion of proposed time horizons and regional policies and strategies to strengthen the social, economic and environmental attributes. We additionally recommend that RLUSs could include First Nations engagement and collaboration and environmental restoration.
- The Institute recommends that the content and purposes of Regional Land Use Strategies are also legislated to make explicit policies or goals to prevent or minimise climate change impacts from natural disaster events.
- Consistency is highly important. There should be a RLUS template and explicit common working definitions and terminology.
- The Institute recommends that the Land Use and Planning Approvals Act, specifies a process around public consultation or hearings for declaring or amending a RLUS that includes all relevant stakeholders.
- A missing piece in the policy framework is an overarching settlement policy for Tasmania. It is important that the three RLUSs are not set in competition with each other to either avoid or attract population growth, associated settlement and residential development and industry. It is also recognised that the hierarchy of settlement in Tasmania is fundamental to an appreciation of landscape values in the state, and that this provides the context for settlement.
- Gaining alignment with other planning cycles would make sense. However, it is also important to consider that some elements of a strategy might require longer time horizons than 5 years.
- Major damage or alteration to the land and ecosystem resulting from a catastrophic event such as flood or fire should be included as a trigger to review or amend an RLUS. Other 'global' indicators include rising sea temperatures and sea level rise.
- A clear process for amending RLUSs should be promoted and readily accessible in the public domain.
- The Institute strongly supports the proposal that structure plan may introduce urban design objectives to strengthen the public realm, objectives for sustainable design or urban landscape character and features, or identify a specific mix of uses to deliver a particular activity precinct. We strongly support that good design outcomes at this level are being contemplated by the Tasmanian Government for the regions. The ability to inform urban design objectives would be made more feasible by establishing a government architect office to provide direct advice and

oversight the development of urban design objectives and landscape character and features. Good design needs to be defined and measurable.

- Structure plans should also pay attention to environmental restoration, not just development. There is a need to approach our human land use with a more “biophilic” intent so that we are cognisant of restoring damaged areas so that the human footprint is minimised. This will actually help to ensure human activities and endeavours are themselves more likely to continue successfully, and to be consistent with the objectives of the LUPA Act set out in Schedule 1.
- Scale responsive to landform and habitation is also critical. The key risk of not addressing these is unmitigated sprawl and destroying the character of locations that have their own intrinsic value in the human experience of what it means to live in Tasmanian landscapes. Scale and design sensibility in planning needs to be visible in all planning decisions.

2 DETAILED RESPONSE

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

The Institute's response

The general content of the Regional Land Use Strategies (RLUSs) should be outlined in Section 5A or new appended section of the Land Use Planning and Approvals Act 1993 similar to the way the contents and of the Tasmanian Planning Policies (TPPs) are set out in Section 12B of the Act and the contents of State Planning Provisions (SPPs) are set out in Section 14.

To do so will make clearer the legislated standing RLUs contents and ensure consistency between the three Tasmania RLUSs (Northern Tasmania, Southern Tasmania and Cradle Coast)

At present, the purposes vary considerably between the three RLUSs. The purposes need more detail than the way they are specified for the TPPs. Therefore, legislating the purposes needs to be done differently to the way that TPP's purposes are set out in Subsection 12B(1).

The purposes need to delineate the fundamental standing of the RLUSs as a partnership between local government authorities and relevant regional groups (e.g. the Cradle Coast Authority) that has developed the strategy.

The purposes should also state the relationship between the RLUS, State Planning Provisions, Structure Plans, State Planning Provisions and Local Provisions Schedules. For example, the Northern Tasmania RLUS¹ states that,

The preparation of draft Local Provisions Schedules by the planning authorities for each of Northern Tasmania's eight municipal areas will reflect the State Planning Provisions and the planning framework expressed in this RLUS (p.3)

It can be concluded from this the Northern Tasmania RLUS guides the Local Provisions Schedules.

Therefore, the purposes should set out clear terms such as the proposed model subsection (1) clause from the discussion paper quoted below,

(1) The purpose of a regional land use strategy is to set out the policies or strategies that are to be achieved or applied in that region by:

(a) a local provisions schedule; and(p.9, discussion paper)

As also proposed the nominal time horizon should be set out clearly in the purposes (or schedule to the Act) subject to our more detailed feedback below about time horizons.

Clearly setting out the purposes will not only help to make the three Tasmanian RLUSs more consistent, but in doing, so give them a greater mandate. If a dispute arises, then having clarity in the Act about the purposes is important as the RLUS can be understood as having the authority for certain benchmark settings across the state, not just one region.

¹ Northern Tasmania Regional Land Use Strategy,
https://planningreform.tas.gov.au/_data/assets/pdf_file/0003/615585/Attachment-3-NTRLUS-PDF-document-future-investigation-areas-amendment-June-2021-FINAL.PDF

Do you agree with the suggested contents [for legislated RLUS purposes]?

The Institute's response

With regard to this question, we provide an extract from the discussion paper of what is proposed and other matters that could be considered:

(1) The purpose of a regional land use strategy is to set out the policies or strategies that are to be achieved or applied in that region by:

- (a) a local provisions schedule; and*
- (b) any sub-regional or local land use planning strategies.*

(2) A regional land use strategy 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.*

Some other matters that could be considered are:

- *a consistent time horizon for the RLUSs;*
- *specifying that the RLUSs may include:*
 - o spatial application of the TPPs, regional or sub-regional policy;*
 - o regional policies and strategies to strengthen the social, economic and environmental attributes specific to the region; and*
 - o identification of any sub-regions or inter-regional relationships;*
- *that the RLUSs are to be accompanied by:*
 - o any relevant background reports and supporting studies;*
 - o a plan detailing how the RLUS will be implemented including:*
 - prioritising or staging the release of land for settlement growth;*
 - provision of key infrastructure;*
 - governance arrangements for implementation; and*
 - funding arrangements and prioritisation*

(p. 8-10, *ibid*)

The Institute supports the proposed legislated purposes and content clauses. The 'other matters that could be considered' contain two further content clauses that should be in the legislation. The first is consistent time horizons for the RLUSs. Time horizons are important as they lend some ability to forecast

and future-proof decision making by a range of stakeholders including investors. They also help ensure that all three RLUSs are in lock-step with respect to overarching policies of state or federal government.

The other matter is that of 'regional policies and strategies to strengthen the social, economic and environmental attributes specific to the region' that place human land use in a more wholistic context (p. 9).

Such plans which detail how Regional Land Use Strategies will be implemented ensures that the RLUS are more likely to be delivered or 'deliverable'.

Are there other matters you think the RLUSs could capture?

The Institute's response

Two important matters that RLUSs could include are First Nations engagement and collaboration and environmental restoration.

First Nations engagement and collaboration.

The matter of First Nations engagement and collaboration is not adequately integrated into the three current RLUSs

All three RLUSs do refer to either Aboriginal and/or Indigenous historic, cultural, and heritage values.

The Northern RLUS² makes only passing comment to the Aboriginal community

Strategic Direction G2.3 Promote local character values....

(b) Preserve and protect significant cultural heritage, in particular places significant to the Aboriginal community (p. 11)

The Southern RLUS³ give much more detailed consideration of First Nations heritage and cultural values and identifies that,

The consideration of Aboriginal heritage values in land use planning processes is increasingly topical, and there are challenges to better integration with the system. While legislation aimed at protecting Aboriginal artefacts and relics has existed since the 1970s it is now somewhat out-dated and is not adequately integrated with the suite of legislation that comprises the State's Resource Management & Planning System (p. 36)

and notes that,

Continued engagement with the Aboriginal community is necessary to improve our knowledge of heritage places and values, and to overhaul the State legislation and planning scheme provisions that manage Aboriginal heritage (p. 36, *ibid.*)

It goes on to specify Policy CV 1⁴,

² Northern Tasmania Regional Land Use Strategy

³ Southern Tasmania Regional Land Use Strategy 2010-2035,
https://planningreform.tas.gov.au/_data/assets/pdf_file/0011/667523/Southern-Tasmania-Regional-Land-Use-Strategy-2010-2035.-July-2022.pdf

⁴ CV- Cultural Values

Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.

CV 1.1 Support the completion of the review of the Aboriginal Relics Act 1975 including the assimilation of new Aboriginal heritage legislation with the RMPS.

CV 1.2 Improve our knowledge of Aboriginal heritage places to a level equal to that for European cultural heritage, in partnership with the Aboriginal community,

CV 1.3 Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.

CV 1.4 Support the use of predictive modelling to assist in identifying the likely presence of Aboriginal heritage values that can then be taken into account in specific strategic land use planning processes. (p. 39, ibid.)

We note that sub-policy CV 1.2 refers to partnering with the Aboriginal community.

The Cradle Coast RLUS⁵ is limited in its detail in scope of Aboriginal cultural significance and heritage or partnering with the First Nations community. It recognises that,

The Cradle Coast Region has an extensive geological, flora and fauna, aboriginal, maritime, and historic cultural heritage, representing previous geological, ecological and climate activity, an extended period of Aboriginal settlement, and the more recent 200 years of western occupation (p.34)

and later in the document,

Land use planning processes –

a. Recognise and conserve the importance of natural geological and biological heritage for both indigenous and European communities

b. Recognise and promote understanding of Aboriginal heritage, including places, features, landscapes and items of spiritual and cultural significance and identify measures to consider and resolve values of importance for Aboriginal communities in accordance with statutory requirements (p.134)

However, it also states the limitations of the RLUS Framework,

The Framework does not provide discrete provision for Aboriginal heritage and historic cultural heritage. Rather, it promotes an awareness and protection of the past as important to the contemporary and future identity of all communities on the north-west coast.

The Framework does not specify detailed directions for consideration of Aboriginal heritage, or nominate landforms and sites of cultural value. The Framework is disadvantaged in ability to designate sites of Aboriginal cultural significance. Existing data is not comprehensive or publicly available, and predictive modelling systems have not been widely applied....

⁵ Cradle Coast Regional Land Use Planning Strategy 2010-2030,
https://planningreform.tas.gov.au/_data/assets/pdf_file/0007/659410/Declared-Cradle-Coast-Regional-Land-Use-King-Island-11-May-2022.PDF

The Framework has been drafted in anticipation of broader reforms, including legislation to introduce better integration of land use planning with processes to identify, assess, and manage Aboriginal cultural values, and for the management of historic cultural heritage (p. 35)

The Institute recommends that legislated content for Regional Land Use Strategies in the Land Use Planning and Approvals Act 1993 specify that the strategies include specific commitments to

- engage, collaborate and develop partnerships with Aboriginal communities to:
 - uphold Aboriginal heritage, including places, features, landscapes and items of spiritual and cultural significance
 - incorporate Aboriginal knowledge and insights to more broadly into land use planning and sustainable development⁶

Sustainable land use.

Subsection 12B(4)(a) of the Land Use and Planning Approval Act 1993⁷ sets out that the contents and purposes of Tasmanian Planning Policies must also

(a) seek to further the objectives set out in Schedule 1;

PART 1 - Objectives of the Resource Management and Planning System of Tasmania sets out 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; 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.

Therefore, the RLUSs are also an important opportunity to fulfil the brief of the LUPA Act Objectives.

⁶ "Sustainable development" has a specified meaning given in Schedule 1 of the Land Use and Planning Approvals Act 1993.

⁷ Land Use Planning and Approvals Act 1993,

<https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-070#JS1@HS1@EN>

The Institute recommends that the content and purposes of Regional Land Use Strategies could more explicitly include environmental protection goals including:

- modelling and monitoring greenhouse gas emissions (GHGs) imputing both carbon and other GHGs as well as the carbon emissions abatement through activities such as re-forestation and re-wilding.
- minimising human land use contribution to the sum total of greenhouse gas emissions.
- specific attention to environment restoration not just human land use in the context of development.

Flooding, associated with La Niña since 2021 has impacted every state and territory (including the ACT). Predictions are made of a global sea level rise of 65 centimetres in the coming decades as the Thwaite Glacier melts.⁸ Plans should also clearly articulate how climate change event risks including fire, flooding, and prolonged drought are mitigated or their impacts prevented.

For example, the Northern Tasmania RLUS and the Southern Tasmania RLUS include reasonably explicit strategic goals or directions in relation to flooding and bushfire,

These include the Managing Risks and Hazards policies:

- MRH 1 Minimise the risk of loss of life and property from bushfires
- MRH 2 Minimise the risk of loss of life and property from flooding

and their eight sub-policies.

The Northern RLUS Goal 3: Sustainability includes

- Strategic Direction G3.1 Promote and protect the Region's unique environmental assets and values
- Strategic Direction G3.2 Establish planning policies to support sustainable development, address the impacts of climate change, improve energy efficiency and reduce environmental emissions and pollutants

Beneath each of these sit detailed strategies which respond to preventing and mitigating climate change and broader environmental degradation (e.g. salinity) and climate change event impacts.

The Cradle Coast RLUS while recognising risks and needs for safeguards does not prescribe enumerated specific policies and sub-policies or strategic directions in the same way as the Southern Tasmania and Northern Tasmania RLUSs. As such it makes it more difficult to identify what detailed commitments the strategy places on the region.

The Institute recommends that the content and purposes of Regional Land Use Strategies are also legislated to make explicit policies or goals to prevent or minimise climate change impacts from natural disaster events.

⁸ <https://www.abc.net.au/news/science/2023-02-16/thwaites-glacier-melting-icefin-revolution-sea-level-rise/101970762>

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)? Should there be a template for RLUSs?

The Institute's response

Our review of the three Tasmania RLUSs finds the layouts and terminology inconsistent and therefore difficult to compare. There should be a template and as strategies, the RLUS need to operate to an explicit common working definitions of a

- Framework
- Strategy
- Plan
- The nomenclature of goals, strategic directions, objectives etc

It is important terminology is not weak, imprecise or ambiguous so that councils, state government and communities are clear about what the RLUS is prescribing to be followed through in statutory documents – namely Local Provisions Schedules Structure Plans, as well as the non-statutory policies such as Structure Plans and local strategic planning documents.

Clear terminology means that all stakeholders, including the community, can be clear about expectations and what state and local governments who are primary partners to the RLUSs are being held to account to deliver.

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?

The Institute's response

The Institute supports RLUSs being subject to an assessment process by the Tasmanian Planning Commission (TPC) with recommendations made to the Minister.

The LUPA Act, currently does not specify any process around public consultation or hearings for declaring or amending a RLUS. The discussion paper notes that “*The RLUSs have a public interest because landowner rights are impacted by a LPS or a LPS amendment required to be ‘as far as practicable’ consistent with the RLUSs.*” (p. 11)

RLUSs have a much broader public interest than landowners and not all Tasmanians are necessarily landowners. In the 2021 census, 29.9% of all occupied Tasmanian dwellings (not including visitor-only dwellings) were occupied as rental or other non-owned dwellings⁹. Nonetheless, renters may still have interest in planning outcome

s for housing, recreation, heritage, biodiversity and other purposes as local community citizens. Furthermore, Traditional Custodians through the relevant Aboriginal land corporations or association are also key stakeholders whether or not they are land owners, and in relation to broader matters of cultural heritage and significance noted above.

The Institute recommends that the Land Use and Planning Approvals Act specifies a process around public consultation or hearings for declaring or amending a RLUS that includes all relevant stakeholders.

⁹ Not owned outright or mortgaged <https://abs.gov.au/census/find-census-data/community-profiles/2021/6>

Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

The Institute's response

In 2021 the Institute made a submission to the Tasmania Department of Justice in relation to the scoping paper for draft Tasmania Planning Policies (TPPs). In this submission the Institute provided its views and rationale for three topics to be included in relation to Liveable Settlements:

- Strategic Planning of Existing & Proposed Settlement Areas
- Regional Urban Design Values
- Strategic Planning of Existing & Proposed Settlement Areas

An extract of the submission is provided in Appendix I.

The discussion paper proposes on page 11 that the assessment of RLUS include their consistent with the TPPs. Therefore, we restate that these matters are included when assessing RLUSs.

Of particular note is that the Department of State Growth is currently refreshing "Tasmania's Population Strategy"¹⁰

A missing piece in the policy framework is an overarching settlement policy for Tasmania. It is important that the three RLUSs are not set in competition with each other to either avoid or attract population growth, associated settlement and residential development and industry. The State Government has the unique privilege and responsibility to ensure that all Tasmanians benefit and that there is an overarching plan that takes into account landscape character, environmental, social and economic considerations.

Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

The Institute's response

As commented above, gaining alignment with other planning cycles would make sense. However, it is also important to consider that some elements of a strategy might require longer time horizons than five years. If a particular element of a strategy (e.g. restoration of a wetland, catchment, forest or other ecosystem, a transport upgrade, residential development or establishment of an industry required a longer time horizon (e.g. 10-15 years) then it is important that a five-yearly review does not majorly shift longer terms strategic directions or policies set out in a plan without showing just cause.

Should any other matters trigger the review of the RLUSs?

The Institute's response

Major damage or alteration to the land and ecosystem resulting from a catastrophic event such as flood or fire should be included as a trigger to review a RLUS. Other 'global' indicators include rising sea temperatures and sea level rise

In these situations, intended land uses may need to alter to prevent further human or downstream impacts or to recover damaged areas.

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

The Institute's response –

¹⁰ In reference to the "Population Growth Strategy" launched in 2015,

It would make sense for the review process for RLUSs to be similar to that of the TPPs and SPPs. We note on page 11 of the discussion paper that TPPs are required to further the objectives of Schedule 1 of the LUPA Act, receive representations during a public exhibition period and consider relevant matters raised at a hearing in relation to a representation.

The Institute does not have view as to whether the same step is required as for the TPPs for RLUSs to be tabled in the Parliament.

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

The Institute's response

A clear process for amending RLUSs should be promoted and readily accessible in the public domain.

Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

The Institute's response

It would be practical for different types of amendments to be provided for, such as a minor amendment of the RLUSs to ensure that small matters do not become roadblocks to the operation of the RLUSs.

What matters should qualify as triggers for amending a RLUS?

The Institute's response.

As noted above major damage or alteration to the land and ecosystem resulting from a catastrophic event such as flood or fire might also qualify as a trigger to amend a RLUS for a specified time period if this provides a protective measure until a review can be performed of longer-term settings.

If more regular reviews are required of the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

The Institute's response

A request should be able to be made by

- Statutory bodies and corporations such as Infrastructure Tasmania and Hydro Tasmania
- Heritage Tasmania
- Government departments
- Councils
- Recognised Traditional Custodians/ corporations or associations

Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?

The Institute's response

Draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve

We note the comment in the Draft Structure Plan Guidelines¹¹ that,

a structure plan may introduce urban design objectives to strengthen the public realm, objectives for sustainable design or urban landscaping features, or identify a specific mix of uses to deliver a particular activity precinct (p. 7)

We strongly support that good design outcomes at this level are being contemplated by the Tasmanian Government for the regions. The ability to inform urban design objectives would be made more feasible by establishing a government architect office to provide direct advice and oversight to the development of urban design objectives and landscaping features. Good design needs to be defined and measurable.

Are there any other additional matters or issues that should be considered for inclusion in the guidelines?

The Institute's response.

Structure plans should also pay attention to environmental restoration, not just development. There is a need to approach our human land use with a more “biophilic” intent so that we are cognisant of restoring damaged areas so that the human footprint is minimised. This will actually help to ensure human activities and endeavours are themselves more likely to continue successfully and to be consistent with the objectives of the LUPA Act set out in Schedule 1. Ready examples include catchment restoration to ensure precipitation is absorbed into ground water systems, which has benefits for agriculture, or forestation to provide wind breaks. Other examples at the urban level include establishing tree canopy and other forms of vegetation that can protect people from wind and heat during warmer weather.

Scale responsive to landform and habitation is also critical. The key risk of not addressing these is unmitigated sprawl and destroying the character of locations that have their own intrinsic value in the human experience of what it means to live in Tasmanian landscapes. Scale and design sensibility in planning needs to be visible in all planning decisions.

¹¹ Structure Plan Guidelines – Draft – November 2022,
https://planningreform.tas.gov.au/_data/assets/pdf_file/0006/684780/Appendix-A-Draft-Structure-Plan-Guidelines-Consultation-Draft-November-2022.pdf

Appendix 1 Extract of submission on Tasmanian Planning Policies (TPPs)

(Extract of submission to Tasmania Department of Justice from Australian Institute of Architects on Scoping Paper for draft TPPs. 29.10.2021)

While it is appreciated that the policies are aspirational in scope, their role in influencing regional strategies and planning scheme provisions, demand they are based on specific regional understanding and, in the context of anticipated change, the pressing issues that each region faces.

The Institute anticipates the TPPs will be based on rigorous regional strategic planning and modelling, beyond the land-use derived strategies of the recent past. Existing development patterns are not necessarily appropriate moving forward. The issue of population growth should be considered, and with exponentially increasing settlement footprints impacting cultural, environmental, and agricultural landscapes, the Institute recognises that a state-wide settlement policy is long overdue. To adequately respond to the outline topics identified, appropriate resourcing will be needed, ensuring the objectives of the policies are based on thorough analysis and spatial assessment, leading to an integrated strategic vision for the state.

The Institute considers that understanding critical existing landscape values (both built and natural) provides a 'frame' through which urban planning strategies can be developed and architecture and landscape architecture responses can be considered, with the ultimate aim of achieving sustainable and thriving communities.

The Institute would like to make the following suggestions in response to the scope of the proposed TPP topics and issues.

The Institute suggests the addition of three new topics under Liveable Settlements:

1. Regional Landscape Values

These recognise the location of the Liveable Settlements, not merely their physical or built presence. They would identify the landform character of settlement locations and their environmental values, to assist in distinguishing regional identity, to underpin the establishment of Regional Urban Design Values. These are 'urban' spatial values that will for example consider 'scenic protection' and 'landscape heritage' within a settlement context.

2. Regional Urban Design Values

These are values that seek to improve the resilience and ecological integrity of Tasmania's settlements. These would be achieved by thorough analysis and understanding of existing and potential settlement areas, for the purpose of planning sustainable settlement growth and where appropriate, densification. Outcomes would aim to strengthen existing urban areas and establish urban and regional growth boundaries based on measured data, rather than on 'vacant' land availability, through re-assessment and re-determination of appropriate land use. Consideration would be given to such criteria as current and projected populations and demographics, services locations, sustainable transport, appropriate building heights, preservation of environmental, cultural and scenic landscapes (identified in Regional Landscape Values), improving biodiversity and planning for hazards threats etc.

3. Strategic Planning of Existing & Proposed Settlement Areas

This will determine the direction of future development in all areas, including infill development, relevant density, and new subdivision. This holistic and pro-active approach encompasses a breadth of criteria with the aim of achieving sustainable and thriving future communities.

The basis for this would be work undertaken to determine the Regional Landscape Values and Regional Urban Design Values of specific places.

Design values must be included in standards for subdivision for residential, commercial and industrial development to achieve outcomes that contribute positively to the health, wellbeing and living conditions of occupants. Currently, pragmatics such as lot size, frontage width and access to roads and infrastructure services are the determining controls.

Design values may include criteria such as:

- 'the 20-minute neighbourhood', - street hierarchies, reducing vehicle speeds and favouring pedestrians in residential planning,
- Water Sensitive Urban Design Principles (WSUD),
- restoring pre-existing ecologies and waterways, rehabilitating degraded landscapes,
- orientation of streets in response to topography and microclimatic conditions of the specific site (summer cooling, winter wind protection, rainfall etc),
- orientation of lots to maximise passive heating & cooling of buildings,
- reducing radiant heat emissions through controls on landscape cover and landscape design, dwelling typologies and densities,
- community services,
- maximising existing infrastructure,
- adaptive reuse of redundant or underutilised places of local historic heritage,
- health & wellbeing - recreation & open space and connection to nature, community gardens.

The application of these values is not generic, but specific to regions and contexts (i.e. a subdivision or re-development site in Queenstown would be designed differently to a site with the same requirements in Brighton).

The Victorian State Government has published *20-Minute Neighbourhoods: Creating a more liveable Melbourne*, which contains strategies to enhance the liveability of neighbourhoods while accommodating for population growth.

Similarly, the NSW Government Architect has published *Better Placed*, which is: an integrated design policy for the built environment in NSW. It seeks to capture our collective aspiration and expectations for the places where we work, live and play. It creates a clear approach to ensure we get the good design that will deliver the architecture, public places and environments we want to inhabit now, and those we make for the future.



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28 February 2023

Enquiries: Planning Department
 Planning ref:

Regional Planning Framework consultation
 State Planning Office
 Department of Premier and Cabinet

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

Dear Sir/Madam

Regional Planning Reforms

Thank you for the opportunity to provide a submission to the a submission to the Regional Planning Framework Discussion Paper (Discussion Paper) and Structure Plan Guidelines – Draft (Guidelines).

Glamorgan Spring Bay Council welcomes review of the process and content of Regional Land Use Strategies (RLUS) and Structure Plans. We appreciate the consultation process delivered through the State Planning Office and support the ongoing improvement.

We strongly support the timing and intent of the reforms and wish to highlight their timing and critical role in revisions to the Southern Tasmanian Regional Land Use Strategy and local structure plans.

A detailed submission was prepared by our officers for your consideration and follows this letter.

Should you have any queries in this matter please do not hesitate to contact Council on 6256 4777 and ask for me or Alex Woodward (Director Planning & Development), or via the email above.

Yours sincerely

Greg Ingham
General Manager

The Discussion Paper provides opportunity for input to the future review of the Southern Tasmanian and other Regional Land Use Strategies across Tasmania (RLUS). RLUS drive the strategic land use program of the State and Local Governments across a range of functions, and provide the response within the three regions of Tasmania to the Tasmanian Planning Policies (TPP's) and State Policies. RLUS are delivered through the *Tasmanian Planning Scheme (TPS)*, *Local Provisions Schedules (LPS)* and major projects under the *Land Use Planning and Approvals Act 1993 (Act)*.

The existing RLUS, in the south and across Tasmania, confirmed the essential role of having strategic documents to guide future development, and providing for their ongoing maintenance and review. The Discussion Paper provides opportunity to have input to that process.

Key issues that have affected the Glamorgan Spring Bay area through the existing RLUS include accommodating future growth, responding to the emerging needs of the community, how and where aged care is delivered and how major projects are addressed through strategic land use planning processes.

Some key observations of the existing RLUS are:

- strategic implementation has been frustrated by a lack of ongoing maintenance of both the data supporting the documents and the mechanisms that it applies;
- the Glamorgan Spring Bay area and Tasmania generally underwent significant development over the life of the existing RLUS (as recently confirmed by ABS Data and recognised by Government in the Population Strategy refresh documents);
- a lack of clear ownership has frustrated both the relevance and implementation of the existing RLUS and resulted in differing approaches across the three regions;
- the participation and ongoing involvement of State Agencies was not clearly defined and often resulted in conflicting positions being presented during assessment processes;
- demographic and statistical data was largely unchanged since the first declaration, which has not proven an effective management strategy and frustrated development processes across the state;
- the existing documents and arrangements require review to improve operation and provide for the next phase of growth within Tasmania;
- there does not appear to be a common shared vision across Tasmania for the future planning period that can inform the current review process and pending revisions of the RLUS; and
- a critical issue within the existing RLUS was the expectation that all future development concepts and expectations could be identified and addressed in the RLUS, documented and then planned for in a highly structured/regulated manner.

The RLUS are subject to the Schedule 1 Objectives of the Act and the Resource Management and Planning System (RMPS). The Schedule 1 Objectives require revision to add a new criterion to the definition of sustainable development under Part 1 to address climate change response, adaption and mitigation.

The existing RLUS was completed in a relatively short timeframe to assist previous regional planning reforms. While consultation was completed at the regional level, those approaches varied across the regions. They were not informed by a shared vision for the future of Tasmania and the regions that was developed in consultation with the wider Tasmanian Community.

There are apparent differences between the policy settings of the existing RLUS and the outcomes delivered through planning schemes, most notably around housing type, affordability/availability and the various impacts of visitor accommodation on local communities. The lack of a shared vision to inform the current reforms risks creating similar issues into the future. The State may wish to engage the community to develop that shared vision, outside of the current process and perhaps timed for implementation through the first review of the revised RLUS. .

2.1 Scope and Purpose

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

The existing RLUS identify that clear requirements for the review and operation of RLUS are required. It is critical that the following are addressed through the suite of available tools (legislation, regulation, guidelines) should be, as suited to the nature of the matter:

- intra-regional land use planning policies must be recognised as part of the policy framework for the purpose and outcomes of RLUS and their review (such as city deals);
- the matters at criterion 2 page 9 of the Paper are not optional requirements under the RMPS, so use of the term *may* is redundant and ought to be changed to reflect that requirement. This list should include an additional criterion (e) *response and adaption to climate change through land use*;
- minimum review requirements must be set to overcome problems experienced with the existing RLUS (minimum 5 years for consistency with other LUPAA regiments; operational reviews following significant decisions or problems; real time input to relevant matters such as uptake/monitoring programs, demographics, infrastructure etc);
- involvement of State Agencies must be legislated to overcome problems experienced with the existing RLUS;
- the purpose of guidelines requires better definition under the Act, to define whether they are they a flexible tool to inform implementation or mandatory requirements. The State Planning Office should also provide advice on implementation and intent of the Guidelines, much like other State Agencies;
- ownership of the RLUS must be clearly established, along with governance arrangements for the development and maintenance of the documents;
- as land use planning documents, the participation of State agencies is critical on a range of matters, particularly around strategic reform, infrastructure and data.

The requirement for implementation plans is supported but must remain relevant to the regional nature of the documents and is open to unintended consequences. To this end the following is noted:

- land release and staging must be limited to regional level programs and is likely to cause blockages and unnecessary delays/costs to the development process if implemented below that level, in addition to frustrating development and delivery of local strategy;
- any program tied to the implementation of infrastructure requires commitment by the relevant state and federal agencies for delivery, or it will likely result in delays and increased costs;
- arrangements for funding and prioritised projects are supported;
- this may provide a suitable mechanism for recognition and implementation of intra-regional agreements and matters.

2.2 Consistency

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

Should there be a template for RLUS's?

While a template may assist development of RLUS, it is more critical to resolve ownership of the document and the implications of that. If they are owned by the Minister/State, then a template is appropriate as local ownership is not as significant. If they are owned by the regions (alone or in association with the Minister) then identifying the contents may be more suitable than a template that establishes the structure and appearance of the document.

Some matters require clear establishment as a result of operation of the existing RLUS and are not detailed in any other forum in terms of:

- timeframes for short, medium and long term implementation;
- the structure and format of RLUS (ie, a template);
- terminology/definitions;
- tools/mechanisms;
- thresholds/classifications;
- matters that require mandatory policy responses and actions;
- optional policy responses and actions;
- TPP matters for response;
- mechanisms that provide for detailed local response to specific circumstances within or across regions, such as exists for the Furneaux Islands under the existing RLUS, potentially the Bass Strait Islands or other regions such as the east coast or issues (such as scenic protection at the landscape scale);
- recognition of local policy and strategy for implementation through LPS
- implementation programs and requirements, particularly around base information that the State will require to inform development and implementation of the TPP/RLUS;
- any mandatory appendices;

- a requirement to establish minimum thresholds for available land supply and reserves within each region; and
- recognition of Structure Plans (as not recognised in legislation)

Ongoing maintenance of the existing RLUS and supporting data was a critical problem for land use planning and development across regions in Tasmania. The lack of commitments within the consultation paper risks devolvement of those obligations for implementation from State policy and requirements to the development or local government sectors.

Clear commitments are required to the ownership of the RLUS and delivery of ongoing maintenance.

2.4 Assessing and declaring regional land use strategies

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister?

Should the assessment process include public hearings?

Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

Public involvement in the planning system and the development of a coordinated system of tools for land use planning are core outcomes of the RMPS Objectives. The Consultation Paper suggests the TPC complete an assessment that includes public consultation and suggests criteria.

Operation of the existing RLUS identifies the lack of a clear linkage between the assessment criteria and implementation through planning schemes. Implementation of the assessment criteria within the RLUS and TPS/LPS must be considered, with review of the capacity and effectiveness of implementation measures and tied to review of the TPS mechanisms. This must also be part of ongoing reviews to determine suitability and effectiveness.

The TPP's purpose is to set land use planning policy for Government for delivery through land use planning. Technical matters must also address application through the TPS and not just the LPS, otherwise strategic interventions will be compromised.

An additional criterion is required to enable consideration of the suitability of the particular matter for delivery through the RLUS and relevant documents/processes (such as the current requirement for state based hazard mapping to be implemented through the LPS and not the TPS/SPP's). This would:

- allow those matters that are better addressed at a lower or higher level to be identified and then developed through that process; and
- enable strategic engagement of relevant State Agencies and enable specific interventions (such as, a standardised process for updating hazard mapping across Tasmania).

Public consultation is a key objective of the Act and RMPS and is required to address an existing lack of understanding within the community over the existing RLUS and planning system. Public consultation should be a requirement for assessment of the RLUS as part of a statutory exhibition process. This should be for at least 60 days and be subject to a dedicated consultation plan to target various key industry and community groups.

Public hearings should be part of the formal assessment process.

A critical outcome of the assessment process ought to enable advice to the Minister for review or reform of the TPP's, TPS/SPP's or specific LPS. A similar process existed for Planning Authorities in the LPS process through the 35G Notice on matters that related to the TPS/SPP's. A similar tool would be useful for this process and enable coordinated action between various levels of State and Local Government.

2.5 Reviewing regional land use strategies

Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

Should any other matters trigger the review of the RLUSs?

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

Operation of the existing RLUS highlight the need for periodic review and the ability to respond to changing circumstances and emerging issues. The following types of review are relevant:

- periodic reviews that address the overall effectiveness and content of RLUS and consistency with the current strategic policies and directions of Government and the regions and provide for an overall review or refresh of the RLUS;
- regular updates to review the suitability and effectiveness of policy and data for matters such as natural hazards, climate change and environmental data;
- routine updates to address statistical and other data updates, updates from monitoring programs such as development trends, land supply, uptake and other key metrics for population and land use planning; and
- a review of key decisions on planning schemes/amendments any appeals (TASCAT and Supreme Court) for intended/unintended outcomes.

A range of effective review options will be critical for the ongoing relevance and maintenance of future RLUS. Processes are required to establish those reviews.

2.6 Amending regional land use strategies

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

What matters should qualify as triggers for amending a RLUS?

If more regular reviews are required or the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

Operation of the existing RLUS confirm the need to establish processes and timeframes for the amendment of RLUS. The process should be consistent with the types of review, but also provide a request based option for unexpected circumstances.

The most recent population data identified significant growth over the recent past and projects high growth levels for the foreseeable future. It is highly likely that the less

constrained land in reserves from previous periods mostly having been developed. Review of the RLUS and the timely ongoing maintenance of the RLUS are therefore critical for managing future populations.

While planning reform focussed on development tools and mechanisms over the previous decade or more, current and projected pressures demand a proactive and strategic approach to implement a strategic planning system.

Mechanisms to make corrections and minor alterations are supported. Minor reviews should also provide for integration of revised data (such as ABS, supply, uptake etc), but not alteration of the policy responses or interventions (which ought to be subject to a full amendment process).

Other matters

Various submissions to the TPP's identified concern over the lack of a process to reconcile contradictions and differing requirements within and between policy areas as an essential component. We note the revised Foreword and General Application sections that were identified by the SPO for the TPP's and hope they will provide the guidance that is required. In addition to this, the SPO should be available to provide advice on interpretation and implementation of the TPP's to RLUS, the TPS/SPP's and LPS to the Commission and Local Government, where required.

The SPO progressed from a section within the Department of Justice to a dedicated office located within DPAC. Many Agencies provide submissions or advice to the Commission on matters relevant to assessments. While the SPO has not traditionally provided this service, implementation advice will likely assist both the Commission and the local government sector. This is consistent with the operation of other agencies within Government and reflects the agency status provided to the SPO. This could be through the provision of advice to Councils in preparing planning scheme amendments, submissions to the statutory exhibition process or participation in hearings.

Existing assessments require assessment against every part of State Policies, the TPP's and RLUS. The current reforms will deliver a process where the RLUS will comply with the higher order policies and strategies. The assessment process should clearly establish where the State Policies and TPP's are considered to be delivered through the RLUS and where (if at all) assessment is required for specific applications or amendments.

The existing process results in duplication of assessments and increased cost to Councils and the development sector. Establishing an implementation hierarchy for future iterations of the RLUS (and TPP's) may reduce this duplication.

The LPS process and planning scheme amendments suggest that Government Agencies may not fully appreciate the significance of the implications for the TPP's for the development, assessment and operation of the RLUS.

Structure Planning Guidelines

The Guidelines are not intended to be a binding document, but Council's experience through the LPS process suggests that they are likely to be used as a set of mandatory requirements rather than as guidance;

Structure Plans establish local strategy. The information session suggested they must be consistent with RLUS. As a non-statutory document that is owned by the Council and not State, the designation of local strategy cannot be curtailed or constrained by the RLUS, particularly noting the historical frustrations the various RLUS provided across the regions.

The following observations are provided:

- 1.2 Definition - The Guidelines identify that the Council determines the contents of Structure Plans. We suggest that for a Structure Plan to be provided full consideration through assessments under the Act, they must be formally adopted or endorsed by the Council and/or planning authority and that once endorsed, they are recognised through the RLUS (refer also 2.1.9 and 2.2.2)
- 1.4 Types of Structure Plans – recognition of precincts should include public and private realm outcomes. It is also important to note that the details of investigations and interventions within Structure Plans will need to reflect local circumstances and must be able to occur at a range of detail.
The types of Structure Plans will need to better recognise the range of plans that are required across the State and within the Glamorgan Spring Bay area, particularly in the type and extent of supporting information that underpins structure plans. Coles Bay, Cranbrook, The Fisheries or Buckland will have different requirements to say, North Hobart, Kingston Beach, Ross or Sorell. The Guidelines must better reflect the ability for a light version of structure plans in towns or villages that have low growth requirements;
- 2.1.1 Definition and Purpose – purpose should clearly enable thematic precincts to be established within Structure Plans
- 2.1.9 and 2.2.2 are revised to require adoption of the Structure Plan to establish its authority, rather than a suggestion. A statement may recognise the lesser consideration of draft Structure Plans. The formal adoption by Council should be a requirement to afford full status in assessments, noting this may be on a limited or specific basis (such as adoption of a draft for the purpose of a particular project or assessment).
- 2.1.4 Engagement and Consultation – reforms to enable consultation with State agencies are supported and will improve outcomes and consistency with RMPS objectives.
- 2.1.6 Analysis & evaluation – the establishment and ongoing maintenance of key metrics and data on implementation of the RLUS and Structure Plans must be address across Tasmania and implemented in a consistent manner to allow future integrity of the collected data. We support these reforms in this section.1.6 but note the significant role of State in establishing and maintaining those requirements across Tasmania.
- 2.1.10 Implementation – this provides a very detailed set of requirements that do not apply to State projects. While there is no real concern with the listed items, they are more detailed than State commitments to in similar projects and do not promote coordinated action between levels of government. Absent the mandatory commitment of State Agencies to the development of Structure Plans, the discretionary nature of these considerations must be highlighted. As consulted and

following the concerns over how the Guidelines may be used outside Local Government, they may result in unintended blockages to adoption and implementation.

Many of the observations and statements within the Guidelines that relate to data collection, monitoring and review relate to higher level documents and should be applied consistently through the range of land use planning tools across State and Local Government.

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 T: 03 6376 7900 | ABN 96 017 131 248



Enquiries: Deb Szekely
 Our Ref: 22/7340

27 February, 2023.

Michael Ferguson MP - Minister for Planning
 Department of Premier and Cabinet
 State Planning Office
 GPO Box 123
 HOBART TAS 7001
 E yoursay.planning@dpac.tas.gov.au

Dear Mr Ferguson,

RE: CONSULTATION ON THE REGIONAL PLANNING FRAMEWORK AND DRAFT STRUCTURE PLAN GUIDELINES

Thank you for the opportunity to consult on the review of the Regional Planning Framework and the proposed introduction of Structure Plan Guidelines. It is our understanding that this level of consultation has regard to the legislative, regulatory and administrative arrangements that relate to the drafting, publication, review and amendment of Regional Land Use Strategies. The

The discussion paper is thought to have identified appropriately the general content and purposes of the RLUSs. The matters that Development Services would like considered in relation to this consultation opportunity include the following.

INFRASTRUCTURE PROVISION

A review of the legislative, regulatory and administrative arrangement for the RLUS is an opportunity to ensure Infrastructure Planning is addressed within the regions in a purposeful and collaborative strategic planning exercise. Consideration should be given to the preparation of Regional Infrastructure Plans in coordination with or in combination with, the regional land use planning framework. Regional Infrastructure Plans, developed in tandem with Regional Land Use Plans may provide a consistent framework in strategic planning.

REGIONAL PLANNING COMMITTEES

Consideration should be given to legislative inclusion of the establishment of Regional Planning Committees to oversee and facilitate:

- The amendment of RLUSs;
- Strategic Planning Projects to inform and advance the RLUS;

- Coordination of state government function with local government function in relation to the RLUS. An example may be the State Population Strategy and ensuring that strategies align and work together. It was noted at a recent forum to discuss the State Population Strategy that there was no planning representation in attendance and instead was attended by Economic Development Officers mainly;
- Development, update and dissemination of data sets i.e. demographic and mapping.

Importantly, representation on the Committee should reflect state and local government interests as well as their business units with legislative positions to be filled e.g. Department State Growth, TasWater, Sustainable Timbers Tasmania. An alternative composition could be considered, however representation should allow for the strategic land use planning to be fully integrated with state planning initiatives whether it be population targets, road networks or water and sewerage infrastructure. The Regional Planning forum is an appropriate forum to better integrate strategic land use functions between state and local government.

Consistency in relation to the document structure in our opinion is not as important as consistency in the framework that delivers the regional plans from a state level. That is, consistency of what integrates with regional planning in terms of economic strategies, data management, environmental, social and cultural priorities. The priority should be on the larger picture rather than the specifics of how a regional plan is formatted. If the material feeding into the development / amendment of regional plans is consistent in terms of state government integration and utilisation of best available data sets including mapping, it should matter how the regional plans look and/or are formatted as there will be confidence in the material feeding into the development or amendment of the same.

As demonstrated above, our commentary is more concerned with the integration of state and local government contribution to Regional Land Use Planning. In particular it is focussed on ensuring state government is integrated more fully into the planning process and in particular as it relates to infrastructure planning and maintaining data, including mapping, for strategic planning purposes.

Should you wish to discuss any of these matters further, please don't hesitate to contact Deb Szekely on telephone 6376 7900.

Yours sincerely,



Jake Ihnen

DEVELOPMENT SERVICES COORDINATOR



Tasmanian Dog Walking Clubs Inc.

Submission re: Regional Land Use Strategies (RLUSs)

The Tasmanian Dog Walking Clubs (TDWC) thanks the Minister for the opportunity to consider and have input into the regional planning framework project. We hope that our insights can help build a positive inclusive framework.

Our area of knowledge is focused on the human-canine dyad, companion animals and dogs as sentient beings. Therefore, our responses to Section 2 are limited, while our responses to Section 3 are framed by our experience in responding to council Dog Management Policy and State Government legislation. What we would like to highlight is the evident lack of vision and future planning on the part of councils and developers.

We believe that taking into account companion animals should be seen as part of creating liveable communities, where future planning takes into account provision for housing with open spaces available to all community members connected by walkways.

- This not only helps existing residents but is an attractive draw card for potential overseas and mainland workers.
- It is an equity issue for our aging population and those who cannot access public transport or drive a car.
- This promotes healthy activity and better mental health outcomes.
- Facilitates community and social connection.
- Would alleviate points of conflict around protecting wildlife by creating buffer zones and creating alternate spaces for exercise.

While the content below may not be exactly what you are seeking, we hope that you will consider it, and we offer it in good faith.

We hold three key concerns:

- Will there be a Vision statement for Tasmania, reflecting those existing in the three current RLUSs, that guides the strategy? How do we want to live? What do we want for the future?
- The focus and language of the Regional Land Use Strategies (RLUSs) and all other documentation is solely human focused. There isn't any recognition/acknowledgement of the other animals that reside alongside us.
- The reference to 'stakeholders' does not encompass the community, that is the people living in the areas. Surely, they are key stakeholders?

Our responses to the questions in section 2 are:

- The general content and purposes of the RLUSs should be outlined in the legislation and/or regulations for clarity and transparency.
- Regarding the 'other matters' as listed; all these should be included.
- Consistency is important, particularly with regards to terminology and definitions and a template can be useful. However, there needs to be room for individual cases that do not fit neatly into a box.
- RLUSs should be subject to assessment and include public hearings.
- The timeframes for reviewing the RLUSs should continue the 5 yearly cycle and stakeholders should be given the opportunity to comment. TPPs and SPPs should be part of that review process.

The Structure Plan Guidelines (SPGs) as outlined are of interest to the TDWC. Through our satellite bodies the Kingborough Dog Walking Association; Derwent Valley Dog Walking Association; Huon Valley Dog Walking Association and Hobart Dog Walking Association (includes Clarence and Glenorchy) we monitor and work with 6 southern councils and are also currently working with an east coast council to provide input on their Dog Management Policies.

There are consistent key issues that arise with each review that are planning based and therefore ought to be reflected in the for SPGs.

These issues are:

1. A lack of forward planning to accommodate rising dog numbers that result from population growth.
 - 1.1. The 2022 survey by Animal Medicines Australia found that 69% of Australian households are now home to one or more pets.
 - 1.2. In the 2020 Household, Income and Labour Dynamics (HILDA) Survey had pet ownership at 62% with 72% of pet owning people – or 48% of all people having a dog.
2. An unwillingness or lack of understanding on the part of government, developers, and some councils to recognise and acknowledge the high percentage of people that own pets – companion animals. To acknowledge that these people will bring their pets with them when they move into new housing developments.
 - 2.1. That pets are more than property, that they exist within family units and for parts of the population are the only family an individual may have. This is where the human and dog can be seen as a dyad and should be respected as such within planning.
 - 2.2. There are examples of mainland developers acknowledging companion animals and providing creative ways of catering to them. They recognise pets as important household members and that they foster a sense of community.
 - 2.2.1. Sarazin has a pocket dog park in its design for a two-tower development Nuage, Woolloongabba. They are also looking at providing a dog walking service.
 - 2.2.2. Fraser Property's Brunswick & Co development in Brisbane will include a rooftop dog park and dog wash area.

2.2.3. Mosaic Property Group actively looks for sites close to dog parks and amenity for their residents.

3. Lack of recognition or understanding that dogs are sentient beings. Sentience means that dogs can feel pain and pleasure, and that they have interests, as such have basic needs to live a fulfilling life.
 - 3.1. That a modern-day dog's life is the result of co-existence with humans and domestication which current research indicates started some 23,000 years ago, with several the current breeds that we know today coming out of Victorian 1800s selective breeding programs.
 - 3.2. One could argue that the long continuous relationship deserves recognition and that through our actions, we are responsible for the welfare of these beings. Of particular concern are the restrictions placed on what were once hunting and working dogs, now living in the urban environment. Dog Management Policy, urban/regional planning and environmental protections put increasing limits on a dog's ability to be a dog, to live an authentic life. Increasingly, these restrictions are giving rise to behavioural problems that can disrupt community harmony.
4. Many councils in Tasmania are seeing changes in their population growth which also for councils such as Kingborough, Sorell, Clarence, West Tamar also means a transition from rural to suburban land use. Some of these councils appear to struggle with planning for companion animals.
5. The lack of linked green spaces providing people and animals opportunity to walk and be in natural environments. These spaces are important for recreation and, physical and mental wellbeing. The TDWC holds that dog owners should have walking access of not more than 15 minutes, to a green space that preferably has off-lead exercise available.
6. Small and fewer off-lead spaces lead to behaviour issues – human and dog.

We argue that the SPGs should be more inclusive taking a more-than-human approach to planning, acknowledging that companion animals are a part of the community. We suggest that this also applies to the wildlife that lives alongside us in Tasmania, even in urban areas.

The TDWC has seen one council allow development around hills and leaves the hilltop for wildlife without regard to providing green corridors for natural movement. This pushes wildlife into housing areas and onto busy roads with dire consequences.

We ask that companion animals be explicitly recognised in the SPGs.

- 2.1.1 Definition and purpose, we ask that dogs be listed amongst the 'matters to be considered'. Is there space available for the exercise of dogs? This would include walking paths that lead to fenced and unfenced off-lead areas that can be utilised and enjoyed by the human-canine dyad.
- 2.1.3 Dog numbers should be included in the demographic data. Dog numbers will correlate to human population growth. Dog registration numbers are readily available.
- 2.1.4 Dog owners always be included in consultation. A couple of councils have been exceptional in forming working parties and including dog owners in the initial review of their Dog Management Policy before seeking general community feedback. This provides a more positive experience for residents and council. The consultation process should be transparent, and care needs to be taken with online surveys. Wording can indicate a preferred outcome, and this causes unnecessary stress to residents.

- 2.1.7 There needs to a Vision that covers the whole planning process, at the RLUSs level. Having the community involved will provide a sense of ownership for the people working and living in the regions and towns of Tasmania.
- 2.1.9 This section reads as if the council 'should' rubberstamp the structure plan. There is no discussion about an appeals process. How do people lodge objections and who monitors the developers? Are there penalties if developers do not follow the guidelines?
- 2.2.9 The list of social, cultural, and economic attributes fails to mention outdoor activity centres which could include sporting facilities, playgrounds, parks, and other outdoor activity areas such as dog parks or general off lead/on lead spaces. Where are the linking bicycle paths and walking paths?

In conclusion, we ask that animals both, companion and wild be recognised in future planning and that the language and framework reflect a 'more than human' approach.

We respectfully point out that the key stakeholders are the people that live and work in the area now and in the future, not the service providers.

Finally, we ask that transparency and the ability for community input be a focus of any change.

Our Ref: LP.PLA.9

Enquiries: Michelle Riley
Phone :

28 February 2023

State Planning Office

By email: Yoursay.planning@dpac.tas.gov.au

Dear Sir / Madam

Submission – Regional Planning Framework Discussion Paper and Draft Structure Plan Guidelines

Thank you for the opportunity to make a submission about the Regional Planning Framework Discussion Paper.

Council generally supports an improved process for preparing regional land use strategies (RLUS).

Purpose and Scope

Care should be taken in relation to matters that will be legislative requirements and what can more appropriately be managed as informal guidelines. For example, on page 9 of the Discussion Paper a list of other matters that could be considered is included. These matters should be addressed through informal guidelines rather than further legislating contents or the approach to reviewing or preparing a RLUS.

Consistency

Support consistency, however given the iterative process of drafting a new RLUS and the commitment amongst the regions to work with the State Planning Office, other regions and stakeholders, non-statutory guidelines would be preferred. This will allow flexibility to adapt to new information and approaches as the RLUSs are being reviewed and prepared, without the need to quickly resolve templates and other components into legislative instruments.

As the Minister is ultimately responsible for approving the RLUSs, this, with information guidelines will reduce the risk of inconsistency around critical matters.

Assessing and declaring RLUSs

Formal public exhibition processes are supported.

There is some concern about the involvement of the Tasmanian Planning Commission. In particular the timeframes involved in the assessment and the scope of their assessment. Any approach should seek to reduce red tape and improve efficiency rather than adding an additional layer of regulation.

Reviewing or amending a RLUS

A five yearly review cycle is reasonable given the consistency with the review periods of other planning policies.

It is recommended that the parameters for reviewing or amending a RLUS between the five year timeframes not be restrictive. Further, the approach taken in the Northern Tasmania RLUS that provides for Local Provisions Schedule (LPS) amendments to proceed without needing to amend the RLUS should be retained – see section D.2.11 of the Northern Tasmania RLUS.

The process for amending a RLUS should consider efficiency and reducing red tape. Minor amendments should be included to ensure the RLUS can be updated when required.

Any local government should be able to propose an amendment to a RLUS within their region. A requirement to refer the proposed amendment to each local government in the region as part of the consultation process could be included to ensure there is an awareness and ability to make a representation about the amendment.

Structure Plan Guidelines

It should be made very clear that the guidelines are not statutory and are an information tool to support local government and others to prepare structure plans. There is some concern that local plans used to support LPS amendments will be required by the Tasmanian Planning Commission to meet the guidelines regardless of the scope or nature of the proposed amendment. This has the potential to add considerably to the cost and resources required to undertake amendments.

Care should be taken with the inclusion of statements about the guidelines being an 'agreed understanding' around the structure planning process when no formal agreements with regards to the guidelines has been made.

In relation to the structure planning process, RLUS reviews and LPS amendments, one of the most useful roles State Government could play would be to coordinate state agency and infrastructure service provider engagement at critical stages through the preparation process.

If you would like to discuss this matter further please contact me on _____ or via email at _____

Yours faithfully

Michelle Riley
MUNICIPAL PLANNER

28 February 2023



Cleaner.
Smarter.
Diverse.

Department of Premier & Cabinet
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Via email: yoursay.planning@dpac.tas.gov.au

Dear Sir or Madam,

Re: Consultation on the Regional Planning Framework and draft Structure Plan Guidelines

Thank you for extending an invitation to the Tasmanian Minerals, Manufacturing and Energy Council (TMEC) to provide feedback on the Regional Planning Framework and draft Structure Plan Guidelines.

TMEC's membership base represents an important wealth creating sector within the Tasmanian economy. The combined minerals and manufacturing sector employs 21,000 people and contributed \$3.1B in exports as of the 12 months to June 2022. Most of our members are based in regional areas of Tasmania and therefore provide critical employment opportunities away from public funded employers. Minerals exports alone account for 65% of Tasmania's commercial exports and is the foundation stone of many regional communities with 5,200 direct jobs.

In principle, the industry supports a planning scheme that is well considered, meets the requirements of the Tasmanian community, and aligns with the proposed TPP's.

TMEC appreciates the opportunity to provide feedback on the Regional Planning Framework and draft Structure Plan Guidelines and looks forward to continuing this engagement through any ongoing consultation.

Please do not hesitate to contact me should you require further clarification.

Yours sincerely,

Ray Mostogl
Chief Executive Officer

Office of the Coordinator-General

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28 February 2023

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Consultation on the Regional Planning Framework and draft Structure Plan Guidelines

The Office of the Coordinator-General (OCG) is the principal entity for attracting and supporting investment into Tasmania, which includes identifying and promoting new opportunities for the State.

The OCG welcomes the opportunity to participate in the consultation on the Regional Planning Framework Discussion Paper and the draft Structure Plan Guidelines. Planning reform processes and outcomes impact directly on investment decision-making.

Tasmania's planning reform agenda is being undertaken in a period of unprecedented change and opportunity in Tasmania's investment climate. The OCG will seek to highlight the relevance of real investment needs to the current planning reform agenda in Tasmania and the timeline attached to the multiple tasks and outcomes.

Investment Context in Tasmania: Background

Tasmania has not been spared the levels of disruption and uncertainty following the COVID-19 pandemic to supply chains and critical energy supplies exacerbated by ongoing geo-political tensions in Europe and the Asia-Pacific, rising inflation and interest rates and the potential threat of recession in key global markets. Tasmania's renewable energy platforms, its delivery on net-zero goals has attracted continuing investment interest in innovative advanced manufacturing, particularly in the energy sector, agri-foods, mining and tourism.

Tasmania is becoming of increasing interest to wider markets, which does bring with it unprecedented challenges to the very planning issues that are central to Tasmania's planning reform agenda. At a broad policy perspective these challenges include the development and redevelopment of settlements (responding to unexpected levels of growth or declining populations), future land use (demand and supply across all categories, particularly industrial land zoning), infrastructure provision (water, energy, transport and mobility efficiency together with the staples of health care, education, and aged care.)

These broad planning policy issues are highlighted by the risk assessment investors make when considering Tasmania as a potential site for investment alongside other options. These include, site selection (cost and availability); infrastructure availability and reliability; talent attraction and retention (increasingly critical); housing (including for workers in more remote areas and across all sectors from tourism – accommodation and hospitality - to mining and energy production), health and education options, transport reliability and access, brand alignment, government support and assistance, including access and understanding of planning scheme requirements.

Planning Reform Agenda: Issues for Investment

A Fact Sheet for the Tasmanian Planning Scheme (TPS) outlined the intent of planning reform:

“The Tasmanian Planning Scheme was intended to create a planning scheme that is fairer, faster, cheaper, and simpler that would make it easier to invest in Tasmania, encouraging more economic development and job creation.

One statewide planning system will provide confidence for those looking to invest and expand.”

The TPS was made in 2017 and adoption across Tasmania’s municipalities does not appear to have met initial expectations.

The OCG notes that at the time of preparation of this submission the TPS – the most important planning reference point for investors regarding planning standards and local provisions, was still not operational in nine municipal areas – that include significant growth settlements; Hobart and Sullivans Cove, Kingborough, Huon Valley, Latrobe and Kentish and the Derwent Valley.

The State Planning Office (SPO) current planning reform agenda is multi-faceted and includes; State Planning Provisions (SPPs) reviews, making of the Tasmanian Planning Policies (TPPs), review of Regional Land Use Strategies (RLUS) - informed by the TPPs and a further review of the SPPs (informed by the TPPs), and potential for public submissions and assessment of the RLUS. The timeline for this reform agenda is likely to extend beyond 2025.

The OCG suggests that these timelines will not meet the critical needs that influence investment site selection or for some of the drivers for further investment.

The OCG would welcome the opportunity, as indicated in the Minister’s letter accompanying the Regional Planning Discussion Paper, to seek further discussion and clarification on aspects of the planning reform agenda from the SPO.

Yours sincerely,

John Perry
Coordinator-General



Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

28 February 2023

Hon Michael Ferguson MP
Minister for Planning
Via email: yoursay.planning@dpac.tas.gov.au

Dear Minister

RE: Regional Planning Framework and Structure Plan Guidelines

Thank you for the opportunity for the Tasmanian Heritage Council to provide a representation regarding the Regional Planning Framework and Structure Plan Guidelines.

The Heritage Council supports the planning reform initiative that aims to improve the legislative and regulatory framework by which Regional Land Use Strategies (RLUS) are reviewed, monitored, amended and assessed.

It is imperative that the principles of Historic Cultural Heritage that are articulated in the strategies of the Tasmanian Planning Policies are further advanced through the development of the RLUS.

To this end, the Heritage Council views the RLUS as a further opportunity to embed, at a regional level, the principles of identifying and protecting local historic cultural heritage more satisfactorily in Tasmania's planning system. An effective way to achieve this aim is by introducing a uniform approach to preparing the RLUS's through the use of a standard template to ensure the challenges and opportunities inherent in protecting local heritage are substantially addressed and monitored at timely intervals across each of the three regions.

Heritage Tasmania does not have any specific comments to make about the Structure Plan Guidelines because this document appears to provide the necessary guidance to planning authorities to ensure that historic cultural heritage is adequately identified and protected when preparing a Structure Plan to guide future development.

Thank you again for the opportunity to provide input into this latest initiative of the State Government's planning reform agenda.

Yours sincerely

Ms Brett Torossi
Chair



SUBMISSIONS TO THE STATE PLANNING OFFICE - 28 FEBRUARY 2023

REGIONAL PLANNING FRAMEWORK DISCUSSION PAPER.

Preamble

Southern Midlands Council welcomes the State Government's ongoing initiatives in the land use planning sphere, and is encouraged by the methodical approach of the State Planning Office.

The following comments are provided in response to the questions posed in the discussion paper.

2.1 Scope And Purpose

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

Response:

- Agree, provided this is kept general / high level.
- The use of regulation, rather than legislation, would provide more flexibility in terms of ease for future amendments.

Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

Response:

- Agree with suggested contents.
- The suggested contents are sufficiently broad.

2.2 Consistency

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

Response:

- Terminology / definitions.
- Categorisation of settlements.
- Main content headings, with the ability to add to accommodate regional characteristics, when needed.
- Fundamental background data, with the ability to add to accommodate regional characteristics, when needed.

Should there be a template for RLUSs?

Response:

- Agree; there should be a template for Regional Land Use Strategies.
- This could be set via a State Planning Office Guideline in the first instance, so that it can be readily amended. After one or two iterations of the RLUSs there may be sufficient confidence in the template to set it in place through regulation, if considered necessary at that time.

2.3 Preparing Regional Land Use Strategies

No questions are posed by the SPO under this heading. However, the following comments are proposed:

- State agencies and state infrastructure providers contribute key base information into RLUSs. This is best coordinated by the State Planning Office on a state-wide bases, rather than done three times by the individual regions.
- Ensuring state agencies and state infrastructure providers are properly engaged with the regional planning system, as proposed by the State Planning Office, is strongly supported.
- RLUSs should continue to be prepared by the three regional groupings of Councils, working in conjunction with the State Planning Office (and State agencies and infrastructure providers via the SPO).

2.4 Assessing & Declaring Regional Land Use Strategies

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?

Response:

- RLUSs should not be subject to a statutory assessment process and public hearings by the TPC. They should remain under the direction and control of the three regional groupings of local Councils, with ultimate approval by the Minister.
- RLUSs should remain within the domain of the elected representatives of the people. Local Councils in the first instance, followed by the Minister. They are, in part, aspirational documents setting out an agreed vision for the future of each region, tempered by State direction as contained with the Objectives of the Act and set out by the Tasmanian Planning Policies. It is not possible, nor is it appropriate, for a statutory panel of unelected officials to properly or correctly channel the will of the people.
- Pursuant to the above, it is important that local government undertakes the task of creating and reviewing RLUSs as Councils under the *Local Government Act 1993* (i.e. as the elected representatives of the people), not as Planning Authorities under the *Land Use Planning & Approvals Act 1993*.



- There is no need for a statutory public notification and public hearing process. A thorough (non-statutory) community consultation process of the kind normally undertaken by local government during, for example, structure planning processes, is far better for discerning ‘the will of the people’. Prior to approving a RLUS, the Minister should simply be ‘satisfied’ that the regional group of Councils undertook an appropriate level of public consultation on a draft of the document. (The SPO could produce a Guideline in regard to this).

Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

Response:

- The creation of RLUSs should involve bringing State policy direction down to the regional level and bringing relevant local-level strategies, policies and community consultation outcomes up to the regional level. RLUSs, therefore, have a broader scope of inputs than the TPPs.

2.5 Reviewing Regional Land Use Strategies

Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

Response:

- Agree. The timeframe for the ongoing reviews of RLUSs should be 5 years.

Should any other matters trigger the review of the RLUSs?

Response:

- A review of the RLUSs outside the 5-year cycle should happen only in exceptional circumstances.
- The Minister should have the power to order a review outside the 5-year cycle. Such a decision could be made on the Minister’s own instigation, or after considering a request from the regional group of Councils.
- RLUSs could contain change triggers, which would automatically lead to a change without the need for an amendment. For example, if the take-up of vacant land within an urban growth boundary reaches a certain level, the urban growth boundary could automatically expand to a predefined new line.

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

Response:

No. Refer comments under section 2.4.

2.6 Amending Regional Land Use Strategies

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

Response:

- For substantial amendments, the process should generally follow the same path as that for approving RLUSs.
- Refer comments under section 2.4.

Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

Response:

- Agree. Minor amendments can be defined and should be able to occur with minimal time and cost.

What matters should qualify as triggers for amending a RLUS?

Response:

- The advent of a new Tasmanian Planning Policy, or a significant amendment of a TPP.
- Key strategies within the RLUSs could be written with clear triggers for a review outside the scheduled 5 yearly cycle.

If more regular reviews are required of the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

Response:

- The Minister should have the power to order a review outside the 5-year cycle. Such a decision could be made on the Minister's own instigation, or after considering a request from the regional group of Councils.
- Others, such as land developers for example, would need to convince the regional group of Councils that an amendment is warranted. Then that regional group of Councils would make a request for an amendment to the Minister. Such a request should be subject to set period within which the Minister must make a decision.
- The regional groupings of Councils should operate, for the purposes of creating and amending RLUSs, on the principle of one vote per Council.



SUBMISSION: DRAFT STRUCTURE PLAN GUIDELINES.

State and regional planning instruments together with local information and community input, inform the creation of Structure Plans. Important outputs of such plans are proposed planning scheme amendments, along with an overarching vision for the future of a settlement together with a broad range of recommended potential actions for Council (and others) to follow to achieve the vision. Such documents set out the land use planning future for towns and villages.

In order to assist Councils to undertake structure planning work, the State Planning Office has released draft Structure Plan Guidelines for Local Government to comment on.

Along with suggested inputs, community consultation guidance and desirable outcomes, the discussion paper seeks to establish a standard template and methodology.

The State Planning Office has specifically asked the following questions, with submissions due by the end of February:

Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?

Response:

- The idea of broadly standardising the methodology, content and presentation of structure plans across the State is supported. It will facilitate and reduce the costs of this work for Local Government. It should also ensure that recommendations and supporting information for proposed planning scheme amendments arising out of structure planning are in a form that will be accepted by the TPC.
- Under 2.1.8, the draft Guidelines state that structure plans should be consistent with the relevant RLUS. This is agreed with generally, however the draft Guidelines also state that structure planning outcomes may inform the review of RLUSs. Therefore, the guidelines need to accommodate this kind of recommendation.
 - For example, in the coming review of the RLUSs, it is Council's view that the Growth Scenarios for regional towns should either be changed or removed altogether, recognising that the residential demand & supply factors impacting towns outside the 'gravitational pull' of Greater Hobart are local, and have little-to-no implications regionally.
- Implementation of structure plan recommendations by Councils is often best undertaken just by integrating the relevant recommendations into Council's LGA Strategic Plan, budgeting, forward works programs, etc., rather than setting up a special implementation committee. It can be the role of a key Council officer to provide a regular 'implementation update' to Council meetings, as appropriate.



- The SPO has proposed that it coordinate the engagement of State agencies and infrastructure providers for the proposed Regional Planning Framework. It would be of great assistance to Local Government if the SPO could help ensure that these agencies and infrastructure providers:
 - Recognise the importance of local-level structure planning.
 - Engage meaningfully with structure planning.
 - Recognise the outcomes of structure planning and incorporate them into their forward planning and budgeting.

<p><i>Are there any other additional matters or issues that should be considered for inclusion in the guidelines?</i></p>

Response:

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central
highlands
COUNCIL

SUBMISSIONS TO THE STATE PLANNING OFFICE - 28 FEBRUARY 2023

REGIONAL PLANNING FRAMEWORK DISCUSSION PAPER.

Preamble

Central Highlands Council welcomes the State Government's ongoing initiatives in the land use planning sphere, and is encouraged by the methodical approach of the State Planning Office.

The following comments are provided in response to the questions posed in the discussion paper.

2.1 Scope And Purpose

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

Response:

- Agree, provided this is kept general / high level.
- The use of regulation, rather than legislation, would provide more flexibility in terms of ease for future amendments.

Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

Response:

- Agree with suggested contents.
- The suggested contents are sufficiently broad.

2.2 Consistency

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

Response:

- Terminology / definitions.
- Categorisation of settlements.
- Main content headings, with the ability to add to accommodate regional characteristics, when needed.
- Fundamental background data, with the ability to add to accommodate regional characteristics, when needed.



Should there be a template for RLUSs?

Response:

- Agree; there should be a template for Regional Land Use Strategies.
- This could be set via a State Planning Office Guideline in the first instance, so that it can be readily amended. After one or two iterations of the RLUSs there may be sufficient confidence in the template to set it in place through regulation, if considered necessary at that time.

2.3 Preparing Regional Land Use Strategies

No questions are posed by the SPO under this heading. However, the following comments are proposed:

- State agencies and state infrastructure providers contribute key base information into RLUSs. This is best coordinated by the State Planning Office on a state-wide bases, rather than done three times by the individual regions.
- Ensuring state agencies and state infrastructure providers are properly engaged with the regional planning system, as proposed by the State Planning Office, is strongly supported.
- RLUSs should continue to be prepared by the three regional groupings of Councils, working in conjunction with the State Planning Office (and State agencies and infrastructure providers via the SPO).

2.4 Assessing & Declaring Regional Land Use Strategies

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?

Response:

- RLUSs should not be subject to a statutory assessment process and public hearings by the TPC. They should remain under the direction and control of the three regional groupings of local Councils, with ultimate approval by the Minister.
- RLUSs should remain within the domain of the elected representatives of the people. Local Councils in the first instance, followed by the Minister. They are, in part, aspirational documents setting out an agreed vision for the future of each region, tempered by State direction as contained with the Objectives of the Act and set out by the Tasmanian Planning Policies. It is not possible, nor is it appropriate, for a statutory panel of unelected officials to properly or correctly channel the will of the people.
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Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

Response:

- The creation of RLUSs should involve bringing State policy direction down to the regional level and bringing relevant local-level strategies, policies and community consultation outcomes up to the regional level. RLUSs, therefore, have a broader scope of inputs than the TPPs.

2.5 Reviewing Regional Land Use Strategies

Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

Response:

- Agree. The timeframe for the ongoing reviews of RLUSs should be 5 years.

Should any other matters trigger the review of the RLUSs?

Response:

- A review of the RLUSs outside the 5-year cycle should happen only in exceptional circumstances.
- The Minister should have the power to order a review outside the 5-year cycle. Such a decision could be made on the Minister’s own instigation, or after considering a request from the regional group of Councils.
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Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

Response:

No. Refer comments under section 2.4.

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Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

Response:

- For substantial amendments, the process should generally follow the same path as that for approving RLUSs.
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Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

Response:

- Agree. Minor amendments can be defined and should be able to occur with minimal time and cost.

What matters should qualify as triggers for amending a RLUS?

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SUBMISSION: DRAFT STRUCTURE PLAN GUIDELINES.

The following responses are provided in regard to the Draft Structure Plan Guidelines.

Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?

Response:

- The idea of broadly standardising the methodology, content and presentation of structure plans across the State is supported. It will facilitate and reduce the costs of this work for Local Government. It should also ensure that recommendations and supporting information for proposed planning scheme amendments arising out of structure planning are in a form that will be accepted by the TPC.
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28 February 2023

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

yoursay.planning@dpac.tas.gov.au (Sent by email only)

COMMENTS ON DRAFT REGIONAL LAND USE STRATEGY FRAMEWORK AND STRUCTURE PLAN GUIDELINES.

Dear Sir/Madam

Thank you for the opportunity to comment on the Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines.

GHD's Planning team are pleased to see the commencement of this review to inform the ongoing planning reform program and address some longstanding issues raised by practitioners, particularly in relation to the lack of comprehensive review process allowing amendment to these strategies. The Regional Land Use Strategies (RLUS) have been in need of review for some time in order to be considered contemporary in current in the planning context for Tasmania. The review also presents an opportunity to "flip" the existing process of planning reform, which has been mainly a "bottom up" approach resulting in a lack of fit between statutory provisions and state and regional strategy and policy. An ideal approach to policy should demonstrate a clear line of sight in this regard, with the Policy and Strategy being made first.

1. Regional Land Use Framework

1.1 Intended Purpose

The process to establish the Regional Planning Framework needs to ensure the RLUS are fit for purpose, providing the connection between the TPPs and the State and Local provisions of the Tasmanian Planning Scheme. We would submit and it is therefore necessary for commonality to encourage common structure of documents, templates, terms, definitions and in the level of detail in each RLUS.

In consultation on the establishment of the TPPs, many criticisms were made of the extensive number of policy and strategy statements in the draft document. As a consultancy practice that has planners in each of the three regional areas, our view is the current RLUS are also made up of an extensive number of policy and strategy statements and objectives, a more focussed approach would be warranted. Therefore the framework to prepare the future RLUS should be clear about the desired content and detail to be provided to create a focussed document with clear objectives that are measurable.

Regional variation is still important to consider however, and it might be possible to consider mandatory agreed content across all regions, with more regional specific strategies depending on that Regions' land use, social, economic or environmental priorities such as:

- Renewable Energy Zones
- Biodiversity and Climate Change considerations
- Primary or other Industry Opportunities that are Region Specific.

1.2 Integration into the RMPS

The broader RMPS suite of legislation could play a greater role in the establishment of the amended RMPS, the new Structure Plan guidelines and indeed could re-home the TPPs. The *State Policies and Projects Act 1993* (SPPA), and/or supporting regulations have the ability to operate (with amendment) as a head of power for these functions of the RMPS without the need for more changes to LUPAA.

LUPAA is an extensive piece of legislation with many changes over the last 30 years and which now operates in a manner that was never envisaged when it was first drafted. Consequently, it is difficult to follow and contains clauses that fail to meet plain English drafting norms. Its expression regularly attracts criticism from planning and legal professionals. . In our view there is the opportunity for the policy and strategy direction of the RMPS to be considered in the existing SPPA and for this Act to refer to processes in LUPAA and related regulations when it needs to. Similarly, Structure Planning Guidelines could also take a more prescriptive approach, but not have to necessarily be integrated into statutory processes where it is not necessary, these could be considered for incorporation in the Local Government Act.

This option would see the SPPs and LPS functionality remain in LUPAA as statutory processes, and the option of a process for approval of Structure Plan guidelines aligning with one of the established functions of the Act (Part 8A for example).

1.3 Future content and context of RLUS

We recognise the next stage of the review would see the development of the supporting data and research to inform new draft RLUS', and the development of an agreed template structure, definitions and such as discussed under Section 1.1.

Planning practitioners have been focussed for some time on the processes associated with the implementation of the TPS and we see stage 2 of this review as an opportunity to "look up". As a consultant business we are not necessarily aware of the financial or other resources being discussed with our planning colleagues in local government, but we do see that they need this continuing support for this change to occur.

Typically, in the past Tasmania regional planning initiatives have been short lived through change in government policy, funding or the failure for co-operation towards common goals. For this reason, the proposal for a regional co-ordinator is useful, it might also be necessary for this co-ordinator to have some deciding powers to avoid an impasse in professional opinions preventing change. We look forward to providing input to the consideration of such governance issues in the future stage of the review.

In the future detail of a new RLUS structure we would be looking for a common and agreed approach to the incorporation of informative studies and reports and their availability for review. If these supporting documents are not statutory but are to be given regard when considering the objectives of a RLUS, they ought to be prepared by a suitably qualified person and properly reviewed with documents controlled by the Councils of the region or the State. Recently GHD prepared an Open Space Strategy for a Council in the North West and a referenced document with regional relevance was very difficult to find. Such problems could be avoided by the establishment of an agreed document control and management system.

1.4 Review and Implementation of RLUS'

It is recognised that the RLUS are currently being revised. Specified and regular reviews of the RLUS based on community engagement are important for implementing the strategy and providing certainty for land use planning decision making. A five yearly review seems appropriate and is probably more critical for the RLUS than the TPPs and SPPs, however the breadth of the review should be clear and not be used for ad hoc changes.

Comments made during the QA session for the State Planning Office presentation raised interesting questions about the potential, in addition to "rolling review" of the RLUS whether there should be the opportunity for "trigger events" such as Census releases or such to also cause a review. This could be an appropriate scenario for objectives that deal with high priority matters or significant events in the region such as an economic recession, climate change or environmental event.

The establishment of objectives and strategies for the RLUS should be clear, concise and identify the measure for success and responsibility for meeting the target whether government or non-government entities. In its simplest form this could be by use of a reporting score card and monitoring system that would also monitor level of community and stakeholder engagement.

2. Structure Plan Guidelines

2.1 Benefit of Guidelines

It is acknowledged that Structure Plan guidelines play an important part in linking broader policy and strategy with the instruments that give affect to planning control in the RMPS. We believe there to be overall benefit in agreement to approach and some standardisation. However, we note that this is a small state with limited resources and so we encourage the State Planning Office to set achievable goals and be realistic about the capacity of those within the planning system to produce adequate structure plans, irrespective of guidelines.

Given the RLUS have the requirements for Structure plans in certain instances anyway, we see this as an opportunity to provide for a more integrated use of land resources than incremental, development-led planning. Currently the use of structure plans is sporadic and this process could ensure they are an established part of a co-ordinated Tasmanian RMPS.

2.2 Form and Content

We look forward to commenting further on the form and content of the SPGs, but note that as most would be prepared by planning practitioners in Council or on behalf of a developer, a less is more approach might ensure that the guideline documents are not unnecessarily detailed and prescriptive. A simple approach may be the specification that they are prepared by a suitably qualified planner.

We note the requirements at part 2.1.8 of the SPG Draft document and are in agreement as to the things a plan should include however would also recommend there be reference to the need to consider other structure plan documents (for example a structure plan dealing with town centre design, might also need to have regard to one for a commercial activity centre, if they exist separately. In addition to that, structure plan areas in close proximity to neighbouring LGA areas should also have regard to existing structure planning work undertaken in that area.

2.3 Implementation through the RMPS

As stated in 1.2 above, our view is the guidelines should satisfy Section 8A of LUPAA as per Guideline No. 1. It would be beneficial if suggestion on drafting content accompanied the guidelines. For example, wording to achieve road layouts, open space, and stormwater outcomes that are to be achieved.

The guidelines should also be mindful of the substantial cost and time incurred in developing and consulting on structure plans and the subsequent scheme amendment and recognise that some structure plans may be more comprehensive than others. The cost to prepare scheme amendments has significantly increased since the introduction of the SPPs and RLUS and can be prohibitive to pursuing development and the timely release of land for development.

Our colleague Hide Shigeyoshi from Western Australia has provided a useful diagram for the main documents in the overall planning framework which demonstrates where the regional strategy framework and local structure plans are placed. As stated above Tasmania is a small state and as a result may not need this level of document hierarchy, but the diagram is useful to consider the practice in this jurisdiction.

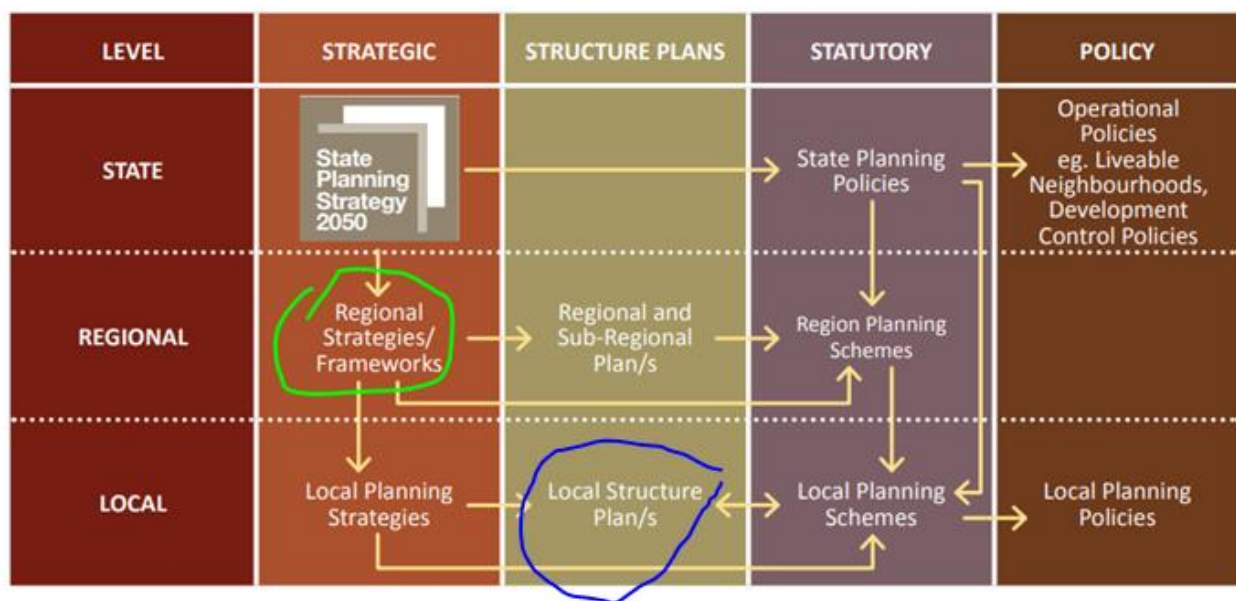


Figure 1 Western Australian Planning Framework

In particular, in Western Australia the framework that guides the establishment of structure plans, also provides for activity centre plans.¹ It would be useful to understand the context of this decision to distinguish between these two types of plans and the procedural issues associated with them. This may not be relevant in the Tasmanian context but nevertheless worthy of investigation. We note there are some useful considerations via the link below for Structure and Activity Plans in relation to:

- Content
- Structure
- Advertisement
- Publication and Operation
- Revocation and Amendments

Additionally, on a technical note for clarification in future consultation is that it is not clear what the impacts of the Structure Plan Guidelines will have on the requirements for land ownership consents under S52 of the Act.

¹ [Planning and Development Regulations Structure Plan Framework 2015 \(www.wa.gov.au\)](http://www.wa.gov.au)

2.4 Community Vision for Structure Planning

In other jurisdictions, structure plans are commonly prepared to identify priorities for future social, economic and environmental vision for a local area, and apply a spatial context for this. When led by a Council a structure plan with a strong community focus can allow for the consideration of timeframes for service delivery, infrastructure provision and land use planning.

The development of guidelines for the creation of Structure Plans in Tasmania could also ensure developer-led structure plans are required to give consideration to the community vision, expressed through either Stakeholder and Community Engagement or consideration of a Council's Strategic or Community Plan.²

Our Colleague, Mr Marko Separovic in South Australia, has indicated that our SA Planning, Stakeholder Engagement and Urban design teams have undertaken a number of Structure Plans over the past decade where the key to the Community or Town Centre Structure Plans has been Stakeholder Engagement at the community level to understand what the key community vision, needs and drivers are for their communities.

For the areas of Oak Valley, Koonibba and Yalata Community Structure Plans for example, our team actively engaged with the local Indigenous Communities to understand what their needs were in terms of future housing requirements in social infrastructure.

This understanding then drove the brief for future infrastructure requirements i.e. power, water and sewer requirements. The Stakeholder engagement also drove the decisions around other key community or social infrastructure requirements - such as schools, medical or local shopping facilities.

Once the community set the brief, the planners and urban designers translated these requirements or vision onto scaled plans that could then be costed and provided a basis for future grant funding.

The funding grants for this were sourced through State and Federal agencies.

In summary the key in terms of delivering the structure plans was to provide a multidisciplinary approach that included:

- Stakeholder engagement – creating the brief and vision for the community
- Planning – creating the policies and zoning to allow future development of preferred land uses
- Urban Design – creating mapping and structure plans that reflected the future vision/ future areas for land uses and developments of the local communities/townships

2.5 Stakeholder and community engagement

The draft SPG document gives consideration to the importance of stakeholder and community engagement and given the above experience, this contribution to the process is critical.

It is recommended that the development of any standards or framework for stakeholder and community engagement be undertaken with practitioners that have the required IAP2 accreditation. The standard of engagement should be high, and when led by a Council is likely to be more widely accepted by the community than when led by a developer. Therefore for a private developer initiated Structure Plan, adherence to the same process and standard by a suitably qualified practitioner will ensure a level of trust.

² To our knowledge Glenorchy City Council is the only Council within Tasmania that has an adopted Community Plan. In other states and territories in Australia, and in New Zealand Councils are required to have a Community Plan and a Strategic Plan.

Thankyou once again for the opportunity to participate in the process of consultation on this matter, if you have any questions on the submission, please contact any of the team members below.

Regards

Kylie Williams
Technical Leader - Planning

Jen Welch
Planning Technical Leader

Tom Reilly
Technical Leader - Planning

Odin Kelly
Senior Planner

Eric Smith
Planner

Date: 28 February 2022

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

Submission

Regional Planning Framework – Discussion Paper

Cement Concrete & Aggregates Australia (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.

1. REGIONAL PLANNING FRAMEWORK – DISCUSSION PAPER

CCAA welcomes the opportunity to provide comment on the Regional Planning Framework Discussion Paper.

CCAA maintained an active role in the Planning Reform Process from its inception. Thoughtful, strategic and proactive land use planning is essential to creating harmonious communities. With future-focused planning, all kinds of development including residential, industrial and resource based can coexist thereby building strong and resilient communities, avoiding conflict and promoting growth.

CCAA remain concerned that the Planning Reform Process has been implemented in reverse. It is our long held view that the Tasmanian Planning Policies (TPP) should have been developed and declared first, followed by this step, developing the Regional Land Use Strategies (RLUS), then the Tasmanian Planning Scheme and State Planning Provisions and Local Provision Schedules. The Tasmanian Planning Policies would have informed each subsequent step saving a lot of time and review of recently drafted instruments.

1.1. PURPOSE AND SCOPE:

The objectives of the Resource Management and Planning System of Tasmania are set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*. The purpose and scope must further these objectives and should be outlined in legislation.

The contents of the Regional Land Use Strategies should include consideration for the identification of natural resources and activities that are strategically important to the prosperity of the region and the protection and development of the state.

1.2. CONSISTENCY

The Regional Land Use Strategies are an implementation tool for the Tasmanian Planning Policies. The strategies should be consistent across the state with the only variation relating to different emphasis on certain industries and spatial considerations associated with the different regions.

A formal template to direct the structure of the RLUSs, perhaps based on the current Southern Regional Land Use Strategy would benefit people and organisations working in different regions.

1.3. ASSESSING AND DECLARING THE RLUS

The Regional Land Use Strategies need to be developed and reviewed with the benefit of wide-ranging input from diverse stakeholders. The development of a Stakeholder Reference Group including representatives from state agencies, service providers, developers and industry as well as councils and the Tasmanian Planning Commission is strongly encouraged.

Impacts on natural productive resources such as quarries, cement manufacturing facilities, concrete plants and activities that are strategically important to the prosperity of the region and the state should be considered in assessing the RLUSs.

1.4. REVIEWING THE RLUS

As stated previously the planning reform process has been implemented in reverse order, so it will be necessary to review the RLUSs soon after the declaration of the Tasmanian Planning Policies to ensure that the RLUSs implement the TPPs and hence further the objectives of Resource Management and Planning System of Tasmania.

The stakeholder reference group should be involved in any review of the RLUS to ensure that unintended or unforeseen adverse outcomes do not arise from a change.

1.5. AMENDING THE RLUS

A capacity to make minor amendments to fix errors and anomalies without time consuming extensive consultation is supported. However, zoning changes to convert rural land in an effort to increase land supply has the potential to create conflict between settlements and the industries that support them and lead to new settlements suffering from a lack of infrastructure, goods and services.

Land use zone changes and variations to urban growth boundaries should require assessment by the Stakeholder Reference Group to ensure that those providing goods, services and infrastructure have an opportunity to consider the change.

2. DRAFT STRUCTURE PLAN GUIDELINES

Structure plans need to be developed with consideration of all stakeholders including representatives of industry state agencies, service and infrastructure providers. A Stakeholder Reference Group can provide valuable input from a diverse range of viewpoints to enhance the development of sound structure plans that implement the Tasmanian Planning Policies and hence further the objectives of the Resource Management and Planning System.

Structure plans should be developed whilst being mindful of impacts of strategic productive natural resources and operations taking into consideration attenuation distances, transport routes, access to essential infrastructure such as electricity and water.

Structure plans may deliver benefits for the local community, local council and a local developer but have the potential to inhibit development of the region and state. The growth or development of a strategically important natural resource deposit or activity such as local cement or concrete production can be inhibited by fettering from incompatible uses that are facilitated by zone changes or a structure plan.

Community expectations regarding acceptable environmental impacts are changing and are likely to become more stringent in the future. Consideration of the effect on retaining access to, extracting and processing productive natural resources when preparing structure plans is supported.

A Stakeholder Reference Group made up of state agencies, service and infrastructure providers interested industries and industry organisations should be consulted early in the scoping stage of developing a structure plan and before public consultation, to ensure that all aspects of a potential change are considered and the proposal taken to the public has broad agency, industry support.

CCAA looks forward to continuing to work with the State Planning Office in implementing Planning Reform in Tasmania.

Thank you again for this opportunity. Feel free to contact Mr Brian Hauser, CCAA State Director or Mr Barry Williams, CCAA Industry Relations & Policy Manager to discuss any of these matters in more detail.

Yours sincerely

Brian Hauser
State Director, Victoria and Tasmania



27 February 2023

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

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

Dear Sir/Madam,

Regional Planning Framework and draft Structure Plan Guidelines

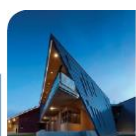
Thank you for the opportunity to provide comment on the Regional Planning Framework and draft Structure Plan Guidelines recently made available for consultation. Council appreciates the State Government's ongoing initiatives forming part of the reform agenda to the Tasmanian planning system, and views the Regional Planning Framework as an important policy mechanism towards contemporary and fit for purpose regional land use planning.

Please find Council's submission set out in **Attachment 1** which responds to the questions posed in the Discussion Paper prepared by the State Planning Office.

Thank you again for the opportunity to provide comment.

Yours sincerely,

Matthew Atkins
GENERAL MANAGER



Attachment 1: Response to Regional Planning Framework and draft Structure Plan Guidelines

Regional Planning Framework		
Matter regarding Regional Land Use Strategies (RLUS)	Discussion Paper questions (as prepared by the State Planning Office)	Council response
Scope and purpose	Do you agree that the general content and purpose of the RLUSs should be outlined in the legislation or regulations similar to the Tasmanian Planning Policies and State Planning Provisions?	This is supported as a logical and reasonable approach and one that will help facilitate a better consistency in the legislative arrangements for Tasmanian planning instruments.
	Do you agree with the suggested contents in the Discussion Paper? Are there any other matters you think the RLUSs should capture?	The suggested contents in the Discussion Paper are generally supported as they consider an appropriate range of matters.
Consistency	What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?	Council supports consistency in format and structure for RLUSs including the preparation of a template for RLUSs, which appropriately retains the ability to populate with content relevant to each region. It is Council's understanding that the preparation of any template would be undertaken in further consultation with the local councils in each region.
	Should there be a template for RLUSs?	
Assessing and declaring	Should the RLUSs be subject to an assessment process by the Tasmanian Planning Commission with recommendations made to the Minister? Should the assessment process include public hearings?	Noting that the Tasmanian Planning Commission (TPC) has an existing statutory role in the assessment of other planning instruments including the Tasmanian Planning Policies and the State Planning Provisions, and in the interests of consistency, there is an apparent logic that RLUSs should also be subject to a similar assessment process. The inclusion of public consultation in this assessment process (including the opportunity for public hearings conducted by the TPC) is viewed as a positive initiative that will contribute to improved public awareness, transparency, and participation in the assessment process for RLUSs.
	Should the matters be taken into consideration when assessing a RLUS be similar to the Tasmanian Planning Policies? Are there any different matters that should be included?	No further matters identified for suggestion at this stage.
Reviewing	Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?	Council considers it a reasonable approach that the timeframes for review of the RLUSs align with the 5-yearly cycle of the other planning instruments (such as the Tasmanian Planning Policies, State Planning Provisions, and Local Provisions Schedules), and also triggered by the making or amendment of the Tasmanian Planning Policies.
	Should any other matters trigger the review of the RLUSs?	No further matters identified for suggestion at this stage.

Regional Planning Framework		
Matter regarding Regional Land Use Strategies (RLUS)	Discussion Paper questions (as prepared by the State Planning Office)	Council response
	Should the review process for the RLUSs be similar to that of the Tasmanian Planning Policies and State Planning Provisions?	This is supported as a logical and reasonable approach and one that will help facilitate a better consistency in the legislative arrangements for Tasmanian planning instruments.
Amending	Should the <i>Land Use Planning and Approvals Act 1993</i> provide a specific process for amending RLUSs? Should that process be similar to that of the Tasmanian Planning Policies?	This is supported as a logical and reasonable approach and one that will help facilitate a better consistency in the legislative arrangements for Tasmanian planning instruments.
	Should different types of amendments be provided for, such as a minor amendment of the RLUSs?	Council suggests that the ability to consider different types of amendments to the RLUSs (including minor amendments) should be provided for, also noting that similar processes exist with regard to other instruments such as the Tasmanian Planning Policies.
	What matters should qualify as triggers for amending a RLUS?	No further matters identified for suggestion at this stage.
	If more regular reviews are required for the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?	Council suggests that the ability to request an amendment to a RLUS should be provided for, and further suggests that it may be appropriate that this type of request could be made by a local council with consensus of the other local councils forming part of that relevant region.
Draft Structure Plan Guidelines		
Discussion Paper questions (as prepared by the State Planning Office)		Council response
Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?		Council supports the intention behind the draft Structure Plan Guidelines, and also the important function that structure plans can serve in the Tasmanian land use planning system.
Are there any other additional matters or issues that should be considered for inclusion in the guidelines?		Council further supports a pragmatic approach to the content of the draft Structure Plan Guidelines that allows for appropriate consideration of relevant matters, whilst not being overly prescriptive or too rigid in nature which may have a counterproductive consequence.

Department of Health

GPO Box 125, HOBART TAS 7001 Australia
Web: www.health.tas.gov.au



Contact: Andrew Hargrave
Phone:
E-mail:
File: SEC22/2142
Our Ref D23/1151938/8

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HOBART TAS 7001
By email: yoursay.planning@dpac.tas.gov.au

Consultation on the Regional Planning Framework and draft Structure Plan Guidelines

Thank you for the opportunity to comment on the Consultation on the Regional Planning Framework and draft Structure Plan Guidelines.

The Department of Health (the Department) owns and manages significant health infrastructure assets across the State and is also responsible for the delivery of an extensive range of health services. These assets and services are distributed throughout Tasmania, from urban and regional centres to rural and remote locations and should be directly considered as part of the development or amendment of all regional land use strategies.

The Department's comments are in response to experience in delivering health infrastructure and services across the state, and within the context of our ability to continue to efficiently deliver to meet the health and wellbeing needs of a growing and ageing population into the future.

Engagement with State Agencies

In previous planning reform submissions, the Department has been explicit about the need for a governance structure that enables the consideration of State interests very early in strategic planning processes, and in this case, specifically amending Regional Land Use Strategies (RLUS) and endorsing local structure plans. This allows state agencies to review and confirm consistency between draft structure plans and RLUS amendments and state wide infrastructure, service and master plans.

The review of the RLUSs should provide a formal process for State agency input. We support the establishment of a cross-agency reference group comprising experienced officers, representing

infrastructure providers and resource managers including, health and emergency services, education, transport infrastructure and services, various utilities providers and resource managers.

The reference group should be guided by a terms of reference that considers the broader implications of land use change and settlement in the context of strategic and forward infrastructure, service and regionally important master plans. This is particularly important in circumstances where the private sector may otherwise gain considerable momentum for significant developments, including through local councils, prior to any consideration of infrastructure and service impacts.

Without such checks and balances at a state agency level, infrastructure providers are often compelled to re-prioritise forward plans and budgets to accommodate unanticipated growth or premature peri-urban, rural and remote development.

Streamlined processes for certain developments

While the Department supports improved processes for reviewing, assessing and amending RLUSs (including the reference group outlined above), we support a streamlined process for proposed RLUS amendments and structure plans, which are prepared for infill land and the conversion of urban brownfield land for housing.

This recognises the significant benefits infill housing provides to households, including the ability to live close to public transport, and adequate health services, including primary health care services and hospitals.

Consistency of regional land use strategies

The development of a common template for the RLUS is supported. The existing RLUS are very different, making it difficult for State agencies to apply a consistent approach to reviewing land use change proposals.

The Department recommends that the template includes clearly identified methodologies, supporting an evidence-based approach to developing the RLUS. For example, land supply and demand analysis. The establishment of a single point of access for planning-related data, within State Government, would also assist councils, developers and the community to achieve a consistent approach across regions.

We would welcome the opportunity to discuss the matters raised in this submission. Please don't hesitate to contact me at _____ or on _____

Andrew Hargrave
Director Programming and Delivery
Department of Health

28 February 2023

Tuesday 28 February 2023

CCA Submission Regional Planning Framework and Structure Plan Guidelines 270223

The Cradle Coast Authority (CCA) commends the State Planning Office for their commitment to reforming the regional planning system and is pleased to have the opportunity to make this submission to contribute to this process. This response presents the opinion of the CCA and has been developed in consultation with all councils in the region.

This work is timely. The region shares a belief that land use planning ought to be more than just regulatory in nature. It should first and foremost be about the creation of an agreed vision and associated strategic objectives. We believe that this work will go some way to refocussing our attention on this important goal.

Regional Planning Framework

We commend the SPO's commitment to providing a consistent framework for Regional Planning that will provide firm foundations to develop responsive and effective Regional Land Use Strategies (RLUS).

We understand the challenges in achieving a degree of consistency between the regions whilst also allowing for the flexibility needed to be responsive to local circumstances. We appreciate the work of the SPO in trying to find this balance and welcome the contribution that clearly articulated and broadly understood terms and processes will make to the planning process.

We note that the discussion paper states that each RLUS should 'consider consistent features such as categorisation of settlements and activity centres within hierarchies. Whilst we recognise the desirability of this, we note that it may not be achievable in this region given the regions multiple centres and hierarchies, the geography of the region and the role and nature of the settlements here.

Scope and purpose

In relation to the scope of the framework we feel it is appropriate in terms of identifying the region's land use planning objectives. However, we are concerned that the SPPs in and of themselves, don't allow us to regulate or otherwise pursue those objectives. This raises concerns that we may not be able to achieve the outcomes that this framework invites us and the communities we represent to envision.

The CCA agrees that the general content and purpose of the RLUSs should be outlined in the legislation or regulations similar to the Tasmanian Planning Policies and State Planning Provisions. This will help facilitate greater consistency in the legislative arrangements for Tasmanian planning instruments.

We generally agree the contents outlined in the Discussion Paper are appropriate range of matters for the RLUS to consider.

Consistency

The CCA supports consistency in format and structure for RLUSs including the preparation of a template for RLUSs, which appropriately retains the ability to populate with content relevant to each region.

It is the CCAs understanding that the preparation of any template would be undertaken in further consultation with the local councils in each region.

Assessing and declaring a RLUS

Noting that the Tasmanian Planning Commission (TPC) has an existing statutory role in the assessment of other planning instruments including the Tasmanian Planning Policies and the State Planning Provisions, and in the interests of consistency, there is an apparent logic that RLUSs should also be subject to a similar assessment process.

The inclusion of public consultation in this assessment process (including the opportunity for public hearings conducted by the TPC) is viewed as a positive initiative that will contribute to improved public awareness, transparency, and participation in the assessment process for RLUSs.

In relation to the question should the matters be taken into consideration when assessing a RLUS be similar to the Tasmanian Planning Policies? Are there any different matters that should be included? We have not identified any further matters that require consideration at this stage.

Reviewing the RLUS

The CCA considers it a reasonable approach that the timeframes for review of the RLUSs align with the 5-yearly cycle of the other planning instruments (such as the Tasmanian Planning Policies, State Planning Provisions, and Local Provisions Schedules). The CCA also support the reference to the additional trigger of the making or amendment of the Tasmanian Planning Policies.

The CCA agrees that the review process for the RLUSs should be similar to that of the Tasmanian Planning Policies and State Planning Provisions. This is a logical and reasonable approach that will help facilitate a better consistency in the legislative arrangements for Tasmanian planning instruments.

Amending the RLUS

The CCA agrees that the Land Use Planning and Approvals Act 1993 should provide a specific process for amending RLUSs and that process should be similar to that of the Tasmanian Planning Policies. This is a reasonable approach and will help facilitate a better consistency in the legislative arrangements for Tasmanian planning instruments.

The CCA considers that different types of amendments should be provided for. For example, to allow a different process to make minor amendment of the RLUSs. We note that similar processes exist with regard to other instruments such as the Tasmanian Planning Policies.

The CCA suggests that the ability to request an amendment to a RLUS should be provided for, and further suggests that it may be appropriate that this type of request could be made by a local council with consensus of the other local councils forming part of that relevant region.

Structure Plan Guidelines

We support the intention behind the draft Structure Plan Guidelines and recognise the important function that structure plans can serve in the Tasmanian land use planning system.

We further support a pragmatic approach to the content of the draft Structure Plan Guidelines that allows for appropriate consideration of relevant matters, whilst not being overly prescriptive or too rigid in nature which may have a counterproductive consequence.

We note that the term Structure Plans can be interpreted in many different ways based on past experience and commend the SPO for seeking to provide some clarity about what it means in the Tasmanian context. We understand from the presentations given by SPO officers that structure plans are an additional, optional non statutory tool that can be used to fill in a gap where needed. Their role is to articulate a community's development aspirations, provide an important input into the statutory planning process and co-ordinate actions that contribute to achieving Councils and the community goals. We recognise and welcome the important value of such a tool. However, we feel this wasn't at first clear from the guidelines and the guidelines would be (even) more helpful if this point was emphasised.

We note and welcome the contribution that Structure Plans may make as an accessible tool in the planning arsenal, articulating the actual built form implications of development. This lends itself to graphic and spatial representations that will make it easy for the layperson to understand and participate in the planning process. We further note that the palette of potential presentation and consultation techniques has expanded in recent years to include interactive and other electronic media and that these represent useful tools to build awareness and planning literacy in the wider community.

The CCA sees Structure Plans as a potentially useful tool to articulate how development can appropriately respond to site qualities, hazards and context and co-ordinate land uses. We also observe that it provides opportunities to co-ordinate Council and community initiatives beyond planning such as public works, natural resource management and the programming of space/placemaking activities. We are heartened by suggestions made in briefings by the SPO that the Structure Plans provide a mechanism to introduce design guidelines and water sensitive urban design standards, noting how these might assist in ensuring the constructed environment responds appropriately to and reinforces the characteristics and qualities made possible by a structure plan. However, we feel the lack of documentation misses an opportunity to encourage best practice and so may fail to fully realise the potential benefits of these tools.

We applaud the recognition of the role of Structure Plans to articulate community aspirations and a future vision beyond the lifespan of existing plans that evolve but don't run counter to existing plans. The CCA believes this may help Councillors better grasp the implications of the planning system they implement and provide the development industry and the community with a greater sense of certainty about the future of their area.

However, we are concerned that there is potential for misunderstanding about their role and the weight that can be placed upon structure plans that may lead to them generating

unjustified hopes that will cause confusion and distress if these hopes aren't realised, fearing they could become "all things to all people".

On the other hand, we also fear a lack of clarity about the weight that can be placed on structure plans will blunt their effectiveness by obscuring what can confidently be achieved.

Either way this might diminish confidence in them as a planning tool and consequently may erode the degree to which Councils have a sense of ownership of the planning scheme they have to implement. We note councillors are very interested in planning and the desirability of cultivating a greater sense of ownership.

We have some concerns about how the proposed framework spans the statutory/non statutory interface and how this is explained in the framework and guidelines. We recognise that the briefings from the SPO received on 19th January 2023 and 14th February were clear that structure plans are not statutory instruments and demonstrated many of the concerns we had about this have been considered. We thank the SPO for their clarification in the briefings but reflect that other non-statutory documents have been given statutory weight by reference in statutory documents or by precedence. We are concerned that without further clarification structure plans may work in unintended ways which will diminish their utility and mean they fail to deliver on the hopes they raise.

The briefings helpfully enlightened us that structure plans, although non-statutory can facilitate the development and adoption of statutory instruments such as particular purpose zones, specific area plans and site-specific qualifications. However, this was not entirely clear from the material available. We further note although Structure Plans may facilitate the preparation and adoption of statutory instruments, we are concerned that no specific fast tracking of the associated statutory instruments have been proposed. We consider that the discussion paper and structure plan guidelines may inadvertently confuse some readers. For example, under the heading 'types of structure plan' reference is made to three different types of structure plan. Although the supporting text mentioned these were just examples, they could be read as normative, suggesting that structure plans should fit into one of the three categories. It was clear from our briefing this was not the case however we suggest that further explanation may minimise the scope for confusion.

The CCA is also concerned by lack of clarity about the level of detail needed for a conforming structure plan and how they respond to changing circumstances and look forward to this being clarified with the further development of the Regional Planning Framework and the Structure Plan Guidelines.

We further recognise the value that structure plans may have in determining development contributions in other jurisdictions such as the Victorian and WA planning Systems. Although these are not incorporated into the Tasmanian system, we consider that this is at the least a possibility and should be considered when developing of the structure plan guidelines.

Recommendations

In order to fully realise the aspirations of the Regional Planning Framework and the Structure Plan guidelines we invite the SPO to consider the following:

It is our view that the framework and final guidelines would be clearer and more effective with the following:

1. Production of a suite of resources to assist stakeholders and the community to participate in the development of the regional planning framework and structure plans and manage expectations. This should include:
 - A glossary of terms
 - An outline of what tool does what job in the planning system
 - Advice to communities about how the regional planning framework and structure plans are developed and their role in that process so they know what they are participating in and what it will be used for.
 - Description of pathway(s) to implementation.
 - A statement clarifying that Structure Plans fit into a hierarchy where alignment with higher order policy and strategies will need to be demonstrated.
 - A statement recognising that Structure Plans respond to local circumstances at the time and that when those circumstances change the Structure Plan may need to. The statement to also provide an indication of the triggers and process for such changes. Production of template(s) for Structure plans to assist in achieving a higher level of consistency across councils, in much the same way as the Regional Planning Framework will achieve consistency across regions for the RLUSs.
 - Production of a worked example or examples to illustrate how different issues can be resolved and a response articulated in practice, paying careful attention to ensure they are expressed as examples rather than requirements. This may also include examples of pitfalls to assist Councils avoid these where possible.
 - Consider providing a statement in the guidelines recognising the potential created by structure plans to adopt best practice. This may identify how complementary measures such as water sensitive urban design and design guidelines can enhance the outcomes achieved by the implementation of the structure plans. These may be effectively illustrated by use of examples as noted in the bullet point above.
 - Make explicit that the level of detail required in a structure plan will vary according to circumstances and will include fixed elements and flexible elements.
 - Consider providing advice on the use of electronic and interactive graphic media to communicate the guidelines and make them as accessible as possible. This may include gamifying the process to model the preparation of a structure plan and enable people to explore it.
2. We further request consideration is given to ensure structure plans can be developed in a way that considers their infrastructure implications to assist in the potential development of development contribution plans.
3. We invite the SPO to consider mechanisms by which the production of Structure Plans may facilitate the fast tracking of the associated statutory instruments.

Our investigations also revealed that there are perhaps some more fundamental areas of the planning system that warrant further investigation. In particular, it was apparent that it is not entirely clear what tool does what job in the planning system. We would be grateful if this message was considered in the ambitious reform agenda being persuaded by the State government and some clarification sought. Such a statement might helpfully also provide insights into how the planning system stays responsive to changing circumstance by outlining the processes and steps by which strategies, structure plans and other instruments get amended.

Finally, we note that realising the potential of planning reform to deliver the best outcomes demands significant professional staff commitment. We would welcome clarity around the

remaining timeframes and processes as they relate to the planning reform to plan to give these processes the attention they require.

The CCA thanks the Tasmanian Government for considering our submission and we look forward to participating in the further development and refinement of a regional planning framework. We would be pleased to answer any inquiries about our submission.

Yours Sincerely,

Sheree Vertigan ^{AM}

Chief Executive Officer

From: [City Planning](#)
To: [State Planning Office Your Say](#)
Cc: [Forrest, Angela](#)
Subject: Feedback on the Regional Planning Framework (RPF) Discussion Paper
Date: Tuesday, 28 February 2023 4:50:44 PM
Attachments: [image001.png](#)
[CCC Feedback Feb 2023 RPF final.pdf](#)

Dear Angela,

Thank you for the opportunity to participate in the review and hosting the additional information sessions for us (CCC Strategic Planning team).

The attached document (Appendix 1) provides a detailed response to the questions posed in the discussion paper.

Our key observations relate to ensuring that the RPF creates a meaningful and comprehensive Regional Land Use Strategy document that:

- provides the spatial context for all land use planning activities in the region,
- is readily operationalised, and
- reflects broad stakeholder input, especially of local communities.

Hence, many of our comments of support are qualified, as in our opinion, the proposed approach to make it an entirely legislated process, appears exceedingly top down and too narrowly focused. In fact many of the elements of the Structure Plan guidelines – are equally applicable for the Regional Land Use Strategy.

If you have any questions about the feedback, please contact me.



Indra Boss

Strategic Planner | Clarence City Council

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Purpose: “...better provide for the scope and purpose of the RLUSs, and processes around their assessment, review and amendment”

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
Please provide your feedback on the purpose and scope:			
<i>Do you agree that the general content and purpose of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?</i>	Yes – Provisionally	<p>Consistency can be helpful in understanding legislative requirements, but it would be potentially risky to sacrifice effectiveness for the sake of consistency.</p> <p>The RLUSs provide the mechanism for spatial consideration of higher-level instrument (TPPs, State Policy, and LUPAA) objectives & bottom up, on the ground issues.</p> <p>Given the limited scope of the ‘planning system’ as defined in the State Planning Office review, namely it excludes other RMPS¹ activities that impact on Land use (such as Forestry, Mining, Aquaculture and Level 2 EPA activities) the RLUSs are likely to be constrained by ‘prescribing’ the content in LUPAA.</p>	<p>The RLUSs are the first step in operationalising the higher-level planning instruments and begin to define:</p> <ul style="list-style-type: none"> - The planning outcomes and - The measures of success <p>It is proposed that any statement as to their content should:</p> <ul style="list-style-type: none"> • not be limited to LUPAA content; • must be expressed in a spatial context; and • provide for bottom-up input to fine tune the higher order instruments objectives. <p>The RLUS should specifically be focused on delivering Part 2 of the Schedule 1 Objectives. Suggested additions/changes included below in blue.</p>
<i>Suggested content similar to section 12B of LUPAA</i>			
<p>1) The purpose of a regional land use strategy is to set out the policies or strategies that are to be achieved or applied in that region by:</p> <p>(a) a local provisions schedule; and</p>			

¹ Resource Management Planning System -

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
<p>(b) any sub-regional or local land use planning strategies; and (c) existing and proposed land uses within the wider RMPS framework (Schedule 1 - Part 2 Objectives).</p>			
<p>(2) A regional land use strategy 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) climate change resilience building, adaptation or retreat; and (d) (e) any other matter that may be included in a planning scheme or a regional land use strategy.</p>			
<p>Some other matters that could be considered are:</p>			
<p>a consistent time horizon for the RLUSs aligned with planning time horizons of extended RMPS land use activities; • specifying that the RLUSs must include: o spatial application of the TPPs, regional or sub-regional policy; o regional policies and strategies to strengthen the social, economic, and environmental attributes specific to the region; and o identification of any sub-regions or inter-regional relationships; • that the RLUSs are to be accompanied by: o any relevant background reports and supporting studies; o a plan detailing how the RLUS will be implemented including: ▪ prioritising or staging the release of land for settlement growth; ▪ provision of key infrastructure; ▪ governance arrangements for implementation including a prioritisation decision framework; ▪ best practice principles of community engagement; ▪ funding arrangements and prioritisation (based on agreed decision framework); and ▪ both outcome and in process measures to be monitored.</p>			
Do you agree with the suggested contents above?	Generally, Yes	See suggested changes in blue text above.	But “spatial application of the TPPs, regional or sub-regional policy” should be elevated to a must so that future alignment of LPS zone mapping can be achieved.

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
<i>Are there other matters you think the RLUSs could capture?</i>	Yes	A summary table, Identifying the SPP and LPS provisions that will deliver/support the planning outcomes. This will demonstrate and build confidence in the statement that the SPPs are aligned with the higher order planning system instruments, in particular the LUPA Act Schedule 1 Objectives, Part 1 and Part 2.	Consistent document referencing between the RLUSs and the SPP and LPS will provide an audit trail. This would also enable 'quick' identification of which lower-level instrument elements will be affected if something changes in the higher order elements, providing for more considered responses to future structure plan or planning scheme amendment requests. At present everything is very subjective and vague.
Please provide your feedback on consistency:			
<i>What attributes should be consistent across regions (e.g., terminology, categorization of settlement etc.)</i>	Terminology Categorization of settlements Types of plans (see comments to Structure Plan question)	Terminology should be consistent with SPP and LPS definitions. The terminology can be expanded to deal with matters to be considered at the RLUS level, such as Ecosystem Services Value, Best Practice Public Participation, Burra Charter, and so on.	It is likely that the RLUS will also require a 'translation' table, where it is incorporating broader RMPS land use objectives, so that there is understanding of terms between legislative regimes if it is not possible to fully align terminology.
<i>Should there be a template for the RLUS</i>	Yes – Provisionally	Simplifies sharing of knowledge and approaches across regions, without compromising the ability to 'tailor' to local requirements. Similar to the LPS – elements can be noted as 'not used in this RLUS'. Contributes to ease of assessment especially in relation to measuring	Templates should be followed but be flexible in order to allow for local intricacies. Templates can also incorporate "checklists" in appendices to identify stakeholders to be consulted, existing documents to be reviewed, standard definitions for outcomes and how to measure them.

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
		outcomes and proposed changes/modifications to the RLUS.	
Please provide your feedback on assessing and declaring RLUS:			
<i>Suggested matters for consideration</i>			
<ul style="list-style-type: none"> • <i>Whether the RLUSs:</i> <ul style="list-style-type: none"> ○ <i>Further the objectives of Schedule 1 of the Act;</i> ○ <i>Are consistent with the State Policies;</i> ○ <i>Are consistent with the TPPs;</i> • <i>All representations received during the public exhibition period;</i> • <i>Relevant matters raised at a hearing in relation to a representation;</i> • <i>Any matters of a technical nature in relation to the application of the</i> <ul style="list-style-type: none"> ○ <i>TPPs into a RLUS; and</i> ○ <i>RLUS into a LPS.</i> 			
<i>Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister?</i>	Yes - Provisionally	See previous rationale about consistency of process.	However – the TPC process at present appears to be very focused on the technicalities of legal interpretation, rather than substantive outcomes. It is not clear – how prescribing matters in the LUPA Act, would ‘free’ up the TPC to take a more ‘real world’ view. Currently ‘matters of a technical nature’ appear to outweigh planning outcomes. The TPC should be encouraged to recommend changes to ‘resolve technical matters’ concurrently with the hearing process.
<i>Should the assessment process include public hearings?</i>	Yes - Provisionally	However, the level of ‘public engagement’ in the LUPA Act and Regulations is woefully out of date	Given the long-lasting impact of strategic decisions, to ensure that local communities and stakeholders are ‘truly’ engaged – consequential

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
		and cannot be considered 21 st century best practice.	<p>changes would need to be made to the existing legislation and regulations, for example:</p> <ul style="list-style-type: none"> - In addition to the 'newspaper' notices other media should be stipulated, including radio, TV and on-line platforms. - The actual information to be displayed/advertised should also be in a more visual, 3D format and be able to be interrogated by the public. - Hence investment in enabling technology infrastructure is required to improve this process. - Without such changes it is not really credible to claim that the process delivers on the LUPA Act Schedule 1 objectives.
<i>Should the matters to be taken into consideration when assessing a RLUS be similar to the TPPs?</i>	Yes - Provisionally	See previous rationale about consistency of process.	<p>Additional focus needs to be placed on the elements that are specific to the RLUS, including:</p> <ul style="list-style-type: none"> - Clear identification of the consequential changes that may be required in the SPPs/LPS; - The governance arrangements; - The implementation plan & funding; and - Outcome measures. <p>A key element will be the capacity to actually achieve the listed priorities within the implementation plan. For example, how many structure plans can realistically be undertaken in the RLUS specified time frame?</p>

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
			Are sufficient resources available in both the public and private sectors to undertake the planning work?
<i>Are there different matters that should be included?</i>	YES - Key emphasis for RLUS is Whether the RLUS furthers the Schedule 1 Objectives, in particular Part 2.	This provides the legislative context for greater integration with other RMPS land uses.	Therefore, in addition to the TPC – there may be a requirement for a cross government (State & Local) panel to endorse the RLUS – perhaps similar to the Greater Hobart Plan?
Please provide your feedback on reviewing RLUSs:			
<p><i>The review process for the TPPS under section 12 of the LUPA Act, requires the Minister to:</i></p> <ul style="list-style-type: none"> • Review the TPPs; or • Direct the TPC to review the TPPs and make recommendations to the Minister; and • Table a report to Parliament on completion of the review by the Minister or the TPP (<i>I think this should read TPC</i>) 			
<p><i>The review process for the SPPs requires the Minister to:</i></p> <ul style="list-style-type: none"> • Review the SPPs; or • Direct the TPC to review the SPPs and make recommendations to the Minister. 			
<p><i>Currently the legislation only required the Minister to keep the RLUSs under periodic review, and to review them as soon as practicable after the making or amendment of the TPPs to ensure the strategies' consistency with the TPPs.</i></p>			
<i>Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?</i>	YES - provisionally	It would be good to have a minimum time period; but it should not prevent earlier or different revision periods.	Given the RLUS will include high level implementation plans, these should also provide for trigger mechanisms for review – for example based on the in process and outcome measures. Conceivably adjustments may be required if there is another pandemic, or climate change impacts occur more intensely, frequently and with greater amplitude than projected by the IPCC report (latest version 6AR WGII), or population growth is not occurring as fast as expected or in the areas expected.

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
<i>Should any other matters trigger the review of the RLUSs?</i>	YES - provisionally	Schedule 1 – Objectives Part 2, provide a mechanism to incorporate broader RMPS land use matters. Therefore – significant changes in other land use legislation – may also trigger a requirement to review the RLUS. Hence it is not just the planning minister – but other ministers or LGAT (obo Local Planning Authorities) may specifically request the planning minister to initiate a review.	A good example of this are the recent changes to Tasmania’s approach to waste management, namely the Waste and Resource Recovery Act 2022. The proposed increase in recovery of resources from waste, is driving a demand for appropriately zoned land to undertake such uses, ideally land zoned Industrial Zone – however the southern region has limited supply, resulting in land zoned Light Industrial being potentially overdeveloped or requiring rezoning, as well as Level 2 EPA assessments. The strategic intents are not aligned – impeding strategic objectives from being achieved.
<i>Should the review process for the RLUSs be similar to that of the TPPs and the SPPs?</i>	Yes - provisionally	The RLUS sit between the TPPs and the SPPs – it is therefore not clear that a parliamentary report would be required after a review.	Potentially – include a qualification that a parliamentary report is required if there are broader state policy or legislative implications arising from the review.
Please provide your feedback on amending RLUSs:			
<i>Current RLUS amend process</i>		<i>Current TPP amend process</i>	
<i>Before declaring a RLUs the Minister must consult with:</i> <ul style="list-style-type: none"> • The TPC; • The planning authorities; • State service agencies and State authorities as the Minister think fit. 		<i>An amendment of the TPPs may consist of:</i> <ol style="list-style-type: none"> a) An amendment of one or more of the provisions of the TPPs; or b) The insertion of one or more provisions into the TPPs; or c) A revocation of one or more of the provisions of the TPPs; or d) The substitution of one or more of the provisions of the TPPs. 	
<i>Having received advice from the TPC, the Minister may declare a land use strategy that:</i> <ul style="list-style-type: none"> • Furthers the objectives of Schedule 1 of the LUPA Act 		<i>...shortened timeframes... an amendment of the TPP, therefore, requires a period of public exhibition, the receipt of representations and consideration by the TPC with a recommendation to the Minister.</i>	

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
<ul style="list-style-type: none"> <i>Is consistent with the State Policies; and</i> <i>Is consistent with the TPPs.</i> 		<p><i>An Amendment of the TPPs may also be considered as minor amendment if</i></p> <p><i>e) the Minister is of the opinion that the public interest will not be prejudiced if the draft amendment of the TPPs is not publicly exhibited; and</i></p> <p><i>f) the draft amendment of the TPPs is for one or more of the following purposes:</i></p> <ul style="list-style-type: none"> <i>(i) correcting an error in the TPPs;</i> <i>(ii) removing an anomaly in the TPPs;</i> <i>(iii) clarifying or simplifying the TPPs;</i> <i>(iv) amending a provision of the TPPs other than so as to change the intent of a policy expressed in the TPPs;</i> <i>(v) bringing the TPPs into conformity with a State Policy;</i> <i>(vi) a prescribed purpose in the Regulations.</i> 	
<p><i>For the RLUSs, there is an opportunity to consider a tiered approach similar to the TPPs.</i></p> <p><i>This could include processes:</i></p> <ul style="list-style-type: none"> <i>• for declaring the next iteration of the RLUSs;</i> <i>• for making amendments to the RLUS, which is the same as the original declaration, but with shortened timeframes; and</i> <i>• for making minor amendments to the RLUS (e.g., correcting errors and making clarifications) in accordance with set criteria without having to go through the full amendment process.</i> 			
<p><i>Should the LUPA Act provide a specific process for amending RLUSs?</i></p>	Yes – Provisionally	<p>Only if it is actually reflective of and aligned with the purpose of the RLUS. Noting previous comments above about the purpose.</p> <p>Furthermore, only insofar that it identifies the trigger points/criteria</p>	<p>An amendment of the TPPs may impact on more than 1 element of the RLUS Objectives and Strategies. Therefore – it seems logical that the amendment process of the RLUS should commence with a review of the RLUS, the only obvious legislative requirement would be to stipulate that the review process should</p>

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
		<p>(e.g., a TPP amendment, or State Policy Amendment) and timing.</p> <p>Again – the risk is that prescriptive legislative criteria – may impede the operational integrity of the RLUS.</p> <p>In particular the risk to precluding amendments necessitated by ‘bottom up’ issues, e.g., a structure plan.</p>	<p>commence within X months (possibly 1?) of a TPP amendment.</p> <p>Potentially this would be a role for the Regional Co-ordinator, who in the first instance would document the scope of the review and then undertake the review within the RLUS agreed & documented governance processes.</p> <p>Questions arising – how is this activity resourced if it is above and beyond the previously identified RLUS implementation plan and standard timeframe?</p>
<i>Should that process be similar to that of the TPPS?</i>	No	<p>It is problematic to allow for “single point issue” amendments into a comprehensive strategy – without understanding the consequential implications to the remaining RLUS objectives and strategies.</p> <p>As this is also the main vehicle for bottom-up input – it is not appropriate to abridge or do away with the public notification process</p>	<p>Any amendment to the RLUS – should be in accordance with the agreed governance arrangements documented in the RLUS itself.</p> <p>In general, the amendment process should reflect and align with the review process as it should be a potential logical outcome from the review process.</p>
<i>Should different types of amendments be provided for, such as a minor amendment of the RLUSs?</i>	Yes	<p>This should be consistent with the Minor Amendment Process as outlined for the TPPs.</p>	<p>From a legislative perspective, minor amendments only – seem reasonable changes to make ‘out of’ specified cycle times and without activating the review process.</p>
<i>What matters should qualify as triggers for amending a RLUS?</i>		<p>See previous comments about the review process.</p>	<p>See previous comments about review process.</p>

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
<i>If more regular reviews are required of the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?</i>	Yes – provisionally	<p>See previous comments about the review process.</p> <p>There should be opportunities to incorporate strategies from other regions, especially once a ‘winning formula’ is identified. Similarly – if strategies are not being effective, then changes should be capable of being made as soon as they are identified.</p> <p>However – the legislation should not be too prescriptive -but again link it to the governance framework of the RLUS, i.e., the mandatory elements of the RLUS.</p>	<p>The RLUS role as a spatially integrating instrument, suggests that the amendment process should cater for request from ‘in-cycle implementation triggers’ and from potentially all stakeholders.</p> <p>Depending on the complexity of the issue – it is likely to require significant resources, similar to a planning scheme amendment, and significant effort may be required to prepare supporting reports, including structure plans.</p> <p>This effectively creates a ‘barrier of entry’ to the broader citizenry.</p> <p>Potentially an amendment process could be operationalised, that may include:</p> <ul style="list-style-type: none"> • a request register, • a templated ‘request form’ providing key details to enable an initial mechanism to filter/group requests; • quarterly (or other time frame) review of all amendment requests received, and recommendations on which to progress. <p>Administration of this process could be a function of the Regional co-ordinator or whatever governance framework the RLUS has documented as part of its implementation plan.</p>
Structure Plan Guidelines			

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
<i>Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plan should achieve?</i>	Yes	<p>Would benefit from images or links to provide examples of structure plans.</p> <p>The types of structure plans listed on page 9 are helpful – but it is not clear what the differences are to the other plans identified including development plan, settlement plan or masterplan.</p> <p>How do these relate to RLUS terminology? Consistency in the language use here is critical.</p>	<p>It seems that the Structure Plan effectively includes many of the elements that should be considered during the preparation of the RLUS.</p> <p>The main difference is the ‘smaller’ spatial or scope extent, and the greater level of detail.</p> <p>Notwithstanding that the Structure Plan is not a statutory document, it would be logical for the Structure Plan to identify changes required in legislative instrument, including RLUS, TPPs and SPPs. And therefore, become one of the key documents required to support an amendment, to trigger the review of the respective instrument prior to any amendment.</p>
<i>Are there any other additional matters or issues that should be considered for inclusion in the guidelines.</i>	Yes	<p>Implementation Plan and governance arrangement. These elements are as critical as the Community/Stakeholder Engagement Plan.</p> <p>Recommended standard methodologies for example:</p> <ul style="list-style-type: none"> - IAP2 public participation Spectrum – as the basis for the engagement plan; - Cost Benefit Analysis; - Risk Analysis (qualitative/quantitative); 	<p>Consistent assessment methodologies provide for ready comparison of structure plans.</p> <p>This will enable the ‘prioritisation’ at the Regional Level and hence allocation of resources, where amendments of legislative instruments are required as part of the implementation.</p>

Appendix 1: Feedback to Regional Planning Framework (Stage 1)

Specific Questions in Discussion Paper	Yes/No	Rationale	Alternative recommendation/suggestion
		Provides for greater transparency on how recommendations for change were arrived at.	

From: Ashley Thornton
Sent: Tuesday, 28 February 2023 5:07 PM
To: State Planning Office Your Say
Cc: Jenny Donovan
Subject: Submission on the Regional Planning Framework

To the State Planning Office

This submission relates to the Regional Planning Framework and is made on behalf the Waratah-Wynyard and Circular Head Councils. We understand that this submission will largely be consistent with the submission from the Cradle Coast Authority, and individual submissions from councils within our region.

Council commends the State Planning Office for their commitment to reforming the regional planning system and is pleased to have the opportunity to make this submission to contribute to this process. This response presents the opinion of this Council and has been developed in consultation with all councils in the region. This work is timely, with the region embarking on preparing our new regional land use strategy.

Regional Planning Framework

We commend the SPO's commitment to providing a consistent framework for Regional Planning that will provide firm foundations to develop responsive and effective Regional Land Use Strategies (RLUS).

We understand the challenges in achieving a degree of consistency between the regions whilst also allowing for the flexibility needed to be responsive to local circumstances. We appreciate the work of the SPO in trying to find this balance and welcome the contribution that clearly articulated and broadly understood terms and processes will make to the planning process.

We note that the discussion paper states that each RLUS should 'consider consistent features such as categorisation of settlements and activity centres within hierarchies'. Whilst we recognise the desirability of this we note that it may not be achievable in this region given the region's multiple centres and hierarchies, the geography of the region and the role and nature of the settlements here.

Scope and purpose

In relation to the scope of the framework we feel it is appropriate in terms of identifying the region's land use planning objectives. However, we are concerned that the SPPs in and of themselves, don't allow us to regulate or otherwise pursue those objectives. This raises concerns that we may not be able to achieve the outcomes that this framework invites us and the communities we represent to envision.

Council agrees that the general content and purpose of the RLUSs should be outlined in the legislation or regulations similar to the Tasmanian Planning Policies and State Planning Provisions. This will help facilitate greater consistency in the legislative arrangements for Tasmanian planning instruments.

We generally agree the contents outlined in the Discussion Paper are appropriate range of matters for the RLUS to consider.

Consistency

The Council supports consistency in format and structure for RLUSs including the preparation of a template for RLUSs, which appropriately retains the ability to populate with content relevant to each region.

It is the Council's understanding that the preparation of any template would be undertaken in further consultation with the local councils in each region.

Assessing and declaring a RLUS

Noting that the Tasmanian Planning Commission (TPC) has an existing statutory role in the assessment of other planning instruments including the Tasmanian Planning Policies and the State Planning Provisions, and in the interests of consistency, there is an apparent logic that RLUSs should also be subject to a similar assessment process.

The inclusion of public consultation in this assessment process (including the opportunity for public hearings conducted by the TPC) is viewed as a positive initiative that will contribute to improved public awareness, transparency, and participation in the assessment process for RLUSs.

In relation to the question should the matters be taken into consideration when assessing a RLUS be similar to the Tasmanian Planning Policies? Are there any different matters that should be included? We have not identified any further matters that require consideration at this stage.

Reviewing the RLUS

Council considers it a reasonable approach that the timeframes for review of the RLUSs align with the 5-yearly cycle of the other planning instruments (such as the Tasmanian Planning Policies, State Planning Provisions, and Local Provisions Schedules). Council also support the reference to the additional trigger of the making or amendment of the Tasmanian Planning Policies.

Council agrees that the review process for the RLUSs should be similar to that of the Tasmanian Planning Policies and State Planning Provisions. This is a logical and reasonable approach that will help facilitate a better consistency in the legislative arrangements for Tasmanian planning instruments.

Amending the RLUS

Council agrees that the Land Use Planning and Approvals Act 1993 should provide a specific process for amending RLUSs and that process should be similar to that of the Tasmanian Planning Policies. This is a reasonable approach and will help facilitate a better consistency in the legislative arrangements for Tasmanian planning instruments.

Council considers that different types of amendments should be provided for. For example to allow a different process to make minor amendment of the RLUSs. We note that similar processes exist with regard to other instruments such as the Tasmanian Planning Policies.

Council suggests that the ability to request an amendment to a RLUS should be provided for, and further suggests that it may be appropriate that this type of request could made by a local council with consensus of the other local councils forming part of that relevant region.

Structure Plan Guidelines

We support the intention behind the draft Structure Plan Guidelines and recognise the important function that structure plans can serve in the Tasmanian land use planning system.

We further support a pragmatic approach to the content of the draft Structure Plan Guidelines that allows for appropriate consideration of relevant matters, whilst not being overly prescriptive or too rigid in nature which may have a counterproductive consequence.

We note that the term Structure Plans can be interpreted in many different ways based on past experience and commend the SPO for seeking to provide some clarity about what it means in the Tasmanian context. We understand from the presentations given by SPO officers that structure plans are an additional, optional non statutory tool that can be used to fill in a gap where needed. Their role is to articulate a community's development aspirations, provide an important input into the statutory planning process and co-ordinate actions that contribute to achieving Council's and the community goals. We recognise and welcome the important value of such a tool. However, we feel this wasn't at first clear from the guidelines and the guidelines would be more helpful if this point was emphasised.

We note and welcome the contribution that Structure Plans may make as an accessible tool in the planning arsenal, articulating the actual built form implications of development. This lends itself to graphic and spatial representations that will make it easy for the layperson to understand and participate in the planning process. We further note that the palate of potential presentation and consultation techniques has expanded in recent years to include interactive

and other electronic media and that these represent useful tools to build awareness and planning literacy in the wider community.

Council sees Structure Plans as a potentially useful tool to articulate how development can appropriately respond to site qualities, hazards and context and co-ordinate land uses. We also observe that it provides opportunities to co-ordinate with other Council and community initiatives beyond planning such as public works, natural resource management and the programming of space/placemaking activities.

We are heartened by suggestions made in briefings by the SPO that the Structure Plans provide a mechanism to introduce design guidelines and water sensitive urban design standards, noting how these might assist in ensuring the constructed environment responds appropriately to and reinforces to the characteristics and qualities made possible by a structure plan. However, we feel the lack of documentation misses an opportunity to encourage best practice and so may fail to fully realise the potential benefits of these tools.

We have some concerns about how the proposed framework spans the statutory/non statutory interface and how this is explained in the framework and guidelines. We recognise that the briefings from the SPO received on 19th January 2023 and 14th February were clear that structure plans are not statutory instruments and demonstrated many of the concerns we had about this have been considered. We thank the SPO for their clarification in the briefings but reflect that other non-statutory documents have been given statutory weight by reference in statutory documents or by precedence. We are concerned that without further clarification structure plans may work in unintended ways which will diminish their utility and mean they fail to deliver on the hopes they raise.

The briefings helpfully enlightened us that structure plans, although non-statutory can facilitate the development and adoption of statutory instruments such as particular purpose zones, specific area plans and site-specific qualifications. However, this was not entirely clear from the material available. We further note although Structure Plans may facilitate the preparation and adoption of statutory instruments we are concerned that no specific fast tracking of the associated statutory instruments have been proposed. We consider that the discussion paper and structure plan guidelines may inadvertently confuse some readers. For example under the heading 'types of structure plan' reference is made to three different types of structure plan. Although the supporting text mentioned these were just examples they could be read as normative, suggesting that structure plans should fit into one of the three categories. It was clear from our briefing this was not the case however we suggest that further explanation may minimise the scope for confusion.

Council is also concerned by lack of clarity about the level of detail needed for a conforming structure plan and how they respond to changing circumstances and look forward to this being clarified with the further development of the Regional Planning Framework and the Structure Plan Guidelines.

We further recognise the value that structure plans may have in determining development contributions in other jurisdictions such as the Victorian and WA planning Systems. Although these are not incorporated into the Tasmanian system we consider that this is at the least a possibility and should be considered when developing of the structure plan guidelines.

Recommendations

In order to fully realise the aspirations of the Regional Planning Framework and the Structure Plan guidelines we invite the SPO to consider the following:

1. That the Regional Planning Framework establish legislative steps to develop, approve, review and amend regional land use strategies to mirror the processes of the TPPs and SPPs.
2. Production of a suite of resources to assist stakeholders and the community to participate in the development of the regional planning framework and structure plans and manage expectations. This should include:
 - A glossary of terms
 - An outline of what tool does what job in the planning system
 - Advice to communities about how the regional planning framework and structure plans are developed and their role in that process so they know what they are participating in, and what it will be used for.
 - Description of pathway(s) to implementation.

- A statement clarifying that Structure Plans fit into a hierarchy where alignment with higher order policy and strategies will need to be demonstrated.
 - A statement recognising that Structure Plans respond to local circumstances at the time and that when those circumstances change the Structure Plan may need to. The statement to also provide an indication of the triggers and process for such changes. Production of template(s) for Structure plans to assist in achieving a higher level of consistency across councils, in much the same way as the Regional Planning Framework will achieve consistency across regions for the RLUSs
 - Production of a worked example or examples to illustrate how different issues can be resolved and a response articulated in practice, paying careful attention to ensure they are expressed as examples rather than requirements. This may also include examples of pitfalls to assist Councils avoid these where possible.
 - Consider providing a statement in the guidelines recognising the potential created by structure plans to adopt best practice. This may identify how complementary measures such as water sensitive urban design and design guidelines can enhance the outcomes achieved by the implementation of the structure plans. These may be effectively illustrated by use of examples as noted in the bullet point above.
 - Make explicit that the level of detail required in a structure plan will vary according to circumstances and will include fixed elements and flexible elements.
 - Consider providing advice on the use of electronic and interactive graphic media to communicate the guidelines and make them as accessible as possible. This may include gamifying the process to model the preparation of a structure plan and enable people to explore it.
3. We further request consideration is given to ensure structure plans can be developed in a way that considers their infrastructure implications to assist in the potential development of development contribution plans.
 4. We invite the SPO to consider mechanisms by which the production of Structure Plans may facilitate the fast tracking of the associated statutory instruments.

Our investigations also revealed that there are perhaps some more fundamental areas of the planning system that warrant further investigation. In particular, it was apparent that it is not entirely clear what tool does what job in the planning system. We would be grateful if this message was considered in the ambitious reform agenda being persuaded by the State government and some clarification sought. Such a statement might also provide insights into how the planning system stays responsive to changing circumstance by outlining the processes and steps by which strategies, structure plans and other instruments get amended.

Finally, we note that realising the potential of planning reform to deliver the best outcomes demands significant professional staff commitment. We would welcome clarity around the remaining timeframes and processes as they relate to the planning reform to plan to give these processes the attention they require .

Council thanks the Tasmanian Government for considering our submission and we look forward to participating in the further development and refinement of a regional planning framework . We would be pleased to answer any inquiries about our submission.

Regards,
Ashley

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Environmental
Defenders Office

**Submission in response to the Regional Planning
Framework Discussion Paper (Iutruwita/Tasmania)**

28 February 2023

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 in 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

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Acknowledgement of Country

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 law.

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.

EDO gratefully acknowledges the assistance of Kate Johnston in the preparation of this submission.

Executive Summary

Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the Regional Planning Framework Discussion Paper (**Discussion Paper**) and the draft Structure Plan Guidelines.

EDO broadly supports a review of the Regional Planning Framework to better define the purpose and scope of regional land use strategies (**RLUSs**), ensure consistency between the RLUSs, and provide processes around the preparation, assessment, declaration, governance, monitoring, review and amendment of RLUSs.

The following submission is structured around the following topics in the Discussion Paper:

1. Scope and purpose
2. Consistency
3. Assessing and declaring RLUSs
4. Reviewing RLUSs
5. Amending RLUSs
6. Structure plan guidelines

A summary of EDO's recommendations concerning these issues can be found below.

Recommendations

Recommendation 1: The general scope and purposes of the RLUSs should be outlined in the legislation and should include:

- (a) addressing the achievement of the United Nations Sustainable Development Goals; and
- (b) actions to:
 - i. implement the legislated greenhouse gas emissions reduction target and Climate Action Plan, and
 - ii. respond to State-wide climate change risk assessments, and sector-based emissions reduction and resilience plans under the *Climate Change (State Action) Act 2008*;
- (c) actions responding to State of the Environment Reports produced under the *State Policies and Projects Act 1993*;
- (d) a consistent time horizon of not less than 30 years;
- (e) the spatial application of the Tasmanian Planning Policies;
- (f) an implementation plan.

Recommendation 2: A voluntary template which includes a list of definitions of core terms should be developed for RLUSs.

Recommendation 3: The Tasmanian Planning Commission be responsible for providing advice and recommendations to the Minister on whether an RLUS should be approved.

Recommendation 4: In making its recommendation to the Minister on a proposed RLUS, the Tasmanian Planning Commission be required to consider the matters outlined in the legislated RLUSs purpose and scope, public representations, matters raised in hearings, and technical matters concerning the application of Tasmanian Planning Policies into an RLUS and RLUSs into an Local Provisions Schedules.

Recommendation 5: The review of RLUSs should consider the Tasmanian Planning Policies (as amended or made) and State of Environment Reports and their recommendations and be subject to strict legislated criteria that do not allow for the erosion of their long-term focus.

Recommendation 6: The Tasmanian Planning Commission, Councils and communities need to be properly resourced by the Tasmanian Government to engage in the review of RLUSs, and Tasmanian Planning Policies, and State Planning Provisions.

Recommendation 7: The *Land Use Planning and Approvals Act 1993* should provide a process for the amendment of RLUSs in limited circumstances.

Recommendation 8: The only amendments to RLUSs that should be able to be made without Tasmanian Planning Commission assessment and community consultation are those that are minor corrections to genuine errors within the RLUSs.

Recommendation 9: Triggers for the amendment of an RLUS include the making or amendment of Tasmanian Planning Policies, State of Environment reports, or state-wide climate change risk assessments. Criteria should be developed to ensure that amendments to RLUSs are not allowed for short-term economic or electoral priorities.

Recommendation 10: Voluntary structure plan guidelines should include clear guidance on stakeholder engagement and community consultation, and climate change mitigation and adaptation.

1. Scope and purpose

EDO agrees with the suggestion in the Discussion Paper that the general scope and purposes of the RLUSs should be outlined in the legislation, similar to the Tasmanian Planning Policies (**TPPs**) and State Planning Provisions (**SPPs**).

The Discussion Paper (at p 9) proposes using similar wording to section 12B of the *Land Use Planning and Approvals Act 1993* (**LUPA Act**) for the content and purposes of the RLUSs, such as the following:

- The purpose of a regional land use strategy is to set out the policies or strategies that are to be achieved or applied in that region by:
 - a) a local provisions schedule; and
 - b) any sub-regional or local land use planning strategies.
- A regional land use strategy 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.

It would appear that 2(d) above contains an error in that it refers to RLUSs. If this is not an error, EDO considers it problematic, as it would become a self-referring scope provision, essentially saying an RLUS can relate to anything that is included in an RLUS.

EDO proposes that in addition to the issues listed above, the legislated scope and purpose of the RLUSs should include:

- (a) the achievement of the United Nations Sustainable Development Goals (**SDGs**); and
- (b) actions to:
 - i. implement the legislated greenhouse gas (**GHG**) emissions reduction target and Climate Action Plan, and
 - ii. respond to State-wide climate change risk assessments, and sector-based emissions reduction and resilience plans under the *Climate Change (State Action) Act 2008*
- (c) actions responding to State of the Environment Reports produced under the *State Policies and Projects Act 1993*;
- (d) a consistent time horizon of not less than 30 years;
- (e) the spatial application of the Tasmanian Planning Policies;
- (f) an implementation plan.

Each of these issues is addressed in further detail below.

1.1 Achievement of Sustainable Development Goals

In the *Report on the Implementation of the Sustainable Development Goals* the Australian Government outlined Australia's commitment to the SDGs, and acknowledged that many of the targets in the SDGs fall to sub-national levels of government, including local governments.¹ The Report noted that the Perth Eastern Metropolitan Regional Council and the Melbourne City Council have worked to incorporate the SDGs into their planning processes and are actively reporting against them – proving that it is feasible for local governments to actively work to address the SDGs.

In our previous submissions responding to the [Scope of the TPPs](#) and the [Draft TPPs](#), EDO provided a detailed case for the alignment between lutruwita/Tasmania's planning instruments and the SDGs. We consider that those same arguments apply for addressing the SDGs within RLUSs.

Ensuring RLUSs addressed the SDGs is consistent with the Premier's Economic and Social Recovery Advisory Council recommendations that the State Government develop a sustainability vision and strategy aligned with the SDGs and ensure that Government policies and strategies also

¹ Department of Foreign Affairs and Trade, 2018, Report on the Implementation of the Sustainable Development Goals, https://www.sdgdata.gov.au/sites/default/files/voluntary_national_review.pdf. Accessed on 1/02/2023.

align with the SDGs.² Addressing the achievement of the SDGs in the RLUSs would be a concrete way of ensuring regional planning works towards the realisation of these important goals.

1.2 Actions to implement the *Climate Change (State Action) Act 2008*

Local governments are often amongst the first to respond to those experiencing the effects of climate change, such as natural disasters like floods and fires. They also bear responsibility for ensuring infrastructure, such as water, sewage, and transport is repaired and restored as quickly as possible following these disasters. Councils are also well placed to ensure that harmful GHG emissions are reduced through planning for denser communities, active and public transport networks, the provision of sustainable or “green” infrastructure, and requiring energy efficient design.

Regional planning needs to actively consider the risks posed by climate change both now and into the future and identify actions that will be required to mitigate and/or adapt to these risks over the short term (e.g., now and in the next 2-3 years), the medium term (e.g., by 2030) and long term (e.g., by 2100). Regional planning is key to ensuring infrastructure and development are properly responding to climate change risks and are not “locking in” climate change winners and losers.

Planning at a regional scale provides an ideal opportunity to address these issues and ensure that lutruwita/Tasmania is on track to meeting its GHG emissions target, statutory climate change policies and plans. While it appears the TPPs will provide climate change statements in each TPP area, EDO also considers it essential that the scope of the RLUSs explicitly includes addressing the legislated GHG emissions target of net zero emissions by 2030, Climate Action Plan, state-wide climate change risk assessments, and sector-based emissions reduction and resilience plans under the *Climate Change (State Action) Act 2008*. By requiring RLUSs to address GHG emissions mitigation and climate change risks it will help reduce the need for disaster recovery funding, and create more resilient, healthy and safe communities in the future.

1.3 Responding to State of the Environment Reports produced under the *State Policies and Projects Act 1993*

The Tasmanian Planning Commission (**TPC**) is required to publish State of the Environment (**SoE**) reports for lutruwita/Tasmania every 5 years. These SoE reports are required to address:

- (a) the condition of the environment; and
- (b) trends and changes in the environment; and
- (c) the achievement of resource management objectives; and
- (d) recommendations for future action to be taken in relation to the management of the environment.

The SoE reports are relevant to RLUSs in as far as these are one of the key tools for regions to further the objectives of the Resource Management and Planning System and understand how they can better seek to prevent or mitigate environmental degradation. Requiring RLUSs to

² Premier’s Economic and Social Recovery Advisory Council, 2021, Final Report, https://www.pesrac.tas.gov.au/data/assets/pdf_file/0011/283196/Final_Report_WCAG2.pdf at p 69. Accessed on 8/02/2023.

respond to SoE reports will ensure that the Commission's recommendations for future action to manage the environment are implemented into the planning framework at a meaningful scale.

1.4 A consistent time horizon of not less than 30 years

RLUSs are a key framework for councils within a region to actively identify and plan for future infrastructure needs and respond to long terms pressures (such as population growth, climate change, and ecological degradation). RLUSs provide an important link between different levels of government, major service and infrastructure providers, businesses, and communities.

Given the significant costs of infrastructure and pressures like climate change and ecological degradation and their importance to communities, regional planning should not be dictated by short-term economic priorities or electoral cycles. RLUSs should therefore have a longer timescale than other, local planning instruments. Noting the need for RLUSs to adapt to changing conditions (e.g., new or emerging climate impacts or models reported under statutory state-wide climate change risk assessments), EDO suggests that the time horizon for RLUSs should be at least 30 years, if not longer.

1.5 Spatial application of the TPPs

RLUSs provide a unique opportunity to spatially apply the TPPs. This is recognised within the Discussion Paper on multiple occasions; however, EDO considers that this purpose should be explicit in the legislation.

1.6 An implementation plan

RLUSs should be required to provide a plan setting out how the RLUS will be implemented, including for example, through prioritising the densification of existing development areas before the staged release of land, the provision of infrastructure and areas of likely funding.

Recommendation 1: The general scope and purposes of the RLUSs should be outlined in the legislation and should include:

- (a) addressing the achievement of the United Nations SDGs; and
- (b) actions to:
 - i. implement the legislated GHG emissions reduction target and Climate Action Plan, and
 - ii. Respond to State-wide climate change risk assessments, and sector-based emissions reduction and resilience plans under the *Climate Change (State Action) Act 2008*
- (c) actions responding to SoE produced under the *State Policies and Projects Act 1993*;
- (d) a consistent time horizon of not less than 30 years;
- (e) the spatial application of the TPPs;
- (f) an implementation plan.

2. Consistency

EDO is broadly supportive of there being a voluntary template for RLUSs.

The existing three RLUSs show significant variations in both structure and content. Guidance on what should be included in an RLUS in the form of a non-mandatory template will likely address these disparities, ensuring that RLUSs are serving their intended purpose and that they can be properly understood by planners, developers and the community more broadly. Furthermore, to ensure consistency across regions in the use of certain terminology, a template could provide a list of definitions of core terms.

Making the template voluntary will ensure that a region is not constrained should it discover that it needs to address issues or concepts particular to that region which are not otherwise allowed for or picked up in the template.

Recommendation 2: A voluntary template which includes a list of definitions of core terms should be developed for RLUSs.

3. Assessing and declaring RLUSs

EDO supports the proposal to give the TPC responsibility for providing advice and recommendations to the Minister on whether an RLUS should be approved.

Discussion Paper (at p 12) proposes that the TPC consider the following in making its recommendation on the RLUS:

- whether the RLUSs:
 - further the objectives of Schedule 1 of the Act;
 - are consistent with the State Policies;
 - are consistent with the TPPs;
- all representations received during the public exhibition period;
- relevant matters raised at a hearing in relation to a representation;
- any matters of a technical nature in relation to the application of the
 - TPPs into a RLUS; and
 - RLUS into a LPS.

EDO is generally supportive of the above-listed matters being mandatory considerations for the TPC, however, the list of considerations should also reflect the finalised purpose and scope of the RLUSs (about which EDO has made other recommendations - see Recommendation 1).

EDO strongly supports the TPC's assessment process for RLUSs including public hearings. Given RLUSs can have wide-ranging implications for regions, including by guiding the drafting of Local Provisions Schedules (**LPSs**), it is crucial to the democratic process that the public be given the opportunity to have their say and provide input into matters that will affect their lives.

Recommendation 3: The TPC be responsible for providing advice and recommendations to the Minister on whether an RLUS should be approved.

Recommendation 4: In making its recommendation to the Minister on a proposed RLUS, the TPC be required to consider the matters outlined in the legislated RLUSs purpose and scope, public representations, matters raised in hearings, and technical matters concerning the application of TPPs into an RLUS and RLUSs into an LPS.

4. Reviewing RLUSs

As noted in the Discussion Paper, the existing RLUSs have not been subject to a comprehensive review since their declaration over 10 years ago. The lack of a legislative framework for the review and amendment RLUSs has made it unclear what are appropriate triggers for the review of RLUSs, how the reviews should be undertaken and what changes can be made to RLUSs as a result. Given the significant changes that have occurred both to the planning framework since the existing RLUSs were implemented and to the growth of the regions, EDO agrees that it is timely for the Tasmanian Government to provide more clarity on these issues.

EDO is broadly supportive of regular reviews of the RLUSs taking account of TPPs (as amended or made), SoE reports and their recommendations, and state-wide climate change risk assessments under the *Climate Change (State Action) Act 2008*. However, in supporting the reviews of RLUSs, EDO considers some strict limitations should be imposed to ensure that the reviews do not allow for the erosion of longer-term time horizons for the RLUSs. That is, it is not desirable for 5- or 10-yearly reviews to result in the amendments of the RLUSs to reflect short-term economic or electoral priorities (see our discussion above at 1.4 of this submission), for example by allowing the expansion of urban growth boundaries to allow for more, unsustainable subdivisions. For this reason, we recommend that strict legislated criteria be developed to ensure that reviews do not result in RLUSs losing their longer-term focus.

If RLUSs are reviewed together with the review of the TPPs and the SPPs on a 5-yearly cycle, EDO encourages the Tasmanian Government to provide appropriate resourcing for the TPC, councils, and community groups to engage in these processes.

Recommendation 5: The review of RLUSs should consider the TPPs (as amended or made) and SoE reports and their recommendations, and state-wide climate change risk assessments under the *Climate Change (State Action) Act 2008* and be subject to strict legislated criteria that do not allow for the erosion of their long-term focus.

Recommendation 6: The TPC, Councils and communities need to be properly resourced by the Tasmanian Government to engage in the review of RLUSs, and TPPs, SPPs.

5. Amending RLUSs

While EDO supports the proposal for the LUPA Act to provide a specific process for amending RLUSs in limited circumstances, we have some concerns about simply using a process analogous to the process for the amendment of TPPs or SPPs. This is because the TPP and SPP amendment process provides the Minister with an inappropriate level of discretion to amend TPPs without community consultation in the case of so-called “minor amendments”. In EDO’s opinion, the only amendments to RLUSs that should be made without the TPC’s assessment and community consultation are those that are minor corrections to genuine errors within the RLUSs.

As we have outlined in section 4 above, some of the matters that should qualify triggers for review and amendment of an RLUS include:

- The making or amendment of TPPs;
- The 5-yearly SoE reports;
- The 5-yearly climate change risk assessment under section 5B of the *Climate Change (State Action) Act 2008*.

Examples of situations that should **not** trigger a review of an RLUS include:

- A developer has had a subdivision proposal refused because it falls outside urban growth boundaries set by an RLUS;
- A development has been refused due to its infrastructure requirements; or
- The Government makes or makes changes to non-legislated policies (e.g., the Rural Water Use Strategy, population and migration policy, or Salmon Industry Plan).

Recommendation 7: The LUPA Act should provide a process for the amendment of RLUS in limited circumstances.

Recommendation 8: The only amendments to RLUSs that should be able to be made without TPC assessment and community consultation are those that are minor corrections to genuine errors within the RLUSs.

Recommendation 9: Triggers for the amendment of an RLUS include the making or amendment of TPPs, SoE reports, or state-wide climate change risk assessments. Criteria should be developed to ensure that amendments to RLUSs are not allowed for short-term economic or electoral priorities.

6. Structure plan guidelines

Given their widespread use in lutruwita/Tasmania, EDO supports the development of voluntary structure plan guidelines by the State Planning Office in conjunction with councils.

EDO recommends the guidelines include clear guidance on:

- *Stakeholder engagement and community consultation* - EDO recommends the SPO provide clear guidelines on what is good community engagement and consultation on these matters. This should include strategies to more effectively involve those groups who are often underrepresented in formal planning consultation processes, such as young people, people living with disabilities, people from non-English speaking backgrounds and First Nations people.
- *Climate change mitigation and adaptation* – EDO recommends that in conjunction with Renewables, Climate and Future Industries Tasmania, the SPO provide information on where councils can access up-to-date climate change modelling, risk assessments, emissions reduction and resilience plans to inform structure plans.

Recommendation 10: Voluntary structure plan guidelines should include clear guidance on stakeholder engagement and community consultation, and climate change mitigation and adaptation.

28th February 2023

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

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

To whom it may concern,

SUBMISSION – REGIONAL PLANNING FRAMEWORK DISCUSSION PAPER AND DRAFT STRUCTURE PLAN GUIDELINES

We commend the Department of Premier and Cabinet and State Planning Office (SPO) for providing the opportunity to lodge a submission responding to the Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines. We appreciate the SPO's transparent and collaborative approach to improve Tasmania's strategic planning directions and reform delivery. We believe this is a great opportunity to shape the new framework with feedback and perspectives from a diverse community.

Niche is a specialised planning and urban design consultancy operating across Australia with offices in Victoria, Tasmania and Western Australia. We provide a variety of statutory, strategic and urban design services to multiple governments, advocacy groups and private organisations across Australia. Much of our work is residentially based, from regional higher density projects to structure planning and infill area planning. We are keenly interested in the development of the Regional Planning Framework and the Structure Plan Guidelines, given our current involvement with the Seven Mile Beach Local Area Plan in collaboration with Clarence City Council and our recent project work in the relocation of UTAS and the large greenfield development site at Tranmere Rokeby.

The three current regional land use strategies (RLUSs) are supported by a system of legislative, regulatory or administrative arrangements referred to as the regional planning framework. The aim of these strategies is to provide certainty and guidance for Government, local councils, developers and the community on where, when and what type of development will occur. The current framework is outlined under Part 5A of the *Land Use Planning and Approvals Act 1993 (LUPAA)* and includes any administrative mechanisms that sit outside the Act that also support them.

We commend the initial development of these strategies; however, the existing framework lacks structure, detail and spatial implementation of the RLUS, resulting in issues with clarification and vagueness around the process and responsibilities. In particular, as a medium to long term strategic document, the current RLUSs are not forward thinking enough. Directions should account for a minimum 25 year horizon.

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We support the Discussion Paper's invitation to provide feedback on Stage 1 of the project, particularly the improvements to the current framework surrounding the scope and purpose of the RLUSs and their associated assessment, review and amendment processes.

Additionally, we are interested to review and provide comment on the draft Structure Plan Guidelines (SPGs). Structure plans play a vital link between the RLUS and the Local Provisions Schedules in the Tasmanian Planning Scheme, guiding new or infill development of settlements through the coordination of sustainable future land uses, development and infrastructure delivery. We agree it is highly beneficial to establish consistency in the process and preparation of structure plans state-wide.

In the following submission, we provide the requested feedback regarding the Regional Planning Framework Discussion Paper (Section 1) and draft Structure Plan Guidelines (Section 2). We also draw your attention to matters within the Framework and draft Guidelines we believe should be considered and investigated further.

Should you have any queries, or wish to discuss please contact myself or Urban Planner, Joyce Chung, via email at

Kind regards,

Nicola Smith

Director

1. REGIONAL LAND USE STRATEGY

1.1 SCOPE AND PURPOSE

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

We agree the content and purposes of the RLUSs should be outlined in the legislation. This will allow for an overarching cohesive approach within the Tasmanian Planning System.

We believe this will assist in the guidance of RLUS preparations, and in particular, provide a big-picture vision of the long-term future for each region and respond to the challenges and opportunities that act as trends and drivers of change throughout Tasmania.

Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

The suggested contents outlined in the Discussion Paper provide a good overview and base structure that could be expanded further. Suggestions under point 2 – *A regional land use strategy may relate to the following (a to d)*, are quite broad and generic, which may result in misinterpretation and lack of information and details provided in the RLUSs.

Additionally, we believe the proposed Regional Planning Framework should consider a set of 'themes' or 'directions' each RLUSs should capture. Specific regional policies and strategies could be identified and included in the RLUSs, responding to the themes/directions consistent across the state.

The framework could consider directions for the following development attributes:

- **Economic:** agriculture and food, rural areas, land availability, population growth/decline, tourism, resources.
- **Physical infrastructure:** movement network, water, energy, waste, servicing connections.
- **Social infrastructure:** built form and character, activity centres, education and community facilities, affordable living, cultural and heritage values.
- **Climate Resilience and Sustainability:** natural hazards and risks including flooding, bushfires, sea level rising, heat island effects, carbon emissions, biodiversity/habitat loss.

We agree with the requirement that the RLUSs should include a consistent time horizon and are to be accompanied by relevant background reports and detailed plan/s as prescribed in the Discussion Paper.

1.2 CONSISTENCY

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

For ease of reading and comprehension, the RLUSs should include consistent use of terminology and definitions, and categorization features of settlements and activity centres within prescribed hierarchies. In addition, spatial features shown on maps and accompanying legends should be consistent, i.e. symbols, line work, base map layers, labels, and colours adopted.

Should there be a template for RLUSs?

We believe a template outlining the structure for RLUS would be highly beneficial. As this is proposed to be a 'form approved by the Minister', the template should include sections for discussing purpose and scope, RLUS contents/chapters, implementation responsibilities and perhaps a self-evaluation criterion/check list that demonstrates understanding of the Regional Planning Framework and strategic justification.

1.3 ASSESSING AND DECLARING REGIONAL LAND USE STRATEGIES

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?

Yes, as a regional planning document, we believe the RLUSs should be subject to a TPC assessment process with recommendations made to the Minister.

Additionally, the assessment process should include public hearings. It is important public consultation takes place to ensure transparency and perspectives from different stakeholders have been heard, validated and represented in the RLUSs where possible.

Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

We agree that when assessing a RLUS, matters taken into consideration are similar to the TPPs. As outlined in the Discussion Paper, considerations include:

- Whether the RLUS:
 - further the objectives of Schedule 1 of the Act
 - are consistent with the State Policies
 - are consistent with the TPPs
- All representations received during the public exhibition period
- Relevant matters raised at a hearing in relation to a representation
- Any technical nature application matters

Different matters included for assessment may include: if the RLUS demonstrates sufficient strategic thinking for the proposed time horizon; and any identified trends/drivers of change that may be relevant for the region.

1.4 REVIEWING REGIONAL LAND USE STRATEGIES

Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

We believe a 5 yearly cycle timeframe review is sufficient if the intention is for a strategic high level approach as planning strategy and growth occurs on a medium to long term scale.

However, if smaller amendments/adjustments are regularly being presented to the TPC, then perhaps there could be scope for minor reviews, for example annually or biennially. An audit of current requests should be undertaken to understand the number of requests being presented for consideration.

Should any other matters trigger the review of the RLUSs?

Issues and needs identified at a local planning level, which are also found across the wider region and require an urgent response/planning direction should also trigger a review. This could include such items as climate emergency findings, sudden population growth which affect housing and adapting infrastructure demands.

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

As the RLUS is spatially oriented, the review should be focused on long term demand and growth changes across the three regions. This may require a different review process to that undertaken for the TPPs and SPPs.

Looking at other jurisdictions, regional strategies and associated urban growth boundaries take a longer-term view (i.e., 25 years in Victoria) and therefore a five yearly review doesn't often raise major land use change.

Perhaps if the RLUS ensured a long-term strategic supply of land spread out amongst various growth areas and different Councils, the required review would not result in major spatial change and instead the five yearly reviews could be similar to that of the TPPs and SPPs in redefining policy settings and visioning.

1.5 AMENDING REGIONAL LAND USE STRATEGIES

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

Yes, we agree that the LUPA Act should provide a specific process for amending RLUSs.

Regarding the process, we believe a tiered approach similar to the TPPs could be an effective approach. As described in the Discussion Paper, this would involve separate processes for:

- Future iterations of the RLUSs
- Major amendments to the RLUSs
- Minor amendments RLUSs including correcting errors, areas of inconsistency, and clarifying/simplifying objectives.

However, it should be noted that RLUSs are more regionally specific and particular growth pressures may result, which then require RLUS amendments more regularly than a TPP amendment.

Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

Yes, as above. Additionally, separate process with timeframes, responsible authority and requirements should be defined in the Regional Planning Framework.

What matters should qualify as triggers for amending a RLUS?

Amendment triggers would primarily include regionally specific growth pressures, and any additional immediate impacts that may present risks to people and places within the periodic 5-year review i.e., increased flooding for coastal towns.

If more regular reviews are required for the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

Our office has been involved in a number of Structure Plan preparations where the growth areas are shown to be bigger than that allowed for in the RLUS. The current process has resulted in significant delays where Council has requested an amendment to the RLUS and there has been no clear process or statutory timeframe to follow.

With this in mind, we believe that Councils should be able to make an amendment request, however a clear process and timeframe should be outlined in the Regional Planning Framework.

2. STRUCTURE PLAN GUIDELINES

Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?

We strongly agree and appreciate the outlined definition of structure plans, seeking to establish a shared vision that strengthens communities. As structure plans are prepared at a local level which then informs the application of zoning and overlays in LPSs, we believe the guidelines can become a valuable source/toolbox that guide the development of the structure plans and outline agreed standards and targets.

Are there any other additional matters or issues that should be considered for inclusion in the guidelines?

Guidelines should be presented in an easy-to-follow document, and address various components of a structure plan. We agree with the components outlined in the draft SPGs, and offer our comments in relation to the following sections:

1. Definition and Purpose

In addition to defining the area of which the structure plan will relate, it is important to outline and response to objectives of higher-level documents included within the broader policy framework. For example, the integration of the United Nations Sustainable Development Goals as well as the RLUSs allow for a future thinking and climate resilient structure plans.

The guidelines should also be flexible to accommodate the development of new communities, responsive to the local and regional context and take into consideration existing state and local planning policies.

2. Timeframes

A visual diagram of the proposed process and pathway/s could be included in the draft guidelines to reduce any potential confusion. This section in the draft guideline is too vague and does not provide enough guidance for the preparation of structure plans.

We understand different elements of the structure plan process may occur concurrently for efficiency, for example technical reports and data collation can be undertaken in the background whilst preliminary landowner engagement commences.

3. Background research and data collection

This section in the draft SPGs is extensive and includes well-detailed suggestions for structure plan background research collection. Perhaps it can include spatial representation on a final map, highlighting existing features, opportunities and constraints.

4. Stakeholder engagement and community consultation

We strongly agree and support early stakeholder and community engagement through a variety of methods. Additionally, consultation outcomes can also be presented back in a summary report for validation and transparency.

We note the draft SPGs does not specify targets/requirements or guidelines for specific attributes such as movement network, walkable catchments, housing diversity, activity centres, public realm features, tree top canopy targets, and servicing and infrastructure connections. In order for consistent structure planning and new settlements across Tasmania, it may be worthwhile developing set 'targets' that all future structure plans can strive to achieve. This is in addition to existing planning policy framework strategies and actions the structure plan should accord with. Targets should be measurable within all structure plans and allow for equitable implementation between developers, landowners, and local councils.

28 February 2023

Reference: N/A

Michael Ferguson MP
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C/- Department of Premier and Cabinet
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GPO Box 123
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By email: yoursay.planning@dpac.tas.gov.au

Dear Minister

REGIONAL PLANNING FRAMEWORK AND STRUCTURE PLAN GUIDELINES

Thank you for the opportunity to provide feedback on the discussion papers relating to the regional planning framework and structure plan guidelines. We also appreciated the opportunity to attend the information sessions provided by the State Planning Office during the consultation period.

ERA is a Tasmanian-based consulting firm delivering an extensive range of professional services in urban and land use planning, environmental impact assessment and management, and stakeholder and community engagement. Over the past 10 years we have grown to a practice of 16 core practitioners with 3 casuals of which 9 are qualified and experienced planners. Collectively we have worked across the Tasmanian, Victoria, NSW, Queensland, Western Australian and Northern Territory planning systems.

Our planning team works across a diverse range of planning projects in both the statutory and strategic space. This includes the preparation of local strategic documents such as settlement strategies and structure plans as well as preparing planning scheme amendments and supporting the preparation and implementation of Local Planning Provisions. Working across both the public and private sector has given us a depth of knowledge about the planning system, community and industry context and socio-economic environment in Tasmania from a diverse perspective. It is this perspective along with the unique experience of being directly involved in the preparation of the first iterations of the Southern Tasmania Regional Land Use Strategy, that we draw on to make this submission.

1. Regional planning framework

We believe that the regional land use strategies have been and should continue to be a critical lynchpin in the planning system. With the advent of the Tasmanian Planning Policies, the regional land use strategies will hold a critical role in the spatial application of planning policies within a region. While we agree that they should be implemented through local provisions schedules and local level strategies and that they may relate to the matters articulated in the discussion paper on page 9, it is our opinion that this is a relatively narrow and 'regulatory' view of the role of regional land use strategies.

First and foremost, regional land use strategies are a mechanism to manage and provide direction for, land use and development at a regional level. They are very important to holistically manage growth and change so to improve social and economic outcomes in a region, protect important values and assets and strengthen our competitive advantages. They are not only based on growth projections, but if done well and kept up to date they can support better outcomes for a region, unlocking growth potential. In this way they provide a balance between planning based on evidence and representing the aspirations of a place.

Regional land use strategies and the process of preparing them are also critical to building community acceptance in how Tasmania grows and changes over time and gives confidence to the 'coal-face' part of the planning system: development assessment. They can inform and involve the community around our growth challenges and opportunities through exploring options and consequences. We firmly believe that this early engagement role of the regional land use strategies is critical to building support in the community, trust in the planning process and reducing the contention and divisiveness at the coal-face.

The spatial focus on regional land use strategies, as compared to policy documents, provides a unique opportunity in this context. They help to visualise on the ground what will be happening into the future in a way that has a first pass consideration of relevant land values and constraints. This is then further built on in sub-regional and local level strategies and plan. This role of strategic planning at the regional level is critical to providing certainty as well as clarity in interpretation and application of policies and strategic directions

High quality strategic planning adds value, providing clarity to investors (reducing red tape) and facilitates the creation of communities and places where people want to live, work and invest, in the future. The regional land use strategies are a key instrument to do this and ensure that as Tasmania grows, we don't ruin what it is that makes people want to live, move here and visit.

Keeping this in mind, we are strongly of the view that including detail on the content and purpose of regional land use strategies in legislation or regulations is problematic. These instruments are burdened by legislative drafting practices. It is difficult to articulate the role and purpose of regional land use strategies in a way that the community understands and supports with these instruments.

The downsides of contemporary legislative drafting practices are clear in the changes to the *Land Use Planning and Approvals Act 1993* over the past 15 years. The legislation is no longer easy to understand and interpret, which has only served to create barriers to public participation, increase resourcing and effort for practitioners and increase the litigious nature of the system. These are clearly outcomes not supported by the objectives of the planning system articulated in Schedule 1 of the Act.

Legislative provisions should be kept to a minimum and ideally should address the basic requirements of what they may relate to and what they are required to be consistent with. We do not support limiting their purpose to policies or strategies that can be achieved through local provisions schedules or through local strategies. Sometimes the most effective mechanism to achieve good planning outcomes will be through other means. This is well articulated in the current *Southern Tasmania Regional Land Use Strategy* which identifies the importance of infrastructure and economic facilitation in achieving desired land use and development outcomes.

There should however be a legislative head power for the creation of a statutory guideline, being an instrument capable of plain English, language appropriate to strategic planning and easy to update based on contemporary expectations over time. The guideline can then direct:

- The required planning horizon (timeframe).
- Relevant terms and their meanings to be relied on, in a way that is consistent with their use in planning policies. Particular terms that require consistency in definition across regions and documents based on our experience include:
 - Types of density (i.e. very low, low, medium, high)
 - Types of development (infill, greyfield, brownfield, greenfield)
 - Types of settlements (locality, village, town, isolated settlement and similar)
 - Types of activity centres.
- The minimum level of supporting documentation and analysis.

- A basic structure, although it is important that a degree of flexibility is maintained for the document to be responsive to the issues within that region and associated complexity. For example, both Southern Tasmania and Northern Tasmania will likely require more metropolitan level policies as compared to the Cradle Coast.
- Expected minimum community engagement.

If the guideline is done well, setting the structure through a template is not considered necessary. A template may not provide sufficient flexibility over time for respective regional land use strategies to emphasise and respond to key issues and aspiration for their regions and have potential to remove the responsiveness and creativity from the strategic planning process rendering it formulaic. While there is a need for consistency, which can be achieved through the guidelines, a formulaic approach is problematic as it creates the potential for a less engaging and meaningful process, not only for the community but the practitioners involved in preparing it.

The most desirable outcome is for a balance between consistency (but not conformity) across the state with a responsive high quality strategic planning document.

In terms of the formal process for making and declaring regional land use strategies, there is clear benefit in a review by the Tasmanian Planning Commission, in ensuring that regional land use strategies are consistent the objectives of the RMPS, State Policies and Tasmanian Planning Policies. However, there is concern that the introduction of a statutory assessment process as outlined in the discussion paper may result in outcomes that are to the detriment of good quality strategic planning.

In particular:

- It blurs the line between strategic documents and planning schemes with potential for the stakeholders and decision makers to over time make regional land use strategies in their structure and content more like planning schemes, encouraging strict drafting and narrow interpretation, rather than adopted a broad interpretation and plain English approach.
- It may discourage comprehensive, early, and meaningful community engagement in preparing regional land use strategies.
- It may discourage genuine ownership and buy-in from the member Councils in that region. For example, the current Southern Tasmania Regional Land Use Strategy was subject to an intensive endorsement process by all 12 member Councils, which provided genuine buy-in and support and contribution to a rigorous outcome. This sense of ownership – which is critical to successful implementation through regulatory and non-regulatory means, can be eroded by a perception that the Tasmanian Planning Commission has the final say.
- It may discourage strategic planning outcomes that are responsive to contemporary needs and challenges as it may reinforce the 'regulatory' role of regional land use strategies over the 'growth and change management' role.
- It may limit the scope of regional land use strategies to the spatial implementation of State Policies and Tasmanian Planning Policies.

In this regard we believe additional clarity in the legislation would need to be provided on:

- Whether it is a 'review' as compared to 'assessment'.
- The purpose and scope of public exhibition and public representation.
- Whether it limits the role and function of regional land use strategies.
- Who the ultimate decision maker is.

Lastly in terms of review and amending the regional land use strategies which strongly encourage the Tasmanian Government to adopt a 'systems' based approach for keeping the regional land use strategies up to date. A systems-based approach is the opposite of a project-based approach where a document is prepared and then say 5 or even 15 years pass, as is now potentially the case, therefore an entire new project that is resource and time intensive is required to do a full update. A 'systems' based approach establishes an ongoing monitoring system that maintains data and measures it against key performance indicators.

While we see a need for a review period in legislation, regional land use strategies should be regularly monitored and reviewed as new data comes to light. This is likely to include the release of new census data but will also include more regularly released information and new data or analysis that may arise due to specific projects.

A systems-based approach means that there is not a clear need for an 'amendment' process. Rather the regional land use strategies is always kept up to date and there is an administrative process running whether land owners or other stakeholders can regularly submit requests such as new land releases to be considered in. The underlying review and declaration process would be sufficient.

Importantly a 'systems-based approach' would not prevent a more holistic review of community aspirations, values, and concerns through an engagement process on a more periodic basis.

2. Structure plan guidelines

We have reviewed the draft guidelines for structure plans and the discussion paper. We agree that it is beneficial to articulate the general purpose of structure planning, its role in the planning framework and what should be contained. We also support the recognition that structure plans or elements of structure planning may also be contained in other style of documents or referred to by other names¹ and that the guidelines also provide relevant direction in those situations.

Over time, having regard to the current ambitious program of the State Planning Office, there may be benefit in recognising the purpose and requirements of local level strategic planning documents. In our experience, the process of reconciling the local level spatially specific ambitions of Councils, their elected members and their community with ensuring consistency with the legislative policy and strategic framework, is not straightforward. At the moment, it solely relies on the qualified advice of Council officers or the practitioners preparing these plans and additional third-party review, particular in terms of consistency with the legislative framework, may be useful. It is important to keep in mind that these documents are often used as a basis to initiate planning scheme amendments, particularly rezonings. We are aware of several examples where local strategic documents have supported rezoning of land, but in assessment of the planning scheme amendment by the Tasmanian Planning Commission it has been identified that the rezoning is inconsistent with a State Policy or the applicable regional land use strategy.

Our specific feedback on the guidelines is as follows:

- It would be useful to articulate what is considered to be an appropriate planning horizon (timeline) having regard to that set for regional land use strategies. As a matter of best practice, local level strategies should generally not have a longer planning horizon than higher order planning policies or strategies.
- The direction in terms of stakeholder and community engagement is appropriate and encourages early engagement and the type of stakeholders to engage. It would be useful to specifically state the Tasmanian Government's expectation of which agencies or state level infrastructure providers should be engaged with.
- We have found the inclusion of a vision statement not particularly useful and have in the preparation of these documents moved to a set of planning principles or key directions. This way the objectives are articulated in a manner more useful for guiding recommendations and actions in the document as well as communicating to stakeholders and the community the outcomes sought. They are less open to interpretation than vision statements.
- There should be clearer recognition that the strategies/goals/actions are not just spatially represented or a spatial outcome.
- Sometimes implementation priorities and timeframes are dealt with as a discrete project post sign off, of the local level strategies once there have been more discussions with key stakeholders and consideration of available funding including the Council budget program.

¹ In our experience many of the regional or rural councils will progress overall land use strategies, settlement strategies or similar instead of specific structure plans, relying on master plans or similar to deal with more urban design or public realm issues. We have also noted that some Councils, like the City of Hobart, have recently decided to not utilise the term 'structure plan' using the term 'neighbourhood plans'.

- As with regional land use strategies, it would be appropriate to recognise that the structure plans and other local level strategies, are also an important tool to communicate the Council's and community aspirations for the future and are therefore not just 'technical' documents.

Finally, we think it is worthwhile highlighting that while the development of structure plans and local level strategies are often a critical final element in implementing higher order outcomes on the ground and achieving broader social, economic and environmental outcomes. It can be difficult for Councils to find sufficient resourcing/funding to deliver a structure plan that is developed through a rigorous high-quality process as promoted by these guidelines. In our experience, compromises in terms of methodology, scope or detail in the document often need to be made to match the available resources/funding.

We thank you for the opportunity to provide feedback in this stage of the Tasmanian Government planning system reforms and reviews.

Yours sincerely

Emma Riley, RPIA (Fellow), GAICD
Director

Department of Natural Resources & Environment Tasmania

OFFICE OF THE SECRETARY

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Our ref: D23-53612

State Planning Office
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Consultation on the Regional Planning Framework and draft Structure Plan Guidelines

Thank you for your letter of 29 November 2022 seeking comment on the draft Regional Planning Framework and the draft Structure Plan Guidelines (SPG).

I can advise that the Department of Natural Resources and Environment Tasmania (NRE Tas) has reviewed the documents and has the following comments to make:

REGIONAL PLANNING FRAMEWORK – Discussion Paper

There is a general observation that agriculture, forestry and primary production is largely absent from the document. Many of the developments that would result from these processes would occur on agricultural land or peri-urban spaces. This is an issue that was discussed when NRE Tas provided feedback to the Tasmanian Planning Policies (TPP) process. The process may need to more explicitly reference the *State Policy on the Protection of Agricultural Land 2009* and how it can be addressed during the process.

S2.1 Scope and Purpose

- NRE Tas is of the opinion that the Regional Land Use Strategies (RLUSs) should specifically note consideration, in addition to those outlined, of natural hazards as well as sustainable water use, noting that these will depend on the breadth of the TPPs.
- As a role of the regional land use strategies is to guide and be informed by local strategic planning documents, these are typically an ideal instrument to integrate regional and district-wide natural hazards, and water catchment matters. It is noted that these are included in the draft Structure Plan Guidelines already and this is supported.

S2.2 Consistency

- NRE Tas views the RLUS as a further opportunity to embed, at a regional level, the principles of identifying and protecting local historic cultural heritage more comprehensively in Tasmania's planning system. An effective way to achieve this aim would appear to be the introduction of a uniform approach to preparing the RLUS's through the use of a standard template. This would ensure that the challenges and opportunities inherent in protecting local heritage are substantially addressed and monitored at timely intervals across each of the three regions.

S2.5 Reviewing regional land use strategies

- In addition to those proposed in the Discussion Paper, NRE Tas proposes the following as potential triggers for amending a RLUS:
 - the listing (and up-listing or delisting) of threatened species under the *Threatened Species Protection Act 1995* (TSPA) and/or threatened native vegetation communities listed under the *Nature Conservation Act 2002* (NCA),
 - substantial updates in habitat and/or population distribution mapping for threatened species,
 - changes in habitat due to climate change and coastal erosion.
- Given the list of considerations, perhaps a periodic review would be a more effective way of capturing matters in need of reviewing.
- It is noted that the Australian Government is reviewing its environmental regulatory framework which may have implications for environmental planning and may warrant triggering an additional review and amendment to the Guidelines, including:
 - new National Environmental Standards, and
 - a regional planning system indicating areas suitable or not suitable for development based on environmental matters ([Nature Positive Plan](#)).

S3 Structure plan guidelines

- While RLUSs and SPGs serve a number of purposes, including protection of natural values, it is noted that the Tasmanian State Planning Provisions (SPPs) preclude application of some codes, such as the Natural Assets Code, within certain zones. In addition, the Scheme contains further limitations on the types of values that may be included in a Priority Vegetation Area.
- NRE Tas has recently received proposal referrals for natural values advice from Councils, in which, due to the limitations of the State Planning Scheme (the Scheme), the Councils have not had a head of power to protect certain natural values in specific areas, and the State legislative framework provides no additional protection, e.g. native vegetation communities within zones within which the Natural Assets Codes is precluded from applying. Therefore, if RLUSs and SPGs are identifying areas and values for conservation, it is recommended that the Scheme is able to provide this protection. It seems appropriate that the RLUSs and SPGs should dictate the ability for the Scheme to do this, rather than the other way around.

DRAFT STRUCTURE PLAN GUIDELINES

S1.3 What structure plans should achieve

- The Guidelines propose that a structure plan can:
 - “manage and coordinate changes in use and development across a spatial area in an integrated manner that manages land use conflict;
 - manage settlements and land use and development changes in a way that considers the need to protect natural values, avoid or manage use and development in areas subject to natural hazards and respond to topographical features”.

NRE Tas would see value in structure plans addressing the current challenges faced by dam owners who may be impacted by land use changes downstream of their existing water asset. Appendix 1 provides more detail on this issue.

- Careful consideration of the impact of changes to use and development on existing industries and land uses, including land reserved under the NCA, is imperative.

S2.1 Key components and processes

2.1.1 Definition and purpose

- The Guidelines currently state that, “in establishing the structure plan area, the following matters should be considered, where appropriate”. NRE Tas suggests the inclusion of the following:
 - *the need to consider land with cultural values including Aboriginal heritage sites.*
- Some acknowledgement of the need to consider existing uses, such as agriculture and forestry, may also be appropriate. This could be captured in the dot point on buffers but should be explicitly considered.

2.1.4 Stakeholder engagement and community consultation

- The Guidelines currently state that “Depending on the issues the structure plan raises, there may be a broad range of considerations, including:
 - management of risks associated with natural hazards risk;
 - agricultural land; and
 - productive resources.”

NRE Tas suggests the inclusion of forestry as it is unclear whether this is included in “productive resources”.

- While the document refers to “natural hazards”, NRE Tas would suggest that existing dams within the landscape should be considered a natural hazard. It is also noted that risk of flooding has been identified in a number of Local Provisions Schedules and NRE Tas suggests that this should be included in the Structure Plan Guidelines. Flood risk should also include potential failure of any dams upstream of proposed developments.
- Development downstream of pre-existing farm dams has regularly been raised by farmers as an issue that has the potential to increase their dam safety risks, liabilities and costs with regard to ongoing monitoring and maintenance due to increased risks arising from changes in land use/developments downstream. It is important that this is named up as an additional matter that should be considered in the Guidelines and is a matter identified in other Government policy (namely the Rural Water Use Strategy) to be addressed [see Appendix 1 for further information].
- In the discussion of key stakeholders the following suggestions are made:
 - Replace *Department of Primary Industries, Parks, Water and Environment* with Department of Natural Resources and Environment Tasmania.
 - Inclusion of Sustainable Timber Tasmania where relevant.
 - Where consulting with ‘critical infrastructure’ providers is necessary, Hydro Tasmania, TasWater and Tasmanian Irrigation should be explicitly named and considered where relevant.

S2.2 Guidelines for Structure Plan Content

2.2.9 Context – Constraints and opportunities analysis and options evaluation

- NRE Tas seeks clarity around whether agriculture falls under “economic activity - productive resources”. Given the separation of ‘agricultural land’ and ‘productive resources’ in s2.1.4 it is currently unclear where agriculture falls. If it is not included, it should be explicitly included.
- Aboriginal heritage, while included in physical attributes, should also be included in ‘Social, cultural and economic attributes’.
- Inclusion of existing dams and flooding should be explicit as it is unclear if this is covered by “managing risks associated with natural hazards”.

If you have any further questions on this matter please contact Sonia Mellor, Policy Analyst, Policy and Project Management Branch, Strategic Services Division on mobile: _____ or via email at _____

NRE Tas looks forward to ongoing involvement with the State Planning Office on the development of the Framework.

Jason Jacobi
Acting Secretary
28 February 2023

Appendix 1: Background context relating to dam safety

The Department of Natural Resources and Environment Tasmania (NRE Tas) regulates the development, operation and maintenance of dams as well as ensuring that dam safety is to a contemporary standard. Tasmania applies the Australian National Committee on Large Dams (ANCOLD) Guidelines to a range of activities relating to design, construction and decommissioning and dam safety and emergency as specified in the *Water Management (Safety of Dams) Regulations 2015*.

On limited occasions, land use developments downstream of a pre-existing dam may result in a change to the dam safety rating. This may result in additional engineering and administrative burdens being imposed on the dam owner. Currently dams must be managed by their owner in a way that ensures their adequate safety regardless of the origin of any increased risk. NRE Tas recognises the need to work with relevant stakeholders, to address concerns about the potential for downstream developments to impacts on dam risk ratings.

The [Rural Water Use Strategy](#) (March 2021) contains as *Goal 3 - effective regulation, strong entitlements and planning; Further reducing regulatory burden for owners of smaller private dams to ensure the safety of dams whilst minimising the imposition of onerous and financial requirements.*

- *ACTION 3.12 Work with relevant stakeholders to address concerns about the potential for down stream developments to impact on dam risk ratings*

Land use below dams has a direct impact on a dam's Consequence category. The Dam Safety Program has identified an issue with Local Governments rezoning land from rural to rural residential below existing dams. NRE Tas is aware of several dam owners that are in this situation.

In these situations, the Consequence category of the existing dam is increased to high due to the increased probability to cause harm or danger to persons or property (high-risk) in the event of dam failure. Due to the increased Consequence category the dam owner is now required to engage a dam consultant to undertake the technical assessment to confirm the dam's Consequence category.

NRE Tas will be engaging directly with Councils to ensure that they are fully aware of the impacts on dam owners that can result from rezoning land.

NRE Tas will ensure that all dams and their Consequence category remains up to date on ListMap to ensure that current dam risk ratings can be considered during planning assessment processes.

From: Langford, Erin
Sent: Wednesday, 1 March 2023 9:29 AM
To: State Planning Office Your Say (DPaC)
Subject: RE: Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines.

Good morning,

Thank you for the opportunity to provide feedback on the Regional Planning Framework and draft Structure Plan Guidelines.

The Department of Police, Fire and Emergency Management (DPFEM) do not have any threshold comments or feedback in relation to the content for consultation. However, DPFEM notes that allocating suitable land for emergency service facilities accessible to the public should be a key consideration in the development of any regional land use strategy.

Thank you again for the opportunity to provide feedback.

Kind regards,
Erin

Erin Langford | Manager

Policy Development and Research Services | Strategy and Support | BES
Department of Police, Fire and Emergency Management
47 Liverpool Street | Hobart 7000 | TAS
Phone: | E:

From: Office of Local Government
Sent: Tuesday, November 29, 2022 8:34 AM
To: Commissioner Of Police
Subject: Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines.

You don't often get email from localgovernment@dpac.tas.gov.au. [Learn why this is important](#)

Please find attached a letter from the Minister for Planning inviting submissions on the Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines.

Submissions must be received by COB Tuesday 28 February 2023. Details on how to make a submission are included in the attached letter.

The State Planning Office (SPO) will be conducting an online presentation on the Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines on Thursday 9 February, 2023, at 2.00pm.

To register, please email the SPO at stateplanning@dpac.tas.gov.au who will, closer to the date, forward you a web link and Microsoft Teams invitation where you can access the presentation.

If you have any queries, please don't hesitate to contact the SPO on 1300 703 977

Regards,

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Private Forests Tasmania

PO Box 180, Kings Meadows 7249
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28 February 2023

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Department of Premier and Cabinet
GPO Box 123 HOBART TAS 7001

yoursay.planning@dpac.tas.gov.au

Inquiries:
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Our Ref: D23-60355
Your Ref: [\[Click to enter text\]](#)

Consultation – Regional Planning Framework and Structure Plan Guidelines

Thank you for the opportunity to provide feedback on the Regional Planning Framework and draft Structure Plan Guidelines.

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 attended the SPO's online presentation on 14 February and has reviewed the Discussion Paper, the draft Structure Plan Guidelines and other related documents associated with the Tasmanian planning system. Our submission provides responses to some of the questions posed in the Discussion Paper.

Q. Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

Response: Yes, to ensure consistency across regions an outline of the content and purpose for RLUS should be formalised in legislation. This would be a significant improvement on the current 3 strategies whose format and content are anything but consistent. There may still exist differences between the 3 regions, and these specific differences may not become apparent until the new RLUS are drafted. In that regard formalising their content and purpose in the LUPA regulations rather than the Act itself may be more appropriate so they can be more easily updated.

Q. Do you agree with the suggested contents in the Discussion Paper? Are there other matters you think the RLUSs could capture?

Response: The proposed content of RLUS outlined in the discussion paper is almost identical to that of the TPP's. As the RLUS are lower down in the hierarchy of planning instruments than the TPP's there is an opportunity for the content of RLUS to be more detailed. For example, *the sustainable use, development, protection or conservation of land* could include sections on 'resource protection'.

In the case of forestry, resource protection would mean the spatial identification of areas of land that are either dedicated for a forestry purpose (ie. Private Timber Reserves, Permanent Timber Production Zone Land, Future Potential Production Forest Land) and/or contain significant timber resources. These areas would then require local government planners, when preparing their LPS's and other sub regional or local

land use planning strategies, to give due consideration to the protection of these resources for their continued sustainable use and development.

In recent years this has not necessarily been the case. In many of the draft and now 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 FPPF Land have been placed in zones where forestry is discretionary or in some cases prohibited. Whilst this does not have any practical effect because forestry operations on land dedicated for a forestry purpose are generally exempt from the planning scheme under LUPAA, 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.

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 PFT's 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 should be protected.

Q. Do you agree with the suggested process for preparing RLUS's?

One of the stated intentions of the RLUS's is to be a key instrument in the spatial implementation and further articulation of the TPPs and therefore the collection of appropriate spatial data will be required. Spatial data on PTR's, PTPZ Land and FPPF Land is available on ListMap and spatial data on private forested land that is a potential wood resource but not covered by a PTR is available from Private Forests Tasmania.

If you have any queries on the points we have raised, please contact me on _____ or our Policy & Data Officer Murray Root on _____.

Yours sincerely,

Penny Wells
CEO Private Forests Tasmania

2 March 2023

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 Regional Planning Framework
Discussion Paper and Draft Structure Plan Guidelines**

Meander Valley Council acknowledges the body of work undertaken by the State Planning Office (SPO) in preparing a draft Regional Planning Framework Discussion Paper and the Draft Structure Plan Guidelines.

Council has been closely involved in the development of the Northern Tasmania Regional Land Use Strategy (NTRLUS) since the inception of regional planning process in 2007, to its most recent amendments in 2020, in close collaboration with the other Councils of the Northern Region. Irrespective of inherent problems in the preparation and implementation of the NTRLUS, during that time, there has been significant value in working with the other Councils of the region to better understand the role that the NTRLUS plays and the nuances of the Tasmanian legislation as to the statutory effect of the NTRLUS on process and on-ground outcomes for land use and development.

In this regard, any appreciation of the draft framework, cannot be considered in isolation of the draft Tasmanian Planning Policies (TPP), due to the legislative interaction. Council has made a submission to the Draft TPP consultation, outlining significant concerns regarding their structure and content. The SPO are considering submissions to the draft TPP's, with potential revisions strengthening the role of the Regional Land Use Strategy (RLUS) as the primary mechanism for delivery. This makes the Regional Framework all the more important, as the mechanism by which we plan for a shared future.

Council acknowledges the need for a framework that provides greater consistency in the preparation of regional strategy. The RLUS for each region is a statutory document under the one Act, yet to date, have produced disparate and inequitable results. A state-wide framework provides opportunity to ensure consistent procedural and legal interpretation as well as foundational work to assist the development of policy and actions.

However, in regard to process for "preparation, assessment, declaration, governance, monitoring, review and amendment" of RLUS's, the key question is ... who 'owns' the policy?

In working with the SPO and the other Councils of the Northern Region through recent processes to 'repair' the current NTRLUS, there is a clear expectation that Council's engage and 'own' the NTRLUS. This is appropriate, as ultimately the NTRLUS is a statutory instrument that has a profound effect on local strategic planning, particularly in regard to future growth and settlement.

Council has previously provided comments to the prior consultation on the Framework, that it is imperative to 'get the hierarchy right'. That is, to be clear in expectations as to how responsibilities flow through the Resource Management and Planning System. The objectives of the *Land Use Planning and Approvals Act* (the Act) are clear in expression that describes a 'flow' that is locally driven as well as providing for State imperatives. The TPP's have an important role, as does the RLUS as a delivery mechanism, however this does not dictate a strictly 'top-down' hierarchy.

Council submits that a proper reading of the objectives of the Act reinforces that the Framework must recognise the crucial role of local level strategic planning in the system and critically, provide flexibility to enable demonstration of local circumstances and justify a local response.

The discussion paper states that *"the RLUS also guides and is informed by local strategic planning documents, such as structure plans, so that finer grain planning can be undertaken where growth or land use change is identified by a RLUS"*. There is a clear expectation in the documentation that the RLUS will identify all circumstances for growth and land use change with only the 'finer grained' detail being provided in local planning documents. Council's long experience with the NTRLUS indicates that this is an unrealistic ambition and submits that it is imperative that the Framework safeguards the ongoing ability for local strategic planning work to inform responses to growth. The Framework, and inherently the content of the documents that are activated by it and that it is subject to, must reflect the circular nature of the interactions between State, Regional and local interests as envisaged by the Acts objectives.

Council acknowledges the Draft Structure Plan Guidelines as a non-statutory mechanism that can provide value and guide consistency in the expression of local level strategic planning. However, Council has concerns that despite being non-statutory, there is risk that such an exhaustive list of contents will be regarded by decision makers as a 'check list' of components that must be included for LPS amendments, or that structure planning must be required in all circumstances. Local strategic planning can take many forms, with local level strategies already in place that may, or may not, provide the basis for more detailed structure planning. The guidelines should be reworked to recognise the different potential levels of application.

In determining whether legislative amendments are required to reinforce the Framework, it is important to understand that where the internal text of the legislation is variable, the legal interpretation will be that differentiation is intended. Council submits that the objectives of the Act should not be tweaked or paraphrased in any way, in regard to the purpose or scope of RLUS's. Each instrument within the system (TPP's, RLUS's, SPP's and LPS's) must demonstrate how they further the objectives of the Act. For the hierarchy to function, and for these documents to work in unison, the tests must be consistent.

Council would welcome the opportunity to work with government agencies to further participate in the Regional Framework process.

If you have any queries regarding this submission, please contact Krista Palfreyman, Director
Development & Regulatory Services on or by email at

Yours Faithfully

John Jordan
GENERAL MANAGER



3 March 2023

State Planning Office
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Dear Sir/Madam

SUBMISSION – REGIONAL PLANNING FRAMEWORK DISCUSSION PAPER AND DRAFT STRUCTURE PLAN GUIDELINES

Introduction

Thank you for the opportunity to comment on the *Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines* and the opportunity to attend Information Sessions by our members.

The Planning Institute of Australia, Tasmanian Division (PIA Tas) commends the Government and the State Planning Office for progressing this important work on review of the regional planning framework.

As the peak body representing planning professionals, we emphasise the critical and urgent need for these specific reforms to effectively provide the framework for strategically planning land use and development within Tasmanian regions as part of a well-functioning planning system and to address the expected population and economic growth in Tasmania.

PIA Tas has long been calling for a comprehensive review of regional land use strategies (RLUSs) and a fit for purpose governance framework for their approval/declaration and implementation. RLUSs are an important component of the planning system and require regular review given Tasmania's growth.

PIA Tas strongly supports reform that improves planning processes and outcomes, especially for well-resourced strategic planning now that the implementation of the

Tasmanian Planning Scheme is well advanced. 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 environment¹.

General observations

The existing RLUSs were completed in a relatively short timeframe as a part of regional planning reforms some years ago now. The approach to drafting and preparing the strategies varied across the three regions declared under relevant sections of the *Land Use Planning and Approvals Act 1993* (LUPA Act). They were not informed by a shared vision for the future of Tasmania developed in consultation with the wider Tasmanian Community.

There are significant differences between the policy settings of the existing RLUSs and, as a result, the outcomes delivered through local planning schemes, most notably by way of how settlement is planned for. The lack of a shared vision to inform the current reforms risks similar outcomes.

The State Government could consider engaging the community to develop a shared vision, outside of the current process, and perhaps timed for the significant reviews the RLUSs proposed in 2024.

The discussion paper does not address some fundamental issues such as the need for a collaborative governance framework between State and local government, or others like Statutory Authorities responsible for infrastructure provision such as TasWater. It also does not address climate change to any great degree.

A revision of the Schedule 1 objectives of the Resource Management and Planning System (RMPS) is long overdue. To provide a more contemporary framework for key instruments such as the Tasmanian Planning Policies (TPPs) and RLUSs it is strongly advocated that the objectives also be reviewed at this time and at minimum include an additional objective about climate change resilience, adaptation and mitigation.

The LUPA Act has become overly complex and often difficult to interpret leading to increased risk of legal challenge and delays. As an overarching principle it is important that the RLUS provisions in the Act should not be overly prescriptive. While there is a need for consistency it is also necessary to make sure there is flexibility to adapt to changing growth scenarios and strategic issues over time. It is a fine balance. The current situation involving legislative requirements plus administrative processes sitting

¹ <https://www.planning.org.au/ourcampaigns>

outside legislation is convoluted, lacks fairness, and is inconsistent. Current amendments to the RLUSs depend on individual lobbying power rather than being strategic in focus. The opportunity must be taken to rectify and significantly improve this situation.

In general, it is observed that:

- strategic implementation of RLUSs has been frustrated by a lack of ongoing maintenance of the data supporting the strategies and the strategies themselves - the implications of the significant economic and population growth over the life of the existing RLUSs has not been analysed and used to refresh the strategies - recent debate about the potential of appointing a State Demographer is relevant as the data provided by that role could partially be used to address this issue;
- a lack of clear ownership has frustrated both the relevance and implementation of the existing RLUSs and resulted in differing approaches across the three regions;
- the participation and ongoing involvement of Statutory Authorities was not clearly defined and often resulted in conflicting positions being presented during assessment processes;
- it was expected that all future development concepts and expectations could be identified and addressed in the RLUSs, and then planned for in a highly structured/regulated manner – these documents need to be considered to be ‘live’ with ongoing refinement and review; and
- as RLUSs have a statutory function they suffer from a lack of clarity and consistency with drafting and terminology for example it would be relatively easy to improve certainty by having a common understanding of the plethora of terminology used such as density, greenfields, infill and so on.

Specific responses are provided to questions raised in the discussion paper.

2.1 Scope and Purpose

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

PIA Tas is of the view that LUPA Act should not overly prescribe RLUSs and should instead describe the content at a high level. Specific detail of what to include and how to consult could instead be included in a guideline document – see further discussion of guidelines in the next section.

Experience with using the existing RLUSs identifies that clear requirements for the review and operation of RLUSs are required. It is critical that the following are addressed through the suite of available tools (legislation, regulation, guidelines), as suited to the nature of the matter:

- sub-regional land use planning policies and strategies must be recognised as part of the policy framework for the purpose and outcomes of RLUSs and their review (such as City Deals, strategic land use plans and structure plans);
- the matters at criterion 2 on page 9 of the Paper are not optional requirements under the RMPS, so use of the term *may* ought to be changed to reflect that requirement - this list should also include an additional criterion (e) *response and adaption to climate change through land use*;
- minimum review requirements must be set to overcome the problems experienced with the existing RLUSs – ideally this should be a minimum five years for consistency with other LUPA Act instruments;
- input by State Authorities must be legislated to overcome problems experienced with the existing RLUSs and guidance provided by the State government on the appropriate input by theme for specific authorities (revised from time to time to reflect the inevitable changes in Departments etc); and
- ownership of the RLUSs must be clearly established, along with the governance arrangements for the development and maintenance of the documents.

The minimum requirements should not be too complex because there is a need to consider that to do so would be resource intensive and may not be able to be achieved given the resource limitation of some councils and even the State government.

The requirement for implementation plans is supported but must remain relevant to the regional nature of the documents as this could be open to unintended consequences. To this end the following is noted:

- land release and staging must be limited to regional level programs and is likely to cause blockages and unnecessary delays/costs to the development process if implemented below that level, in addition to frustrating development and delivery of local strategy;
- any program tied to the implementation of infrastructure requires commitment by the relevant State and Federal agencies for delivery, or it will likely result in delays and increased costs;
- arrangements for funding and prioritised projects are supported; and
- this may provide a suitable mechanism for recognition and implementation of sub-regional agreements and matters.

2.2 Consistency

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

Should there be a template for RLUSs?

While a template may assist development of RLUSs, it is more critical to ensure ownership of the strategies at the appropriate level. If the strategy is only owned by the Minister/State, then a template is appropriate as local ownership is not as significant. If they are owned by the councils of the regions (alone or in association with the Minister) then generally identifying the contents may be more suitable than a template that establishes the structure and appearance of the document.

An option is for a template to be attached to a guideline prepared under an amended section 8A of the LUPA Act. A guideline gives flexibility and means that all aspects of what is required doesn't need to be solved in the first instance. A guideline can be amended more easily, taking into account changing circumstances and learnings from implementation, than say a regulation.

Some matters require clear establishment resulting from operation of the existing RLUSs and are not detailed in any other way:

- a consistent time horizon across all three regions noting that the three current strategies are all more than halfway through their time horizons and some, such as the southern one, have only a short time left;
- timeframes for short-, medium- and long-term implementation;
- terminology/definitions;
- tools/mechanisms;
- thresholds/classifications;
- matters that require mandatory policy responses and actions;
- optional policy responses and actions;
- TPP matters for response;
- mechanisms that provide for detailed local responses to specific circumstances within or across regions, such as existing for the Furneaux Islands under the existing northern RLUS, potentially the Bass Strait Islands or other regions such as the east coast or issues (such as scenic protection at the landscape scale);
- recognition of local policy and strategy for implementation through Local Provisions Schedules;
- implementation programs and requirements, particularly around base information that the State will require to inform development and implementation of the TPP/RLUSs;
- any mandatory appendices;
- a requirement to establish minimum thresholds for available land supply and reserves within each region; and

- recognition of the role of Structure Plans in implementation as these are not recognised in legislation.

Ongoing maintenance of the existing RLUSs and supporting data has been a critical problem for land use planning and development across Tasmania. The lack of commitments within the consultation paper risks devolvement of those obligations for implementation from State policy and requirements to the development or local government sectors. Clear detail about the ownership of the RLUSs and processes for ongoing maintenance is essential.

2.4 Assessing and declaring regional land use strategies

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister?

Should the assessment process include public hearings?

Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

The Consultation Paper suggests the TPC should complete an assessment that includes public consultation and subject to the following criteria:

- whether the RLUSs:
 - further the objectives of Schedule 1 of the Act;
 - are consistent with the State Policies;
 - are consistent with the TPPs;
- representations received during the public exhibition period;
- relevant matters raised at a hearing in relation to a representation;
- any matters of a technical nature in relation to the application of the
 - TPPs into a RLUS; and
 - RLUS into a LPS.

Operation of the existing RLUSs identifies the lack of a clear linkage between the assessment criteria and implementation through planning schemes. Implementation of the assessment criteria within the RLUS and LPSs must be considered, with review of the capacity and effectiveness of implementation measures and tied to review of the TPS mechanisms. This must also be part of ongoing reviews to determine suitability and effectiveness.

The TPPs purpose is to set land use planning policy for State Government for delivery through land use planning instruments. Technical matters must also address application through the TPS and not just the LPS, otherwise strategic interventions will be compromised.

An additional criterion should be established that requires consideration of the suitability of the matter for delivery through the RLUS and relevant documents/processes. This would:

- allow those matters that are better addressed at the regional level to be identified and then developed through that process; and
- enable specific engagement of relevant State Authorities.

Public consultation is a key objective of the Act and RMPS and is essential to address the current lack of understanding within the community about existing RLUSs. They have a key role in increasing 'literacy' about planning issues and future options. Public consultation should be a requirement for assessment of RLUSs as part of a statutory exhibition process. The period of consultation should be at least 60 days and be subject to a dedicated consultation plan to target various key industry and community groups.

PIA Tas is of the view that public hearings should be part of the formal assessment process. The community have a strong and increasingly active interest in planning and planning policy, so it is important that there is a public process. Extensions to Urban Growth Boundary are an example of where there is a lack of transparency with the community and instead relies on the capacity of individual lobbying power. This is not fair to either developers or the community. It is important that whatever process is used that it is open and transparent and not unduly open to political pressure. The TPC hearings are relatively informal and therefore lowers barrier for public interaction providing a forum to fully investigate the issues.

A critical outcome of the assessment process ought to be for recommendations to be provided to the Minister for review or reform of the TPPs, TPS or specific LPSs similar to the function planning authorities have through the section 35G Notice on matters that related to the TPS.

This process must also clearly identify the nature of the TPC process, whether it is a detailed assessment against criteria or a review to determine suitability for purpose and delivery against the Schedule 1 Objectives. The nature of this process is closely related to the nature of purpose of the document as delivering strategy within the region or State based strategies.

2.5 Reviewing regional land use strategies

Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

Should any other matters trigger the review of the RLUSs?

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

The significant issues with operation of the existing outdated RLUSs highlights the need for periodic and regular reviews and the ability to respond to changing circumstances and emerging issues. The reviews should be consistent with the period for review of TPPs and the SPPs, that is 5-yearly. Further commentary on how realistic this is has been provided in the next section.

The following reviews are relevant:

- periodic reviews that address the overall effectiveness and content of the RLUS and consistency with the current strategic policies and directions of Government and the regions and provide for an overall review or refresh of the RLUS;
- regular updates to review the suitability and effectiveness of policy and data for matters such as natural hazards, climate change and environmental data;
- updates from monitoring programs such as development trends, land supply, uptake and other key metrics for population and land use planning; and
- a review of key decisions on planning schemes amendments and appeals for intended/unintended outcomes.

A range of effective reviews is essential to maintain currency of strategy and monitor implementation/effectiveness and needs realistic resourcing.

2.6 Amending regional land use strategies

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

What matters should qualify as triggers for amending a RLUS?

If more regular reviews are required for the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

PIA Tas considers that there are two approaches that could be taken. If RLUSs are being reviewed at the 5-yearly intervals, then there should be no need for provisions for amendments apart from mechanisms to make corrections and minor amendments like those for other instruments under LUPA. The declared RLUSs should be robust enough to last five years. Anything more than a minor amendment would detract from the strategic nature of the documents. It is acknowledged that 5-yearly reviews are likely to be resource intensive, especially if other instruments such as SPPs and the TPPs are also on a 5-yearly review cycle. In this scenario it is likely that reviews will not be comprehensive.

If a 5-year review is not realistic then the period of review could be 10 years but there would need to be the ability to amend the RLUS in the intervening period. Such amendments would need a high degree of strategic justification.

It is observed that if there is an amendment process in the LUPA Act, this could encourage putting off the period review which would not be a good outcome.

Mechanisms to make corrections and minor alterations are supported. Minor reviews may also provide for integration of revised data (such as ABS, supply, uptake etc); however, these should be consistent with the overall policy direction of the RLUS. Change in policy direction should be subject to a full review process.

Other RLUS matters

Existing instrument approvals processes (TPPs, SPPs, planning scheme amendments) require assessment against every part of State Policies, the TPPs and the relevant RLUS, as relevant for the place of the instrument in the hierarchy. The current reforms will deliver a process where the RLUS will comply with the higher order policies and strategies. The assessment process should clearly establish where the State Policies and TPPs are delivered through the RLUS and where (if at all) assessment is required for specific applications or amendments. For example, the existing process for planning scheme amendments results in duplication of assessments and increased cost to councils and the development sector. Establishing an implementation hierarchy for future iterations of RLUSs (and TPPs) may reduce this duplication. This hierarchy could consider that some instruments may have been amended in the intervening time and therefore have not been integrated. It may be necessary to provide for consideration of the most recent documents.

A critical issue is that oversight and advice on regional strategy development needs to be better resourced at State government, regional and local government levels and on an ongoing basis, not just for reviews. Options of the functions sit in government needs full exploration of where it can be most appropriately resourced and to build ownership of the strategic intent noting that accountability for City Deals sits within the Department of State Growth, and the State Planning Office currently is focussed on regulatory planning policy rather than strategy development. There are also regional bodies involved. A comprehensive analysis of options is required. The key principles are that the governance must be at the level most suitable to gain ownership of the policies and strategies and be transparent.

Structure Planning Guidelines

The key purpose of Structure Plans needs to be clearly articulated. Structure Plans establish local strategy. Information sessions provided by the State Planning Office

suggest that structure plans must always be consistent with RLUSs. As a non-statutory document owned by a council and not the State government, the designation of local strategy should not be curtailed or constrained by the RLUS.

There is concern that the Guidelines will be used as a set of mandatory requirements by other agencies rather than as a guide to developing structure plans and that eventually this guidance would become too rigid. PIA is of the view therefore the guidance should not be legislated. Structure plans can be quite different depending on the issues being addressed so there is a need for some flexibility.

Further, the Guidelines should be regularly updated to take into account changing circumstances and ensure they reflect the wide range of circumstances that structure plans must operate within.

The Victorian Precinct Structure Planning Guidelines are a good example of guidelines that have been adopted and implemented, particularly providing guidance on good place-based outcomes and planning connected and liveable communities. [Precinct Structure Planning Guidelines: New Communities in Victoria October 2021 \(vpa-web.s3.amazonaws.com\)](https://www.vpa-web.s3.amazonaws.com)

The Victorian guidelines focus on placement of key land uses and infrastructure to then guide further developments, staging, subdivisions and infrastructure delivery. While this is technically achieved at the regional level in the RLUSs (according to the hierarchy on Page 7 of the draft Structure Plan Guidelines), the RLUS should focus on the broader macro regional need, allowing structure plans to explore the more micro needs of a precinct, town, etc.

The draft guidelines currently lack direction on good place-based planning; there should be a stronger emphasis on planning future precincts/towns to be responsive to challenges of growth, including factors like climate change, and supporting liveable and connected neighbourhoods. The Victorian guidelines are built around a 20-minute neighbourhood. While the draft Tasmanian guideline is within a suite of other policy documents in our planning system, it is important not to lose sight of why we need these guidelines to start with – and these purposes should be written into the guidelines.

Well-crafted guidelines will provide a valuable resource for those councils that are not well resourced and create certainty in the system.

PIA Tas advocate that the guidelines state that there is to be a minimal level of qualification required for those drafting of structure plans, that is a suitably qualified person such as a qualified planner.

The following detailed observations are provided:

- 1.4 Types of structure plans – it should be noted that precincts may require public and private realm outcomes.

The details of investigations and interventions within structure plans will need to reflect local circumstances and must be able to occur at a range of detail.

- 2.1.1 Definition and Purpose – the purpose should clearly enable precincts or sub-areas to be established within structure plans.
- 2.1.2 It is agreed that specific time horizons should be specified in the structure plan and that this takes into consideration the time period in the relevant RLUS and any upcoming reviews of the RLUS.
- 2.1.9 and 2.2.2 should be revised to require adoption of the structure plan to establish its authority, rather than just being a suggestion that this occurs. The formal adoption by the planning authority should be a requirement to afford full status in assessments.
- 2.1.4 Engagement and Consultation – mandatory consultation with Statutory Authorities prior to the community is supported and will improve outcomes and consistency with the RMPS objectives. It is important that State Agencies are committed to productive input to this engagement process. It is equally important that engagement occur with community and social infrastructure providers as well.
- 2.1.6 Analysis and evaluation – developing and maintaining data at the State level, across regions and in monitoring key metrics of the land use planning system must be recognised and addressed.
- 2.1.7 It is not necessary to require a vision statement be included - experience in drafting structure plans by our members has found that this will only be relevant for some forms of structure plans.
- 2.1.10 Implementation – this provides a very detailed set of requirements that does not promote coordinated action between levels of government and with private providers (if that latter is relevant). Absent the mandatory commitment of State Authorities to the development of structure plans, the discretionary nature of these considerations must be highlighted.
- 2.1.11 Monitoring and review – the comments in this section are equally applicable to higher order documents and must be applied consistently through the land use planning system.

We thank you for the opportunity to make a submission. If you would like to discuss this submission further with PIA, please contact me on 0418 597 997.

Yours sincerely

Michael Purves
President
Planning Institute of Australia, Tasmanian Division



3 March 2023

State Planning Office
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Dear Sir/Madam,

SUBMISSION TO STATE PLANNING PROVISIONS REVIEW

Latrobe Council acknowledges the body of work undertaken by the State Planning Office (SPO) in preparing a draft Regional Planning Framework and seeking input to that framework on a number of aspects.

Council has been involved in the development of the Cradle Coast Regional Land Use Strategy (CCRLUS) since the inception of regional planning process and including preparation of draft urgent amendments in 2022 – 2023, in close collaboration with the other Councils of the Cradle Coast Region. Irrespective of inherent problems in the preparation and implementation of the CCRLUS, there has been significant value in working with the other Councils of the region to better understand the role that the CCRLUS plays and the nuances of the Tasmanian legislation as to the statutory effect of the CCRLUS on process and on-ground outcomes for land use and development.

In this regard, any appreciation of the draft framework, cannot be considered in isolation of the draft Tasmanian Planning Policies (TPP's), due to the legislative interaction. Council has made a submission to the Draft TPP consultation, outlining significant concerns regarding their structure and content. The SPO are considering submissions to the draft TPP's, with potential revisions strengthening the role of the RLUS's as the primary mechanism for delivery. This makes the Regional Framework all the more important, as the mechanism by which we plan for a shared future.

Council acknowledges the need for a framework that provides greater consistency in the preparation of regional strategy. The RLUS for each region is a statutory document under the one Act, yet to date, have produced disparate and inequitable results. A state-wide framework provides opportunity to ensure consistent procedural and legal interpretation as well as foundational work to assist the development of policy and actions.





However, in regard to process for “preparation, assessment, declaration, governance, monitoring, review and amendment” of RLUS’s, the key question is ... who ‘owns’ the policy?

In working with the SPO and the other Councils of the Cradle Coast Region through recent processes to ‘repair’ the current CCRLUS, there is a clear expectation that Council’s engage and ‘own’ the CCRLUS. This is appropriate, as ultimately the CCRLUS is a statutory instrument that has a profound effect on local strategic planning, particularly in regard to future growth and settlement.

Council submits that it is imperative to have a clarity around the respective roles within the hierarchy. That is, to be clear in expectations as to how responsibilities flow through the Resource Management and Planning System. The objectives of the Act are clear in expression that describes a ‘flow’ that is locally driven as well as providing for State imperatives. The TPP’s have an important role, as does the RLUS as a delivery mechanism, however this does not dictate a strictly ‘top-down’ hierarchy.

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The discussion paper states that “*the RLUS also guides and is informed by local strategic planning documents, such as structure plans, so that finer grain planning can be undertaken where growth or land use change is identified by a RLUS*”. There is a clear expectation in the documentation that the RLUS will identify all circumstances for growth and land use change with only the ‘finer grained’ detail being provided in local planning documents. Council’s long experience with the CCRLUS indicates that this is an unrealistic ambition and submits that it is imperative that the Framework safeguards the ongoing ability for local strategic planning work to inform responses to growth. The Framework, and inherently the content of the documents that are activated by it and that it is subject to, must reflect the circular nature of the interactions between State, Regional and local interests as envisaged by the Act objectives.

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demonstrate how they further the objectives of the Act. For the hierarchy to function, and for these documents to work in unison, the tests must be consistent.

Council looks forward to further participation in the Regional Framework process.

Yours sincerely,

Jan Febey
MANAGER
DEVELOPMENT AND REGULATORY SERVICES

KENTISH COUNCIL

Promoting
Tasmania's Outdoor Art Gallery



Our Ref:
Your Ref:

3 March 2023

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actions.

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Council submits that it is imperative to have a clarity around the respective roles within the hierarchy. That is, to be clear in expectations as to how responsibilities flow through the Resource Management and Planning System. The objectives of the Act are clear in expression that describes a ‘flow’ that is locally driven as well as providing for State imperatives. The TPP’s have an important role, as does the RLUS as a delivery mechanism, however this does not dictate a strictly ‘top-down’ hierarchy.

Council submits that a proper reading of the objectives of the Act reinforces that the Framework must recognise the crucial role of local level strategic planning in the system and critically, provide flexibility to enable demonstration of local circumstances and justify a local response.

The discussion paper states that *“the RLUS also guides and is informed by local strategic planning documents, such as structure plans, so that finer grain planning can be undertaken where growth or land use change is identified by a RLUS”*. There is a clear expectation in the documentation that the RLUS will identify all circumstances for growth and land use change with only the ‘finer grained’ detail being provided in local planning documents. Council’s long experience with the CCRLUS indicates that this is an unrealistic ambition and submits that it is imperative that the Framework safeguards the ongoing ability for local strategic planning work to inform responses to growth. The Framework, and inherently the content of the documents that are activated by it and that it is subject to, must reflect the circular nature of the interactions between State, Regional and local interests as envisaged by the Act objectives.

Council acknowledges the Draft Structure Plan Guidelines as a non-statutory mechanism that can provide value and guide consistency in the expression of local level strategic planning. However, Council has concern that despite being non-statutory, there is risk that such an exhaustive list of contents will be regarded by decision makers as a ‘check list’ of components that must be included for LPS amendments, or that structure planning must be required in all circumstances. Local strategic planning can take many forms, with local level strategies already in place that may, or may not, provide the basis for more detailed structure planning. The guidelines should be reworked to recognise the different potential levels of application.

In determining whether legislative amendments are required to reinforce the Framework, it is important to understand that where the internal text of the legislation is variable, the legal interpretation will be that differentiation is intended. Council submits that the objectives of the Act should not be tweaked or paraphrased in any way, in regard to the purpose or scope of RLUS’s. Each instrument within the system



(TPP's, RLUS's, SPP's and LPS's) must demonstrate how they further the objectives of the Act. For the hierarchy to function, and for these documents to work in unison, the tests must be consistent.

Council looks forward to further participation in the Regional Framework process.

Yours sincerely,

Jan Febey
MANAGER
DEVELOPMENT AND REGULATORY SERVICES

Department of State Growth

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

By email: yoursay.planning@dpac.tas.gov.au

Regional Planning Framework and draft Structure Plan Guidelines

Thank you for the opportunity to comment on the draft Regional Planning Framework and the draft Structure Plan Guidelines. The Department of State Growth (State Growth) makes the following comments.

Regional Planning Framework

Scope and purpose

State Growth agrees that the general content and purpose of the Regional Land Use Strategies (RLUSs) should be formally outlined in legislation or regulations.

As the suggested purpose of the RLUSs is relatively narrow, State Growth suggests that consideration be given to broadening out this definition to reflect the outcomes the RLUSs are intended to deliver – for example, ‘to guide coordinated and sustainable regional land use and infrastructure planning.’ If the existing purpose definition is retained, it should include reference to State Government strategies as these are also a key implementation mechanism for the RLUSs.

The suggested contents of the RLUSs are supported and should be included within the legislative framework. In addition, the ‘spatial application of the TPPs, regional or sub-regional policy’ is critical, and should be a mandatory component of all RLUSs.

State Growth supports the development of implementation plans for each RLUS, which should focus on a targeted number of priority actions for each region, ensuring the plans remain manageable, and real outcomes can be achieved.

Settlement planning is a key issue across all regions and may become more important over time if projected growth occurs. There is a need to better manage the sequencing of residential development within the RLUSs, and to provide clearer signals to councils and the private sector as to where development should occur. State Growth supports the identification of priority growth areas within metropolitan regions, within which infrastructure and planning would be prioritised and coordinated across governments. Growth areas should apply to both infill and key greenfield sites.

It would be useful to identify the background reports required to support the RLUSs, and the scale at which these should be prepared (e.g. state, regional, metropolitan or local). For example, industrial land supply should be considered in a statewide context given its’ relationship to statewide freight and supply chain networks.

Preparation of the RLUSs

The Regional Planning Framework contains limited detail on the governance arrangements for review of the RLUSs, noting only that regional coordinators will be appointed, and State agencies, infrastructure and service providers will be consulted through the State Planning Office.

Given that State Government interests are a critical part of the RLUSs, it is suggested that a formal state agency working group be established to provide structure State Government input.

The governance arrangements should also identify who is responsible, and how, to prepare the RLUSs, including background reports and supporting analysis.

Consistency

State Growth supports a standardised structure for the RLUSs, including a template with common sections and headings, and pre-filled contents such as definitions.

A standardised structure should also consider -

- a standard baseline of analysis, ensuring there is a common evidentiary base for each strategy, and
- the use and application of spatial mapping, noting that the mapping of key land uses and values is critical in informing how RLUSs will be practically applied.

Assessing and declaring RLUSs

The review of the RLUSs is a significant undertaking that should be supported by detailed background data, analysis and reports, and the input of governments and infrastructure and service providers. It is also assumed key stakeholders and the community will have the opportunity to provide direct or indirect input (for example, via councils) into the development of the draft RLUSs.

In this context, review of the draft RLUSs by the Tasmanian Planning Commission, together with supporting public representations, should focus on specific matters only. For example, inconsistency with State Policies or TPPs, errors, incorrect assumptions in background reports, or evidence of unreasonable impacts on landowners.

Reviewing RLUSs

State Growth agrees that reviews of the RLUSs should occur every five years, consistent with the review of the TPPs. Given that timeframe, it is considered unlikely that reviews out of cycle will be required, however State Growth supports providing the flexibility for out-of-cycle reviews, subject to specific criteria. We also support the tracking of data and trends that may impact the relevancy of the RLUSs.

The governance arrangements to review the RLUS, including formal consultation with State Agencies, should be implemented in the framework.

Amending RLUSs

A five-year review period for the RLUSs should largely remove the need for any significant amendments to the RLUS between review periods. Nevertheless, State Growth supports the ability to make minor amendments to correct errors or make clarifications, but these must be based on very specific criteria. For example, changes to agreed settlement plans, including to identified urban growth boundaries, should not be the subject of a minor amendment.

Draft Structure Plan Guidelines

State Growth supports the development of Structure Plan Guidelines. Early consultation with State Agencies, when developing these plans, is important to ensure key issues and considerations are identified from the outset.

We note that structure plans often only consider impacts within the immediate structure plan area. The Guidelines should encourage broader impacts to be considered as part of developing a structure plan.

Please do not hesitate to contact Claire Armstrong, Senior Strategic Planner on _____ or email _____ if you require further clarification.

Yours sincerely

Ben Goodsir
A/CEO, Infrastructure Tasmania

3 March 2023



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8 March 2023

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,

RE: Regional Planning Framework Discussion Paper and Draft Structure Plan Guidelines

The [Planning Matters Alliance Tasmania](http://www.planningmatterstas.org.au) (PMAT) thanks the Department of Premier and Cabinet 's State Planning Office for the opportunity to comment on the [Regional Planning Framework Discussion Paper](#) and the [Draft Structure Plan Guidelines](#).

Regional Planning Framework

The regional planning framework refers to the legislative, regulatory or administrative arrangements that support Tasmania's three [Regional Land Use Strategies](#) (RLUSs) which provide a high-level component of the planning system (see Figure 1).

The State Planning Office wants to create a new framework ready for a review of the three Regional Land Use Strategies. The new framework will govern the scope, purpose, preparation, assessment, declaration, amendment and review of Regional Land Use Strategies.

There is a concern that that the Regional Land Use Strategies to date have been developed by private consultants via non-independent ad hoc processes that have not properly considered ecological, social and economic information.

Structure Planning

Structure Plans for example provide a vision and recommended actions for land use, transport, built form and public spaces in the respective towns for over for example a 20 year period.

The State Planning Office wants to create new *Structure Plan Guidelines* to assist with the preparation of Structure Plans.

PMAT's Submission

Our submission covers:

- 1) What is PMAT;
- 2) Hierarchy of Tasmania's planning instruments;



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- 3) What is the Regional Planning Framework?
- 4) What are the Structure Plan Guidelines? and
- 5) PMAT's recommendations.

Recommendations

PMAT's recommendations are explained in more detail in Section 5 below.

- 1. The Regional Land Use Strategies and Structure Plans should be created through an independent transparent Tasmanian Planning Commission process.
- 2. Structure Plans should also be statutory instruments with legislation setting out what they constitute rather than voluntary guidelines.
- 3. The Tasmanian Planning Commission process should include a 60 day public comment period, where all submissions are made public and with public hearings.
- 4. The Tasmanian Planning Commission should be responsible for deciding whether a Regional Land Use Strategy or Structure Plan be approved, not the Minister.
- 5. The Regional Land Use Strategies and Structure Plans must reflect best practice land use planning and meet the highest standards of governance and genuinely comply with Schedule 1 of *Land Use Planning and Approvals Act 1993*, State Policies under the *State Policies and Projects Act 1993* and State of Environment Reports and their recommendations.
- 6. Criteria should be developed to ensure that amendments to Regional Land Use Strategies and Structure Plans are not allowed for short-term economic or electoral priorities and that they do not undermine the broader strategic planning framework.

We would be happy to meet to discuss our submission further and for our submission to be made public.

Please confirm that you have received our submission.

Yours sincerely,

Sophie

Sophie Underwood

State Coordinator - PMAT

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1. 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 to 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.'

Planning schemes 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. PMAT considers that the incoming [Tasmanian Planning Scheme](#) will weaken the protections for places where we live and places we love around Tasmania.



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2. HIERARCHY OF TASMANIA'S PLANNING INSTRUMENTS

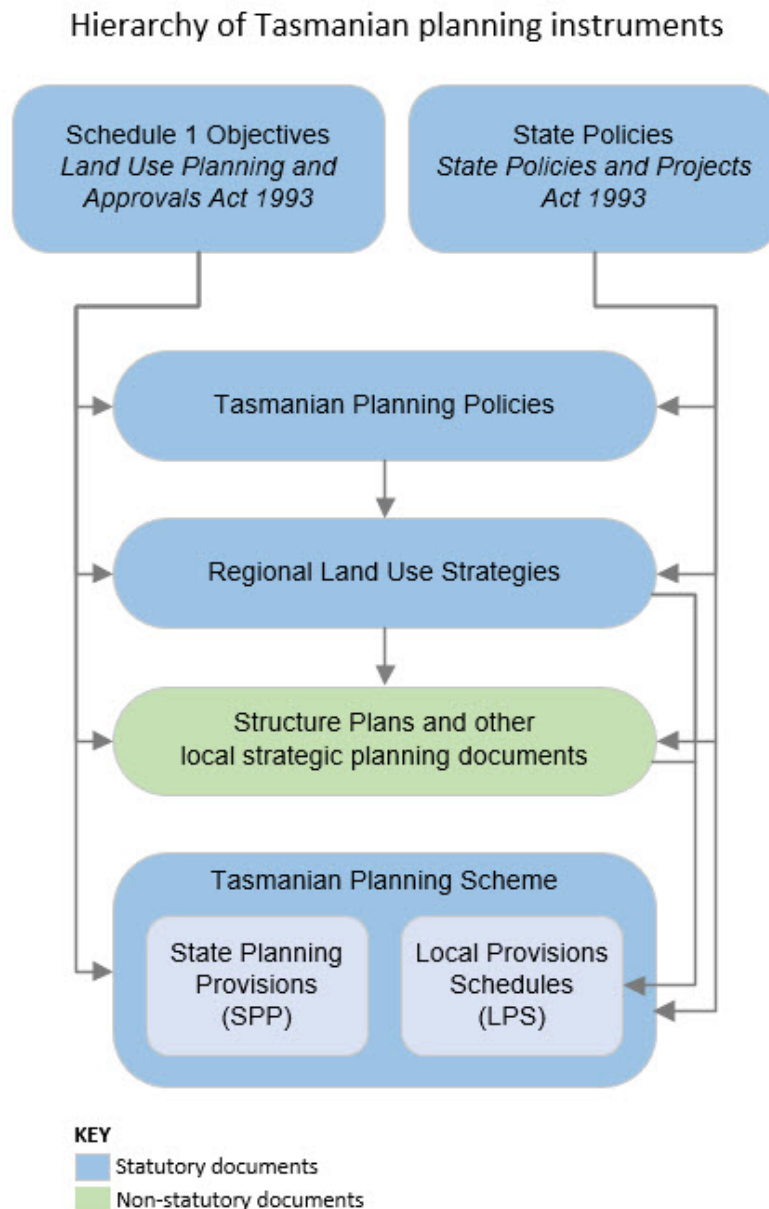


Figure 1 – This graphic shows the hierarchy of Tasmania's planning instruments. Note that every component has a statutory basis except the structure plans and other local strategic planning documents. Graphic provided with thanks to the State Planning Office.



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3. WHAT IS THE REGIONAL PLANNING FRAMEWORK?

The regional planning framework refers to the legislative, regulatory or administrative arrangements that support Tasmania's [Regional Land Use Strategies](#) which provide a high-level component of the planning system.

As outlined in Figure 1, the Regional Land Use Strategies provide a link between the Schedule 1 Objectives of the [Land Use Planning and Approvals Act 1993](#), State Policies and the future Tasmanian Planning Policies with the current interim and *Tasmanian Planning Scheme* and Local Provisions Schedules.

With regards to the *Tasmanian Planning Scheme* for example the Regional Land Use Strategies must be considered in the preparation of each Council's draft Local Provisions Schedules and or amendments to their Local Provisions Schedules or Interim Planning Schemes, such as with the rezoning of land.

As outlined in the [Information Sheet RLUS 1 – Reviewing and Amending the Regional Land Use Strategies](#) 'The regional land use strategies set out the key agreed strategic directions for a region over the medium to longer-term. They aim to provide certainty and predictability for Government, local councils, developers and the community on where, when and what type of development will proceed.'

There are three regional land use strategies currently in effect in Tasmania, which were all originally declared in 2011:

1. [Cradle Coast Regional Land Use Planning Strategy 2010-2030](#);
2. [Northern Tasmania Regional Land Use Strategy](#) ;and the
3. [Southern Tasmania Regional Land Use Strategy 2010-2035](#).

Creating Regional Land Use Strategies

At present, when developing a new Regional Land Use Strategy the process is flawed because:

- The process does not guarantee public consultation. The Minister only needs to consult with the Tasmanian Planning Commission, planning authorities and relevant State agencies/authorities.
- The process is not independent. There is a concern that that the Regional Land Use Strategies to date have been developed by private consultants via non-independent ad hoc processes that have not properly considered ecological, social and economic information.

Amending Regional Land Use Strategies

See details here [Information Sheet RLUS 1 – Reviewing and Amending the Regional Land Use Strategies](#).



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Regional Land Use Strategies maybe amended for example to facilitate development beyond the urban growth boundary. An example of this is the *Skylands Masterplan* at Droughty Point within Clarence City Council Municipality in southern Tasmania.

Reviewing Regional Land Use Strategies

A comprehensive review must be taken of all three Reginal Land Use Strategies after the declaration of the future Tasmanian Planning Polices.

However at present there is no robust statutory process for reviewing Regional Land Use Strategies.

See details here [Information Sheet RLUS 1 – Reviewing and Amending the Regional Land Use Strategies](#)

An example of why the Regional Land Use Strategies matter with regards to planning scheme amendments

A key argument against the highly contentious over 3000 hectare Cambria Green planning scheme amendment on Tasmania's east coast is that it is inconsistent with the *Southern Tasmania Regional Land Use Strategy 2010-2035*. **Thus the Regional Land Use Strategies are key in setting the future direction of development in Tasmania – for 'good' or for 'bad'.**



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4. STRUCTURE PLAN GUIDELINES

What are Structure Plans?

Structure Plans for example provide a vision and recommended actions for land use, transport, built form and public spaces in the respective towns for over for example a 20 year period.

According to the State Planning Office and Figure 1 Structure Plans:

- Are non-statutory instruments, but inform or deliver other statutory documents
- Provide finer-grain planning to Regional Land Use Strategy policy objectives
- Inform Local Provisions Schedule and planning scheme amendments
- Can be prepared independently of an Regional Land Use Strategy requirement
- Guide the management of settlement and land use and development changes
- Integrate and coordinate future land uses, development and infrastructure at the local level
- Strengthen communities through shared vision
- Spatial representation of future use and physical attributes
- Policy objectives
- Provide important link between Regional Land Use Strategy and Local Provisions Schedule

Why do we need Structure Plans Guidelines?

According to the State Planning Office, we need guidelines to:

- Provide general guidance to assist with the preparation of structure plans (and potentially other local strategic planning documents)
- Prepare for the comprehensive reviews of the Regional Land Use Strategies and their planning outcomes
- Improve strategic planning outcomes across the State –recent increases in growth
- Robust structure planning allows issues to be resolved early on in the planning processes – rather than during the Tasmanian Planning Commission assessment and hearing phase

Structure Plan Examples

[Coles Bay Township Structure Plan](#)

Glamorgan Spring Bay Council

[Swansea Township Structure Plan](#)

Glamorgan Spring Bay Council

[Perth Structure Plan](#)

Northern Midlands Council

[Longford Development Plan](#)

Northern Midlands Council



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5. PMAT RECOMMENDATIONS

1. **The Regional Land Use Strategies and Structure Plans should be created through an independent transparent Tasmanian Planning Commission process.** We need to ensure the highest standards of independence, transparency and accountability where there are no real or perceived conflicts of interest.
2. **Structure Plans should also be statutory instruments with legislation setting out what they constitute rather than voluntary guidelines.** As shown Figure 1 the Structure Plans are the only part of the hierarchy of Tasmania's planning instruments that are non-statutory. It is unclear why the Structure Plans are non-statutory. The Tasmanian Planning Commission decisions regarding for example land rezone applications are informed by Structure Plans – thus giving them a legal basis. It should follow that these plans should be statutory.
3. **The Tasmanian Planning Commission process should include a 60 day public comment period, where all submissions are made public and with public hearings.**
4. **The Tasmanian Planning Commission should be responsible for deciding whether a Regional Land Use Strategies or Structure Plan be approved, not the Minister. The Planning Minister should not have the ultimate say.** From a community point of view, we experienced the failure of this process in the past, where the Planning Minister had the ultimate say over the development of the State Planning Provisions. There were many issues raised by the Tasmanian Planning Commission when the State Planning Provisions were first created in 2017 that were not addressed, or adequately addressed, by the then Planning Minister. However, there was no recourse the community could take to ensure that the Planning Minister adopted the Tasmanian Planning Commission's advice. PMAT originally formed because of all the problems associated with the State Planning Provisions ([see our key concerns here](#)). We fear that if the Planning Minister has the ultimate say on the approval of Regional Land Use Strategies and Structure Plans, rather than Tasmania's top Planning body that similar problems will arise.
5. **The Regional Land Use Strategies and Structure Plans must reflect best practice land use planning** and meet the highest standards of governance and genuinely comply with Schedule 1 of *Land Use Planning and Approvals Act 1993*, State Policies under the *State Policies and Projects Act 1993* and State of Environment Reports and their recommendations.
6. **Criteria should be developed to ensure that amendments to Regional Land Use Strategies and Structure Plans are not allowed for short-term economic or electoral priorities and that they do not undermine the broader strategic planning framework.**

File No:

10 March 2023

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

Dear Sir/Madam

Regional Planning Framework Discussion Paper - City of Launceston Submission

The Minister for Planning has released for consultation the Regional Planning Framework Discussion Paper (Discussion Paper) and the draft Structure Plan Guidelines.

The [Land Use Planning and Approvals Act 1993](#) (LUPA Act) provides for the making and, to a limited extent, the review of the RLUSs. The Government intends to deliver reforms to the regional planning framework in two stages. The Discussion Paper seeks feedback on options for the Stage 1 improvements to the regional planning framework, including how it can better provide for the scope and purpose of the RLUSs and processes around their assessment, review and amendment.

The Discussion Paper also introduces the draft Structure Plan Guidelines (SPGs) for comment. Structure plans provide an important strategic link between the RLUS and the Local Provisions Schedules in the Tasmanian Planning Scheme. They should guide the development or redevelopment of settlements by integrating and coordinating future land uses, development, and infrastructure provision in a sustainable and orderly manner.

Within Stage 1, the RLUS will be required to be reviewed and amended after the making of the Tasmanian Planning Policies. Stage 2 will be ongoing governance arrangements, including review and monitoring of the RLUS.

The paper raises questions on relevant sections in order to provide feedback to the content of the discussion paper. These questions and Councils responses are considered below.

Q - Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

Response:

Generally supportive. It will be important not to be too prescriptive in the terminology to ensure there is opportunity for regions to set their own content of the RLUS, and not just simply input requirements or constraints that do not necessarily apply to that area.

Q - Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

Response:

Generally supportive. There is however concern about some of the 'other matters' that could be considered. In particular that the RLUSs are to be accompanied by:

- *any relevant background reports and supporting studies;*
- *a plan detailing how the RLUS will be implemented including:*
 - *prioritising or staging the release of land for settlement growth;*
 - *provision of key infrastructure;*
 - *governance arrangements for implementation; and*
 - *funding arrangements and prioritisation.*

Two concerns in question:

1. What happens when a background support or supporting study is superseded, or another conflicting yet more accurate study is prepared? Would compliance with the older study be required?
2. It is unclear what is meant by prioritising or staging land release. Is it proposed that the RLUS will have strict guidelines on when or how a region can release land, or would it be a case by case basis? If adopted, the wording would need to be carefully considered to ensure areas are able to release land when necessary.

Q - What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

Response:

Council are supportive of complete consistency across all regions, including terminology, categorisation of settlement, and any other consistent approach that would result in a more useable document.

Q - Should there be a template for RLUSs?

Response:

Council are supportive of a template for the RLUS, so long there are options for the RLUS to be able to be responsive to region specific issues or concerns. Anything that supports and guides a Council to achieve the best possible planning outcomes will be beneficial.

It is suggested however, that any template has the ability to be responsive to a specific region, and allows the freedom to allow for local circumstances. Anything too prescriptive may inadvertently constrain an area for the sake of consistency, which is something that should be avoided. There should be opportunity for allowing different ways of achieving a common objective, and allowing local communities to influence outcomes.

Assessing and declaring regional land use strategies

Q - Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?

Response:

An assessment process that allows for public involvement is supported by Council.

Q - Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

Response:

Again, considerations of representations (public involvement) is supported by Council. Such a process is considered to be much more transparent.

Reviewing land use strategies

Q - Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

Response:

It would be beneficial if there is opportunity where changes can occur prior to any review to fix known or urgent issues. A system where changes can occur when known would be beneficial, and potentially where urgent amendments can occur.

Q - Should any other matters trigger the review of the RLUSs?

Response:

Yes. If an issue is identified, the RLUS should be able to be amended quickly and efficiently. If not, the concern is raised that projects will essentially be placed on hold until an RLUS is amended, delaying a regions ability to enact change.

Q - Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

Response:

Yes, however a pathway for urgent amendments should be added.

Amending regional land use strategies

Q - Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

Response:

Yes, LUPA should provide for a process to amend the RLUSs. It is suggested that the process may be similar to that of the TPPs, however amended to allow for changes to occur without consultation in some circumstances.

Q - Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

Response:

Yes. It would be beneficial however to review the criteria on what constitutes a minor amendment.

Q - What matters should qualify as triggers for amending a RLUS? If more regular reviews are required or the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

Response:

Even if there were to be more regular reviews, the option of amending an RLUS as a reaction to specific situations should be able to occur. It is suggested that a Council with the support of the region apply for the changes, directly to the SPO.

Q - Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?

Response:

Yes. Council are wholly supportive of structure plan guidelines. A consistent approach in the creation of structure plans will assist in a transparent process.

Q - Are there any other additional matters or issues that should be considered for inclusion in the guidelines?

Response:

A structure plan needs to support a Council enacting the plan. The plan should be written for the community, with input from the community. It needs to be clear that a structure plan is a detailed piece of work that has been created to pass change within a specific region or area.

Council are supportive of a collaborative and transparent approach that would allow the regional land use strategies to be amended, and the inclusion of structure plan guidelines.

If you have any queries in relation to this application, please do not hesitate to contact me on

Yours sincerely

Iain More
Senior Town Planner - Policy & Projects

Our Ref: ME | MP

10 March 2023

Mr Brian Risby
Director
State Planning Office
Department of Premier and Cabinet

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

Dear Brian,

LGAT Submission
Regional Planning Framework and Draft Structure Plan Guidelines

Thank you for the opportunity to provide a submission on the Regional Planning Framework and Draft Structure Plan Guidelines. This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of the local government sector in collaboration with our members; all 29 Tasmanian councils.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by the LGAT for that specific issue.

Please contact Michael Edrich if you have any questions, or would like further information, at .

Yours sincerely,

Dion Lester
Chief Executive Officer

LGAT Submission: *Regional Planning Framework and draft Structure Plan Guidelines*

Introduction - addressing the strategic gap

Local government overwhelmingly supports the Tasmanian Government's efforts to address the longstanding and problematic strategic gaps in Tasmania's planning framework. These gaps have led to opacity and uncertainty in the system, making it harder for development proponents to navigate the system, to achieve their business goals, and for councils to achieve their communities' development goals.

The historical lack of state-level policy and strategy has resulted in councils bearing the full brunt of public criticism on development problems. This is despite their efforts to appropriately manage development pressures and create Tasmania's future communities. This has also meant that councils have not had the strategic backing from the Tasmanian Government in delivering positive, constructive development outcomes for Tasmanians. This is not a healthy situation.

Local government, then, overwhelmingly supports the work to update all three Regional Land Use Strategies (RLUS), beginning with the Regional Planning Framework. The sector acutely understands and appreciates the importance and significance of the strategic-level planning reforms - the Tasmanian Planning Policies (TPPs) and the updating of the Regional Land Use Strategies (RLUSs). With the unprecedented population growth Tasmania has experienced since 2016 – and the growth management task this represents – the strategic reforms of the planning system cannot come soon enough.

Key problems

In developing the Regional Planning Framework, the Tasmanian Government should identify and focus on addressing the problems of the current regional strategies. In our view, the core problems that should be resolved, in priority order, are:

1. The lack of maintenance of the RLUSs and responsiveness to emerging local issues. Key examples of this are housing and meeting development demand.
2. The lack of clear ownership of the RLUSs and the lack of ability for planning authorities to act decisively and responsively on local planning matters bound to the RLUSs.
3. The role and involvement of different state government agencies within the RLUSs, and how these agencies should interface with the RLUSs when they are in operation.

Purpose and Scope

Questions:

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

We agree that the general content and purposes of RLUSs can be outlined in legislation or regulations. These should be kept high-level and general.

We see little value in repeating the sections of the *Land Use Planning and Approvals Act 1993* (LUPAA) that relate to TPPs or the Schedule 1 Resource Management and Planning System (RMPS) objectives. Rather, the purpose statements for the RLUS should focus on their function within the framework, as a bridging instrument between the TPPs and Local Provision Schedules (LPSs). For example, this function might be expressed as:

- Enacting Tasmanian Government policies for development planning (the TPPs) that should flow on to local plan making (LPSs).
- Reflecting, or recognising, state government interests through their identification, expression and protection, in local plan making.
- Providing a coordinating framework for LPSs at a regional level.

We recommend keeping any provisions in legislation as general as practical and adding more detail and specificity in subordinate statutory guidelines. These are easier to revise and improve as we learn through implementation.

Consistency

Questions:

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

Should there be a template for RLUSs?

A certain level of consistency between the three RLUSs is supported, but it should not be so prescriptive and locked down that it prevents regions of councils from being able to address local and regional problems and resolve them in the strategy. In other words, councils' local place making ability should be supported and guided by the RLUSs, and not be prevented through over prescription.

A template RLUS is worthwhile, provided it is a flexible framework that adapts to, and enables, local planning. Common themes should be provided for, with regions able to detail their own challenges and opportunities, and address these with their own solutions. Most importantly, they need to be able to express their own development narrative for their region.

Creating a set of common terminology and categorisation of settlements and activity centres is useful. However, the regions should be able to add subcategories or further detail and definition to meet their needs. The aim should be for the RLUSs to be translatable and understandable in use and function, rather than uniform, or suppress diversity.

Consistent planning methodologies should be encouraged, such as a consistent planning horizon. These should be deliberately kept flexible and not prescribed in legislation.

We recommend that any templates and guiding information be placed in subordinate statutory guidelines and not in legislation itself. We note that other states have gone through several iterations of state-level policy and strategy development, learning along the way. We should expect the same for Tasmania and support a continual improvement approach.

Assessment and declaration

Questions:

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?

Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

Although the process of establishing the RLUSs should be efficient, we agree that there is merit in the Tasmanian Planning Commission (TPC) assessing the RLUSs before they are established. In our view, the value of TPC review is in providing independence and planning expertise to documents that most directly affect personal interests, primarily where leading to land value changes. As the RLUSs will have geographic definition, inform LPSs and have property level implications, TPC review can demonstrate independent endorsement of RLUS decisions.

Having said that, we need to be mindful of TPC and State resourcing capacity – and this is more work for a commission busy with other components of reform. We see the most value of a TPC review with the LPSs, and the least is in policy matters of the State

Government (the TPPs). The RLUSs fall somewhere in the middle between these two ends of the spectrum.

Amendments, review and ongoing maintenance

Questions:

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs? Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

What matters should qualify as triggers for amending a RLUS? If more regular reviews are required of the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?

The lack of maintenance of the RLUSs has been the number one problem and has led to the very outdated strategies we have today. This must be resolved.

We suggest several options. Firstly, a regular review cycle that synchronises with the TPPs review cycle is useful – but this should be viewed as more of a backup process and not necessarily trigger a major review if it is not necessary. It is more important that RLUS reviews respond to actual needs so there must be some trigger mechanisms to initiate out-of-cycle reviews that may be more significant in nature. For example, review could be initiated by a majority of councils within a region calling for a RLUS update. Another trigger could be for a review to occur after any major update to the TPPs, or if the minister calls for an update.

To be responsive, there needs to be different types of amendment processes. We recommend considering the following:

1. Minor amendments – these should be a simple process, mostly for correcting errors.
2. Targeted reviews – these should be to address a smaller subset of issues affecting several or a majority of councils, but not requiring a major review.
3. Single council amendment – this should be a pathway for a single council to bring amendments for review. It could include accountability measures, such as gaining agreement from a majority of councils in the region, requiring public notification.
4. Major review – these should be for wholesale updates of the strategies and background data.

It is likely that by having better mechanisms for regular reviews, the RLUSs will be able to be kept more up to date and major reviews may only be needed on a 10-year cycle or similar.

Trigger mechanisms for review should be considered and we suggest the following will likely be sufficient:

1. Ministerial direction – this can cover instances of significant updates to the TPPs or major state issues occurring, needing to be reflected in the RLUSs.
2. Majority of a participating councils in an RLUS – this should cover other instances.

Draft Structure Plan Guidelines

Questions:

Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?

Are there any other additional matters or issues that should be considered for inclusion in the guidelines?

Our planning framework lacks the appropriate level of supporting information to help proponents, communities and councils alike effectively engage in, and utilise, our planning system. We strongly support the Structure Plan Guidelines work as an example of filling this information gap.

The Structure Plan Guidelines are very good in their current form. Our only suggestion would be that the guidelines are slightly more weighted on councils being the primary users and being at least a community-level or greater scale. However, proponents can and should also use structure plans to support their development proposals. This would usually be to demonstrate how a proposal will interface well with the surrounding area and allow for future development needs. We suggest considering this audience and purpose some more so that proponents also use this tool to help them design and demonstrate their proposals.

In closing, we strongly support this work to fill some of the information gaps in our planning system and gives councils and proponents, tools to further their development objectives.



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28 February 2023

Dear Sir/Madam

REGIONAL PLANNING FRAMEWORK AND STRUCTURE PLAN GUIDELINES CONSULTATION KING ISLAND COUNCIL SUBMISSION

King Island Council commends the State Planning Office for their commitment to reforming the regional planning system and is pleased to have the opportunity to make this submission to contribute to this process. This response presents the opinion of this Council and has been developed in consultation with all councils in the region.

This work is timely. The region shares a belief that land use planning ought to be more than just regulatory in nature. It should first and foremost be about the creation of an agreed vision and associated strategic objectives. This work will go some way to refocusing attention on this important goal.

Regional Planning Framework

Council commends the SPO's commitment to providing a consistent framework for Regional Planning that will provide firm foundations to develop responsive and effective Regional Land Use Strategies (RLUS).

Council understands the challenges in achieving a degree of consistency between the regions whilst also allowing for the flexibility needed to be responsive to local circumstances. The work of the SPO in trying to find this balance is appreciated and the contribution that clearly articulated and broadly understood terms and processes will make to the planning process is welcomed.

It is noted that the discussion paper states that each RLUS should 'consider consistent features such as categorisation of settlements and activity centres within hierarchies'. Whilst recognising the desirability of this it is noted that it may not be achievable in this region given the regions multiple centres and hierarchies, the geography of the region and the role and nature of the settlements here.

Scope and purpose

In relation to the scope of the framework we feel it is appropriate in terms of identifying the region's land use planning objectives. However, there are concerns that the SPPs in and of themselves, don't allow Councils to regulate or otherwise pursue those objectives. This raises concerns that Councils



may not be able to achieve the outcomes that this framework invites Councils and the communities we represent to envision.

Council agrees that the general content and purpose of the RLUSs should be outlined in the legislation or regulations similar to the Tasmanian Planning Policies and State Planning Provisions. This will help facilitate greater consistency in the legislative arrangements for Tasmanian planning instruments.

It is generally agreed the contents outlined in the Discussion Paper are appropriate range of matters for the RLUS to consider.

Consistency

Council supports consistency in format and structure for RLUSs including the preparation of a template for RLUSs, which appropriately retains the ability to populate with content relevant to each region.

It is the Council's understanding that the preparation of any template would be undertaken in further consultation with the local councils in each region.

Assessing and declaring a RLUS

Noting that the Tasmanian Planning Commission (TPC) has an existing statutory role in the assessment of other planning instruments including the Tasmanian Planning Policies and the State Planning Provisions, and in the interests of consistency, there is an apparent logic that RLUSs should also be subject to a similar assessment process.

The inclusion of public consultation in this assessment process (including the opportunity for public hearings conducted by the TPC) is viewed as a positive initiative that will contribute to improved public awareness, transparency, and participation in the assessment process for RLUSs.

In relation to the question should the matters be taken into consideration when assessing a RLUS be similar to the Tasmanian Planning Policies? Are there any different matters that should be included? We have not identified any further matters that require consideration at this stage.

Reviewing the RLUS

Council considers it a reasonable approach that the timeframes for review of the RLUSs align with the 5-yearly cycle of the other planning instruments (such as the Tasmanian Planning Policies, State Planning Provisions, and Local Provisions Schedules). Council also supports the reference to the additional trigger of the making or amendment of the Tasmanian Planning Policies.

Council agrees that the review process for the RLUSs should be similar to that of the Tasmanian Planning Policies and State Planning Provisions. This is a logical and reasonable approach that will help facilitate a better consistency in the legislative arrangements for Tasmanian planning instruments.

Amending the RLUS

Council agrees that the Land Use Planning and Approvals Act 1993 should provide a specific process for amending RLUSs and that process should be similar to that of the Tasmanian Planning Policies. This is a reasonable approach and will help facilitate a better consistency in the legislative arrangements for Tasmanian planning instruments.



Council considers that different types of amendments should be provided for. For example, to allow a different process to make minor amendment of the RLUSs. It is noted that similar processes exist for other instruments such as the Tasmanian Planning Policies.

Council suggests that the ability to request an amendment to a RLUS should be provided for, and further suggests that it may be appropriate that this type of request could be made by a local council with consensus of the other local councils forming part of that relevant region.

Structure Plan Guidelines

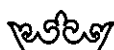
Council supports the intention behind the draft Structure Plan Guidelines and recognise the important function that structure plans can serve in the Tasmanian land use planning system. Council further supports a pragmatic approach to the content of the draft Structure Plan Guidelines that allows for appropriate consideration of relevant matters, whilst not being overly prescriptive or too rigid in nature which may have a counterproductive consequence.

It is noted that the term Structure Plans can be interpreted in many different ways based on past experience and commend the SPO for seeking to provide some clarity about what it means in the Tasmanian context. It is understood from the presentations given by SPO officers that structure plans are an additional, optional non statutory tool that can be used to fill in a gap where needed. Their role is to articulate a community's development aspirations, provide an important input into the statutory planning process and co-ordinate actions that contribute to achieving Councils and the community goals. Such a tool is welcomed and recognised. However this wasn't at first clear from the guidelines and the guidelines would be (even) more helpful if this point was emphasised.

It is noted and welcome the contribution that Structure Plans may make as an accessible tool in the planning arsenal, articulating the actual built form implications of development. This lends itself to graphic and spatial representations that will make it easy for the layperson to understand and participate in the planning process. It is further noted that the palette of potential presentation and consultation techniques has expanded in recent years to include interactive and other electronic media and that these represent useful tools to build awareness and planning literacy in the wider community.

Council sees Structure Plans as a potentially useful to articulate how development can appropriately respond to site qualities, hazards and context and co-ordinate land uses. It is also observed that it provides opportunities to co-ordinate with other Council and community initiatives beyond planning such as public works, natural resource management and the programming of space/placemaking activities. Council is heartened by suggestions made in briefings by the SPO that the Structure Plans provide a mechanism to introduce design guidelines and water sensitive urban design standards, noting how these might assist in ensuring the constructed environment responds appropriately to and reinforces the characteristics and qualities made possible by a structure plan. However, the lack of documentation misses an opportunity to encourage best practice and so may fail to fully realise the potential benefits of these tools.

Council applauds the recognition of the role of Structure Plans to articulate community aspirations and a future vision beyond the lifespan of existing plans that evolve but don't run counter to existing plans. Council believes this may help Councillors better grasp the implications of the planning system they implement and provide the development industry and the community with a greater sense of certainty about the future of their area.



However, there are concerns that there is potential for misunderstanding about their role and the weight that can be placed upon structure plans that may lead to them generating unjustified hopes that will cause confusion and distress if these hopes aren't realised, fearing they could become "all things to all people".

On the other hand, there is also fear a lack of clarity about the weight that can be placed on structure plans will blunt their effectiveness by obscuring what can confidently be achieved.

Either way this might diminish confidence in them as a planning tool and consequently may erode the degree to which Council have a sense of ownership of the planning scheme they have to implement. Councillors are very interested in planning and the desirability of cultivating a greater sense of ownership.

Council has some concerns about how the proposed framework spans the statutory/non statutory interface and how this is explained in the framework and guidelines. It is recognised that the briefings from the SPO received on 19th January 2023 and 14th February were clear that structure plans are not statutory instruments and demonstrated many of the concerns about this have been considered. Council thanks the SPO for their clarification in the briefings but reflect that other non-statutory documents have been given statutory weight by reference in statutory documents or by precedence. Concerns are held that without further clarification structure plans may work in unintended ways which will diminish their utility and mean they fail to deliver on the hopes they raise.

The briefings helpfully clarified that structure plans, although non-statutory can facilitate the development and adoption of statutory instruments such as particular purpose zones, specific area plans and site-specific qualifications as this was not entirely clear from the material available. It is further noted that although Structure Plans may facilitate the preparation and adoption of statutory instruments there are concerns that no specific fast tracking of the associated statutory instruments has been proposed. Council considers that the discussion paper and structure plan guidelines may inadvertently confuse some readers. For example, under the heading 'types of structure plan' reference is made to three different types of structure plan. Although the supporting text mentioned these were just examples, they could be read as normative, suggesting that structure plans should fit into one of the three categories. It was clear from the briefing this was not the case however it is suggested that further explanation may minimise the scope for confusion.

Council is also concerned by lack of clarity about the level of detail needed for a conforming structure plan and how they respond to changing circumstances and look forward to this being clarified with the further development of the Regional Planning Framework and the Structure Plan Guidelines.

We further recognise the value that structure plans may have in determining development contributions in other jurisdictions such as the Victorian and WA planning Systems. Although these are not incorporated into the Tasmanian system it is considered that this is at the least a possibility and should be considered when developing of the structure plan guidelines.

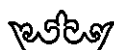
Recommendations

In order to fully realise the aspirations of the Regional Planning Framework and the Structure Plan guidelines Council invites the SPO to consider the following to ensure that the framework and final guidelines would be clearer and more effective:



1. Production of a suite of resources to assist stakeholders and the community to participate in the development of the regional planning framework and structure plans and manage expectations. This should include:
 - A glossary of terms
 - An outline of what tool does what job in the planning system
 - Advice to communities about how the regional planning framework and structure plans are developed and their role in that process so they know what they are participating in and what it will be used for.
 - Description of pathway(s) to implementation.
 - A statement clarifying that Structure Plans fit into a hierarchy where alignment with higher order policy and strategies will need to be demonstrated.
 - A statement recognising that Structure Plans respond to local circumstances at the time and that when those circumstances change the Structure Plan may need to. The statement to also provide an indication of the triggers and process for such changes. Production of template(s) for Structure plans to assist in achieving a higher level of consistency across councils, in much the same way as the Regional Planning Framework will achieve consistency across regions for the RLUSs
 - Production of a worked example or examples to illustrate how different issues can be resolved and a response articulated in practice, paying careful attention to ensure they are expressed as examples rather than requirements. This may also include examples of pitfalls to assist Councils avoid these where possible.
 - Consider providing a statement in the guidelines recognising the potential created by structure plans to adopt best practice. This may identify how complementary measures such as water sensitive urban design and design guidelines can enhance the outcomes achieved by the implementation of the structure plans. These may be effectively illustrated by use of examples as noted in the bullet point above.
 - Make explicit that the level of detail required in a structure plan will vary according to circumstances and will include fixed elements and flexible elements.
 - Consider providing advice on the use of electronic and interactive graphic media to communicate the guidelines and make them as accessible as possible. This may include gamifying the process to model the preparation of a structure plan and enable people to explore it.
2. We further request consideration is given to ensure structure plans can be developed in a way that considers their infrastructure implications to assist in the potential development of development contribution plans.
3. We invite the SPO to consider mechanisms by which the production of Structure Plans may facilitate the fast tracking of the associated statutory instruments.

Council's investigations also revealed that there are perhaps some more fundamental areas of the planning system that warrant further investigation. In particular, it was apparent that it is not entirely clear what tool does what job in the planning system. Council would be grateful if this message was considered in the ambitious reform agenda being persuaded by the State government and some clarification sought. Such a statement might helpfully also provide insights into how the planning system stays responsive to changing circumstance by outlining the processes and steps by which strategies, structure plans and other instruments get amended.



Finally, it is noted that realising the potential of planning reform to deliver the best outcomes demands significant professional staff commitment. Council would welcome clarity around the remaining timeframes and processes as they relate to the planning reform to plan to give these processes the attention they require.

Council thanks the Tasmanian Government for considering our submission and we look forward to participating in the further development and refinement of a regional planning framework. We would be pleased to answer any inquiries about our submission.

Yours sincerely

Kate Mauric
General Manager

