

State Planning Provisions Review 2022 - Submissions 101-120

Submission No:	Name	Organisation
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103	Daniel Steiner	Seymour Community Action Group Inc
104	Beth Rees	Rosny Hills Friends Network Inc
105	Wayne Burgess	
106	Victoria Wilkinson	
107	Jen Newman	Regional Development Australia
108	Sheree Vertigan AM	Cradle Coast Authority
109	Kerry Houston	Ship Inn Stanley
110	Anthony Salt	
111a, b & c	Jillian Koshin	
112	Anne Harrison	Tasmanian Planning Information Network
113	Wynne Russell	
114	Stephen Cameron	
115	Leon Smith	State Emergency Service
116	Allison Green	
117	Kimberly Brown	Circular Head Coastal Awareness Network Inc
118	Stephen Pilkington	
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12 August 2022

RE: State Planning Provisions (SPPs) Review - Scoping Issues

I endorse PMAT's submission to the SPPs Review and am very tempted on this beautiful day to not write anything else, so I can sit quietly in my sunroom and enjoy the view, watching the pardalotes in the white gum and the wrens bathing on the deck. However, as these simple pleasures are under threat if the SPPs aren't amended, I'm sacrificing precious free time to add my own comments.

In Sydney I've seen suburbs with modest sized homes on treed blocks be progressively demolished for higher buildings built close to fences on every boundary overshadowing each other. I've stayed in a southern facing unit which got no sunlight and required all day artificial lighting. Any bird song was drowned out by the roar of leaf blowers echoing off all the impervious surfaces. Hobartians and Tasmanians are at risk of also experiencing this deterioration of residential amenity and character unless there is a comprehensive review of the SPPs development standards in General and inner residential zones.

There should be provision for affordable and social housing within the SPPs and a requirement for developers to contribute to this. Good planning is important for all sectors of society and fast-track planning for large subdivisions will not help community cohesion. To avoid social housing being lumped together in ghettos it should be distributed among conventional housing. Standards which ensure new houses are structurally well built on sound foundations and are safe and healthy to live in should not be dismissed as red and green tape. Cutting red and green tape lead to the disasters at Opal and Mascot tower in Sydney and Mc Gill rise in Claremont. Services to new houses need to be both affordable and sustainable by harvesting renewable energy and low-water use technology.

'The Commons' at 126 Bathurst St, Hobart's first 9 star building for energy efficiency, was potentially a great example of planning for community with the communal carshare, laundry, rooftop garden and kitchen. However, this wonderful initiative is being sabotaged by the 10 storey office building going up at 120 Bathurst St which has no set back from the street frontage and will block 'The Commons' sunshine and views. What message does this send investors interested in delivering sustainable, integrated development? Clearly amendments are required so the SPPs can provide **strategic** planning, not block by block development lacking bigger picture vision.

Current standards do not allow for an appropriate level of public involvement in important decisions for developments on public land such as National Parks and Reserves. Public comment and appeal rights need to be guaranteed for these areas. The fact a jet ski tour business at the small coastal settlement of Conningham beach was approved under the SPP demonstrates stronger protections are required for coastal waters not just to the low water mark.

To protect the amenity and heritage of Tasmania's natural and built environment please amend the SPPs as recommended by PMAT.

Regards,

Ingrid Colman



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12 August 2022

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We acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina Pakana - Tasmania is Aboriginal land.

To Whom It May Concern,

RE: State Planning Provisions (SPPs) Review - Scoping Issues

We note that Phase 2 of the State Government's planning reform is underway and includes a [review of the State Planning Provisions \(SPPs\)](#), introduction of the [Tasmanian Planning Policies](#), the creation of a [regional land use planning framework](#), and a review of the three Regional Land Use Strategies.

We understand that the SPPs also require review for consistency with State Policies and the Tasmanian Planning Policies once they are finalised.

We thank you for the opportunity to comment on the review of the SPPs, noting that ALL SPPs are up for review. We also welcome the opportunity to recommend new provisions i.e. new codes and/ zones.

Our concerns and recommendations regarding the SPPs cover 22 broad issues. As contributors to Planning Matters Alliance Tasmania, we also endorse the Planning Matters Alliance Tasmania's (PMAT) submission, currently being completed, to the review of the State Planning Provisions including which includes detailed submissions compiled by expert planners regarding three key areas: the *Natural Assets Code*, the *Local Historic Heritage Code* and the residential standards.

We note that each of the three detailed submissions, have also been reviewed by a dedicated PMAT review subcommittee involving a total of 15 expert planners, environmental consultants and community advocates with relevant expertise.

We further note that the *State Planning Provisions Review Scoping Paper* states that the State Planning Office will establish reference and consultative groups to assist with detailed projects and amendments associated with the SPPs.

We request in the strongest possible terms that we should take part in these reference/consultative groups because the strength in a community relies on the degree to which a democratic and truly consultative process has occurred and will continue to occur during the period of operation. It is vital to have a community voice in these processes.

Overall we are calling for the SPPs to be values-based, fair and equitable, informed by [PMAT's Platform Principles](#), and for the SPPs to deliver the objectives of the *Land Use Planning and Approvals Act 1993*.

Planning affects every inch of Tasmania, on both private and public land, and our well-being: our homes, our neighbour's house, our local shops, work opportunities, schools, parks and transport corridors. Planning shapes our cities, towns and rural landscapes. Well thought through strategic planning can build strong, thriving, healthy and sustainable communities.

SPP Review Process

We welcome that the Tasmanian Government is currently seeking input to help scope the issues for the [five yearly review of the State Planning Provisions \(SPPs\)](#) in the [Tasmanian Planning Scheme](#), and that this will be conducted over two stages.

We believe the current review of the SPPs is the best chance the community has now to improve the planning system. The SPPs are not scheduled to be reviewed again until 2027.

As per the State Planning Office website '*The SPPs are the statewide set of consistent planning rules in the Tasmanian Planning Scheme, which are used for the assessment of applications for planning permits. The SPPs contain the planning rules for the 23 zones and 16 codes in the Tasmanian Planning Scheme, along with the administrative, general, and exemption provisions.*

Regular review of the SPPs is best practice ensuring we implement constant improvement and keep pace with emerging planning issues and pressures.

The SPPs are now operational in 14 of Tasmania's 29 local council areas.

The [State Planning Provisions Review Scoping Paper](#) outlines the six steps of the review of the SPPs. Broadly speaking the review will be conducted in two stages as outlined below.

SPP Review - Stage 1 – SPP Scoping Issues

The current public consultation is open from 25 May to 12 August 2022. This review or scoping exercise phase is known as Stage 1.

The aim of Stage 1 is to identify the State Planning Provisions that may require review, as well as if there is a need for any new State Planning Provisions. E.g. new Zones and/or Codes.

Stage 1 may include some amendments to the SPPs, before Stage 2 goes on to consider more substantive issues and the consistency of the SPPs with the Tasmanian Planning Policies. The State Planning Office may characterise those amendments to the SPPs which occur in Stage 1 (or step 3 in the Scoping paper diagram) as minor amendments not requiring public consultation.

We, Tasmanian Ratepayers Association Inc., are very interested as to how a “minor amendment” is defined and made.

SPP Review - Stage 2 – SPP Amendments

There is a legislative requirement for the State Planning Provisions to be revised for consistency with the [Tasmanian Planning Policies](#), once approved.

The current Stage 1 scoping exercise, along with the approved Tasmanian Planning Policies, will inform draft amendments to the SPPs, which will be considered through the SPP amendment process prescribed under the *Land Use Planning and Approvals Act 1993*.

This process includes a 42 day period of public exhibition and independent review by the Tasmanian Planning Commission and may also include public hearings.

We, Tasmanian Ratepayers Association Inc. considers such public hearings facilitated by the Tasmanian Planning Commission are essential if the Tasmanian community is to be involved and understand our planning laws.

See flowchart for the SPP amendment process [here](#). This review phase is known as Stage 2 and is likely to occur in 2023. **An overview of where the SPPs sit in the Tasmanian Planning Scheme**

The State Government’s new single statewide planning scheme, the Tasmanian Planning Scheme, will replace the planning schemes in each of the 29 local government areas. The Tasmanian Planning Scheme is now operational in 14 of Tasmania’s 29 local government areas.

The new Tasmanian Planning Scheme has two parts:

1. A single set of State Planning Provisions (SPPs) that apply to the entire state on private and public land (except Commonwealth controlled land); and
2. Local planning rules, the Local Provisions Schedule (LPS) which apply the SPPs to each municipal area on both private and public land.

1. State Planning Provisions (SPPs)

The SPPs are the core of the Tasmanian Planning Scheme, they set the new planning rules and in our view are blunt planning instruments that are more likely to deliver homogenous and bland planning outcomes. The SPPs state how land can be used and developed and outline assessment criteria for new use and development. These rules set out 23 zones and 16 codes that may be applied by Councils under their LPSs. Not all zones or codes will be relevant to all Councils, for example in Hobart there will be no land zoned Agriculture, and in the Midlands there will be no land subject to the Coastal Inundation Hazard Code.

We have inserted the current version of the SPPs for convenience and reference, [here](#).

- **The Zones:** the 23 zones set the planning rules for use and development that occurs within each zone (i.e. applicable standards, specific exemptions, and tables showing the land uses that are allowed, allowable or prohibited - No Permit Required, Permitted, Discretionary or Prohibited). The zones are: General Residential, Inner Residential, Low Density Residential, Rural Living, Village, Urban Mixed Use, Local Business, General Business, Central Business, Commercial, Light Industrial; General Industrial, Rural, Agriculture, Landscape Conservation, Environmental

Management Zone, Major Tourism, Port and Marine, Utilities, Community Purpose, Recreation, Open Space; and the Future Urban Zone.

- **The Codes:** the 16 codes can overlay zones and regulate particular types of development or land constraints that occur across zone boundaries, and include: Signs, Parking and Sustainable Transport, Road and Railway Assets, Electricity Transmission Infrastructure Protection, Telecommunications, Local Historic Heritage, Natural Assets, Scenic Protection, Attenuation, Coastal Erosion Hazard, Coastal Inundation Hazard, Flood-Prone Areas Hazard, Bushfire-Prone Areas, Potentially Contaminated Land, Landslip Hazard and Safeguarding of Airports Code.

In addition to the zone and code provisions, the SPPs contain important information on the operation of the Tasmanian Planning Scheme, including Interpretation (Planning Terms and Definitions), Exemptions, Planning Scheme Operation and Assessment of an Application for Use or Development. These up-front clauses provide important context for the overall planning regime as they form the basis for how planning decisions are made. The terminology is very important, as often planning terms do not directly align with plain English definitions. It is noteworthy that when consultants GHD prepared the Break o' Day Planning Scheme some years ago, they adopted an drafting approach to show defined terms in italic script, making the intent and interpretation of that planning document clear and less likely to be misinterpreted.

2. Local Planning Rules/Local Provisions Schedule (LPS)

The local planning rules, known as the Local Provisions Schedule, are prepared by each Council and determine where zones and codes apply across each municipality. The development of the LPS in each municipality is the last stage in the implementation of the Tasmanian Planning Scheme. Once the LPS for a municipality is signed off by the Tasmanian Planning Commission, the Tasmanian Planning Scheme becomes operational in that municipality.

The LPS comprise:

- maps showing WHERE the SPP zone and codes apply in a local municipal area; and
- any approved departures from the SPP provisions for a local municipal area.

View the Draft LPS approval process [here](#).

If Councils choose to apply a certain zone in their LPS (e.g. Inner Residential, Rural Living or Agriculture Zone), the rules applying to that zone will be the prescriptive rules set out in the SPPs and are already approved by the State Government. **Councils cannot change the SPPs which will be applied. Councils only have control over where they will be applied through their LPS.**

Site Specific Local Planning Rules

If a Council or local community decides that areas within its municipality are not suited to one of the standard 23 zones then they may consider applying one of three site specific local planning rules. These three local planning rules are the only tool the Council/Community has to protect local character. However, from a community point of view, they are disappointingly difficult to have applied (see example outlined under point 8 in the section below entitled '*Related General Comments/Concerns regarding the SPP*').

The three planning tools are:

- **Particular Purpose Zone (PPZ)** – is a zone that can be created in its own right. It is a group of provisions consisting of (i) a zone that is particular to an area of land; and (ii) the provisions that are to apply in relation to that zone. It usually will apply to a particular land use (e.g. UTAS Sandy Bay campus or a hospital, Reedy Marsh, Dolphin Sands, The Fisheries).
- **Specific Area Plan (SAP)** - being a plan consisting of (i) a map or overlay that delineates a particular area of land; and (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs. SAPs are specific to that site and sit over the top of a zone. For example, a proposed Coles Bay SAP would have sat over the underlying Low Density Residential Zone and the SAP rules would have allowed for a broader scope of new non-residential uses across the whole of Coles Bay. SAPs can be used for greenfield residential subdivision to allow higher density housing, to plan for roads and to protect areas of vegetation and open space (e.g. SAPs are also proposed for Cambria Green, Huntingfield, Jackeys Marsh, Blackmans Bay Bluff).
- **Site Specific Qualification (SSQ)** is used to facilitate particular types of activities at certain sites (e.g. New Town Plaza Shopping Centre) and sit over the top of a zone.

Our concerns and recommendations regarding the SPPs

In PMAT's view the State Government's Tasmanian Planning Scheme fails to adequately address a range of [issues](#), which will likely result in poor planning outcomes. A planning system that deals effectively with these issues is essential for Tasmania's future and for the well-being of communities across the state.

The SPP review is thus critically important and is a particular priority for Tasmanian Ratepayers Association Inc. as it is the best chance we have to improve planning outcomes until 2027.

Our key concerns and recommendations cover the following topics:

1. Ensuring the community has the right to have a say;
2. Climate Change Adaptation and Mitigation;
3. Planning, Insurance and climate risks;
4. Community connectivity, health and well-being;
5. Aboriginal cultural heritage;
6. Heritage buildings and landscapes (Local Historic Heritage Code);
7. Tasmania's brand and economy;
8. Housing;
9. Residential issues;
10. Stormwater;
11. Onsite wastewater;
12. Rural/Agricultural issues;
13. Coastal land issues;
14. Coastal waters;
15. National Parks and Reserves (Environmental Management Zone);
16. Healthy Landscapes (Landscape Conservation Zone);
17. Healthy Landscapes (Natural Assets Code);
18. Healthy Landscapes (Scenic Protection Code);
19. Geodiversity;
20. Integration of land uses;
21. Planning, Loss of Character Statements and Good Design;
22. Other various issues with the SPPs.

1. Ensuring the community has the right to have a say

Land use planning is the process through which governments, businesses, and residents come together to shape their communities. Having a right of say is critical to this.

The current SPPs however, with fewer discretionary developments, and more exemptions, significantly reduce the community's right to have a say and in many instances also removes appeal rights, weakening democracy. More and more uses and development are able to occur without public consultation or appeal rights. Without adequate community involvement in the planning process, there is a risk of more contested projects, delays and ultimately less efficient decision-making on development proposals.

The reduction in community involvement is clearly demonstrated by how developments are dealt with in our National Parks and Reserves and residential areas.

National Parks and Reserves and right of say

Commercial tourism development can be approved in most National Parks and Reserves without guarantee of public consultation, and with no rights to appeal. This means that the public has no certainty of being able to comment and no appeal rights over public land covering almost 50% of Tasmania. The State Government has repeatedly stated that that this issue will be dealt with through the review of the Reserve Activity Assessment (RAA) process.

The RAA process is the internal government process by which developments in national parks and reserves are assessed. However, the review has stalled with no apparent progress for at least five years¹.

Community stakeholders are unable to obtain clear information on the review progress, timelines and the formal process regarding consultation. It appears that the State Government has abandoned this critically important review of the Reserve Activity Assessment.

Tasmanian Ratepayers Association Inc is concerned that proposed developments can be approved under the existing deeply flawed process without any opportunity for public comment and involvement. This is inconsistent with three of the most fundamental of the objectives of the *Land Use Planning and Approvals Act 1993*: "(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity... (c) to encourage public involvement in resource management and planning; 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."

There is a current Petition (closing 4 August 2022) before the Tasmanian Parliament: '[Inadequate processes for assessing and approving private tourism developments in Tasmania's national parks](#)' which has already attracted 2609 signatures and demonstrates the level of community concern. Amongst other concerns, the petition draws to the attention of the Tasmanian Parliament that '*The Reserve Activity Assessment (RAA) process is flawed, opaque and lacks genuine public consultation*' and calls on the '*Government to abandon the Expressions of Interest process and halt all proposals*

¹Page 11 of the *Minister's Statement of Reasons for modifications to the draft State Planning Provisions* [here](#) which states '...in response to matters raised during the hearings [of the draft SPPs] the Government agrees that a review of the RAA (Reserve Activity Assessment) be undertaken'.

currently being considered under the Reserve Activity Assessment process until a statutory assessment and approval process for private tourism developments in Tasmania's national parks is implemented'.

In 2016, the Tasmanian Planning Commission via its report, [Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016](#), identified the level of public concern regarding the Reserve Activity Assessment process.

In 2017, the then Planning Minister Peter Gutwein acknowledged that the RAA process “needs review”, but made no amendments to the SPPs in relation to developments in national parks.

In 2019 eleven community groups were so frustrated they could not obtain clarity on the RAA review they resorted to lodging a Right to Information (RTI) request to seek transparency. See [PMAT Media Release: Has Hodgman abandoned the review of RAA process for developments in national parks and reserves?](#)

Recommendation: That the State Government move quickly to **1.** finalise the RAA Review, including the exemptions and applicable standards for proposed use and development in the Environmental Management Zone **2.** To implement changes for a more open, transparent and robust process that is consistent with the Tasmanian Planning System *Land Use Planning and Approvals Act 1993* objectives. **3.** The Environmental Management Zone should be amended to ensure the public has a meaningful right of say and access to appeal rights - in particular by amending what are “permitted” and “discretionary” uses and developments in the Environmental Management Zone.

Residential areas and right of say

PMAT commissioned an architectural planning study (Figures 1 and 2) to demonstrate what is permitted in the General Residential Zone to visually demonstrate what can be built without public comment, appeal rights and notification to your adjoining neighbour.



Figure 1 – PMAT’s planning study demonstrates what is *Permitted* in the General Residential Zone. This is what is allowed to be built with no notification to your adjoining neighbour, no ability to comment, and no appeal rights.

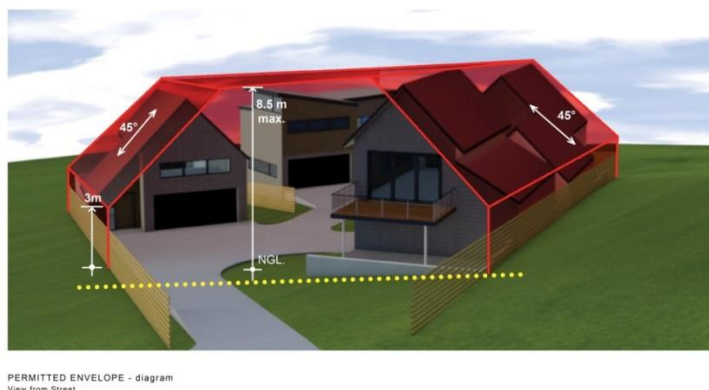


Figure 2 – PMAT’s planning study demonstrates what is *Permitted* in the General Residential Zone. This is what is allowed to be built with no notification to your adjoining neighbour, no ability to comment and no appeal rights.

PMAT’s planning study helps highlight issues that have led to confusion and anxiety in our communities including lack of say about the construction of multiple and single dwellings (especially by adjoining neighbours), bulk, height, overshadowing, loss of privacy, loss of sunlight/solar access, loss of future solar access for Solar PV arrays and Solar Hot Water panels on, north-east, north, and north-west -facing roofs, lack of private open space and inappropriate site coverage, overlooking private open space and blocking existing views

Recommendation: The SPPs should be amended to ensure the public has a meaningful right of say and access to appeal rights across the residential zones, in particular by amending what is “permitted” and “discretionary” use and development. Our planning system must include meaningful public consultation that is timely effective, open and transparent.

1. Climate Change Adaptation and Mitigation

Adaptation

Given the likely increased severity and frequency of floods, wildfire, coastal erosion and inundation, drought and heat extremes, We are seeking amendments to the SPPs which better address adaptation to climate change. We need planning which ensures people build out of harm’s way.

Mitigation

Climate Change Mitigation refers to efforts to reduce or prevent emissions of greenhouse gases. We would like to see increased opportunity for mitigation by for example embedding sustainable transport, ‘green’ (i.e. regenerative) design of buildings and subdivisions in planning processes. One current concern is that across residential zones solar panels on adjoining properties are not adequately protected nor the foresight to enable future rooftop solar panel installations with unencumbered solar access.

On the subject of renewable energy, which will become increasingly important as the world moves to Net Zero, we are concerned that there appears to be no strategically planned Wind Farm designated area. We do not want open slather wind farms right across the state industrialising our scenic landscapes but would like to see appropriately placed wind farms, decided after careful modelling of all environmental data. This is especially important as based on the [200% Tasmanian](#)

[Renewable Energy Target](#), I/we understand that this could equate to approximately 89 wind farms and over 3000 wind turbines. The new target aims to double Tasmania's renewable energy production and reach 200 per cent of our current electricity needs by 2040.

Recommendation: 1. The SPPs be amended to better address adaptation to climate change, by ensuring Tasmania's risk mapping is based on the best available science and up to date data. 2. The SPPs be amended to better embed sustainable transport, green design of buildings and subdivisions into planning processes, including better protection of solar panels and provision for future solar access. 3. Strategic thinking and modelling to decide where best to allow wind farms. The SPPs could include a new *No Go Wind Farm Code*.

2. Planning, Insurance and Climate Risks

This year, the Climate Council, an independent, crowd-funded organisation providing quality information on climate change to the Australian public, released a report entitled [Uninsurable Nation: Australia's Most Climate-Vulnerable Places](#) and a [climate risk map](#).

Key findings of the Report concluded climate change is creating an insurability crisis in Australia due to worsening extreme weather and sky-rocketing insurance premiums. It is our understanding that the modelling found that approximately 2% of homes in Tasmania would be effectively uninsurable by 2030 due to the effects of climate change. The major risk to the areas of the state are the north east and the east - in Bass, 3.7% of homes and in Lyons, 2.8% of homes.

Risks include flooding, storm surges and wildfires. The SPPs deal with these risks under the following Codes:

- Coastal Erosion Hazard Code
- Coastal Inundation Hazard Code
- Flood-Prone Areas Hazard Code
- Bushfire-Prone Areas Code
- Landslip Hazard Code

However, we understand that the code risk mapping is based on conservative climate data. There is also a concern that the State Government's risk mapping and the insurance sector's risk mapping are inconsistent.

Recommendation: the SPPs Codes be reviewed and updated to ensure they reflect the best available science about current and likely bushfire, flood and coastal inundation risks. The State Government, through its Tasmanian Planning Scheme, has a responsibility to ensure that the planning system does not allow the building of homes in areas that will become uninsurable. Consideration should also be given in the review as to how the SPPs can ensure that developments and uses approved can be retrofitted to better respond to changing climatic conditions.

We also express our concerns that there is no perceived expectation that Government, aided by Local Government Planning Schemes, will be discouraging or at times prohibiting the development or further development of communities and important infrastructure on acknowledged flood plains, such as the Launceston suburbs of Inveresk and Invermay and other areas of Launceston that relies on warning systems of impending inundation such as levees. The dire experiences elsewhere along the eastern coastline of Australia, surely gives the necessary insight into how natural flooding events exacerbated by rising sea levels, will inevitably impact on vulnerable communities who occupy flood plains. The call for 'retreat' from developments in these areas is loudly trumpeted elsewhere and will only become worse in Launceston. The continued silting of the Tamar and North Esk Estuaries cannot but assist this imminent risk of flooding, and the uninsurable risk will inevitably have to be funded by government.

Land stability is not limited to just landslip, but must include seismic risk.

However, Land Stability risk is also little-regarded in Tasmania, and again in Launceston, where the city is criss-crossed by known seismic fault lines, there is no planning regard to avoid conflicting developments.

For example, the controversial proposal for the Gorge Hotel in Margaret/Paterson/Brisbane Streets, sits astride the confluence of a pair of seismic fault lines and adjacent to an old earth levee easily capable of being undermined by the Tamar Estuary.

Planning provisions failed the representors during their presentation of concerns to both the RMPAT and TPC during recent appeal processes.

The risk of an event and hence necessary steps to restrict or limit tall developments in Launceston, has been identified in extensive studies commissioned by City of Launceston Council. The dangers of 'liquefaction' and potential collapse of tall structures have been identified.

Should a catastrophic event occur once that development proceeds, then will government take the blame or simply pay the costs and losses from the public's purse?

The Trevallyn Hydro Dam sits astride a seismic fault line, and potential movement there would be extraordinarily catastrophic for the City of Launceston and its environs.

We would like to know the status of *Tasmania's Climate Change Action Plan 2017-2021* which contained a proposal for: "...**land-use planning reforms** to manage natural hazards and climate impacts. Instruments under development include a *Tasmanian Planning Policy on Hazards and Environmental Risks*, and *State Planning Provisions for natural hazards*."

3. Community connectivity, health and well-being

The SPPs currently have limited provisions to promote better health for all Tasmanians, such as facilitation of walking and cycling opportunities across suburbs, ensuring local access to recreation areas and public open space and addressing food security.

Recommendation:

Liveable Streets Code – We endorse the Heart Foundation in its '*Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016*' (attached) which calls for the creation of a new '*Liveable Streets Code*'. In their representation they stated '*In addition to, or as alternative, the preferred position is for provisions for streets to be included in a Liveable Streets code. Such a code would add measurable standards to the assessment of permit applications. An outline for a Liveable Streets code is included at Annexure 1 as at this stage such a code requires further development and testing. For this representation the concept of a Liveable Streets code is advocated as a foreshadowed addition to the SPPs.*' Annexure 1 – Draft for a Liveable Streets Code (page 57) of the '*Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016*' sets out the code purpose, application, definition of terms, street design parameters, Street connectivity and permeability, streets enhance walkability, streets enhance cycle-ability, and streets enhance public transport. Our streets are also corridors for service infrastructure – such as telecommunications, electricity and water. It is important that placement of these services does not detract from liveable streets design, for example through limiting street trees.

Food security – We also endorse the recommendations ‘*Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016*’ for amendments to the State Planning Provisions to facilitate food security.

Public Open Space – We recommend we create tighter provisions for the Public Open Space Zone and /or the creation of a Public Open Space Code. The planning system must ensure local access to recreation areas with the provision of public open space. Public open space has aesthetic, environmental, health and economic benefits. The [2021 Australian Liveability Census](#), based on over 30,000 responses, found that the number 1 ‘*attribute of an ideal neighbourhood is where ‘elements of the natural environment’ are retained or incorporated into the urban fabric as way to define local character or uniqueness. In the 2021 Australian Liveability Census 73% of respondents selected this as being important to them. That is a significant consensus.*

We are seeking mandatory provisions and standards for public open space and riparian and littoral reserves as part of the subdivision process. We understand these are not mandated currently and that developers do not have to provide open space as per for example the voluntary [Tasmanian Subdivision Guidelines](#).

It may be that mandated provisions of Public Open Space can be addressed adequately in the Open Space Zone already in the SPPs. Very specifically, we are seeking the inclusion of requirements for the provision of public open space for certain developments like subdivisions or multiple dwellings.

We understand that a developer contribution can be made to the planning authority in lieu of the provision of open space and that those contributions can assist in upgrading available public open space. However, there appears to be no way of evaluating the success of this policy.

Neighbourhood Code - We recommend we create a new *Neighbourhood Code*. This recommendation will be explained in more detail in section 7 *Residential issues* section below as a tool to protect/enhance urban amenity.

4. Aboriginal Cultural Heritage

The current SPPs have no provision for mandatory consideration of impacts on Aboriginal Heritage, including Cultural Landscapes, when assessing a new development or use that will impact on Aboriginal cultural heritage.

This means, for example, that under current laws, there is no formal opportunity for Tasmanian Aboriginal people to comment on or object to a development or use that would adversely impact their cultural heritage, and there is no opportunity to appeal permits that allow for adverse impacts on Aboriginal cultural heritage values.

While we acknowledge that the Tasmanian Government has committed to developing a new Tasmanian Aboriginal Cultural Heritage Protection Act to replace the woefully outdated *Aboriginal Heritage Act 1975* (Tas), it is unclear whether the proposed “light touch” integration of the new legislation with the planning system will provide for adequate protection of Aboriginal Cultural heritage, involvement of Tasmanian Aboriginal people in decisions that concern their cultural heritage, and consideration of these issues in planning assessment processes.

We believe that the best efforts to achieve reconciliation in Tasmania will not be best-served by creating separate legislative protections and separate administration and assessment systems and procedures for aboriginal cultural heritage. Until all levels and categories of cultural heritage is identified, assessed and administered under a single unified and respectful system, it will never bring together the parties that will be necessary to create equality and reconciliation in Tasmania.

Indeed, it is unclear if the new Act will “*give effect to the Government’s commitment to introducing measures to require early consideration of potential Aboriginal heritage impacts in the highest (State and regional) level of strategic planning, and in all assessments of rezoning proposals under the LUPA Act to ensure major planning decisions take full account of Aboriginal heritage issues.*”²

If one must adopt the government’s approach to separatist legislation and management, one way that the planning scheme and SPPs could ensure Aboriginal cultural heritage is better taken into account in planning decisions, is through the inclusion of an Aboriginal Heritage Code to provide mandatory assessment requirements and prescriptions that explicitly aim to conserve and protect Aboriginal cultural heritage. Assessment under this code could serve as a trigger for assessment under a new Tasmanian Aboriginal Cultural Heritage Protection Act. Until that Review is complete, it will be unclear how the new Act will give effect to the objective of cross reference with the planning scheme. **The planning scheme should therefore set up a mechanism that ensures maximum assessment, consideration and protection of Aboriginal heritage.**

We recognise that even this is an imperfect approach in that the proposed Aboriginal Heritage Code may not be able to fully give effect to the *United Nations Declaration of the Rights of Indigenous Peoples* by providing Tasmanian Aboriginal people the right to free,

² Jaensch, Roger (2021) *Tabling Report: Government Commitment in Response to the Review Findings, Aboriginal Heritage Act 1975: Review under s.23* – see here: <https://nre.tas.gov.au/Documents/Tabling%20Report%20-%20Review%20of%20the%20Aboriginal%20Heritage%20Act.pdf>

prior and informed consent about developments and uses that affect their cultural heritage or give them the right to determining those applications.

However, while the Tasmanian Government is in the process of preparing and implementing the new Aboriginal Cultural Heritage Protection Act, it will at least allow for consideration and protection of Aboriginal cultural heritage in a way that is not presently provided under any Tasmanian law.

Recommendation: The SPPs must provide better consideration of and protection to Aboriginal cultural heritage, at least such as via the creation of an *Aboriginal Heritage Code* and the cross reference and meaningful connection to a new Aboriginal Cultural Heritage Protection Act that will protect Aboriginal Cultural heritage.

5. Heritage Buildings and Heritage Landscape Issues (Local Historic Heritage Code)

I/we/community group name considers that limited protections for heritage places will compromise Tasmania's important cultural precincts and erode the heritage character of listed buildings. I/we understand that many Councils have not populated their Local Historic Heritage Codes as they are resource and time limited and there is a lack of data.

PMAT engaged expert planner Danielle Gray of [Gray Planning](#) to draft a detailed submission on the Local Historic Heritage Code. The input from Gray Planning has provided a comprehensive review of the Local Historic Heritage Code and highlights deficiencies with this Code. There is considerable concern that the wording and criteria in the Local Historic Heritage Code will result in poor outcomes for sites in Heritage Precincts as well as Heritage Places that are individually listed. There is also a lack of consistency in terminology used in the Local Historic Heritage Code criteria that promote and easily facilitate the demolition of and unsympathetic work to heritage places, Precinct sites and significant heritage fabric on economic grounds and a failure to provide any clear guidance for application requirements for those wanting to apply for approval under the Local Historic Heritage Code. The Local Historic Heritage Code also fails to provide incentives for property owners in terms of adaptive reuse and subdivision as has previously been available under Interim Planning Schemes. It is considered that the deficiencies in the current Local Historic Heritage Code are significant and will result in poor outcomes for historic and cultural heritage management in Tasmania.

A summary of the concerns and recommendations with respect to the review of the Local Historic Heritage Code by Gray Planning is outlined below.

Gray Planning - Summary of concerns and recommendations with respect to the Local Historic Heritage Code

- The name of the Local Historic Heritage Code should be simplified to 'Heritage Code'. This simplified naming is inclusive of historic heritage and cultural heritage rather than emphasising that heritage is about historic values only.
- Definitions in the Local Historic Heritage Code are currently brief and inexhaustive and do not align with definitions in the Burra Charter.
- There are no clear and easily interpreted definitions for terms repeatedly used such as 'demolition', 'repairs' and 'maintenance'.
- Conservation Processes (Articles 14 to 25) as outlined in the Burra Charter should be reflected in the Local Historic Heritage Code Performance Criteria. Issues covered in the

Burra Charter are considered to be very important to maintaining historic and cultural heritage values such as setting, context and use are not mentioned in the Local Historic Heritage Code at all.

- The Local Historic Heritage Code does not deal with any place listed on the Tasmanian Heritage register and there is a hard line separate of local and state listed places. This fails to recognise the complexity of some sites which have documented state and local values.
- Failure to also consider state and local heritage values as part of the Local Historic Heritage Code will result in important issues such as streetscape and setting and their contribution to heritage values not being considered in planning decisions.
- The SPP Code does not provide a summary of application requirements to assist both Councils and developers. This approach results in a failure to inform developers of information that may be required in order to achieve compliance.
- The Objectives and Purpose of the Local Historic Heritage Code is too limited and should align with the *Historic Cultural Heritage Act 1995* in terms of purpose.
- The Exemptions as listed in the Local Historic Heritage Code are in some cases ambiguous and would benefit greatly from further clarification and basic terms being defined under a new Definitions section.
- Previously, some Interim Planning Schemes included special provisions that enabled otherwise prohibited uses or subdivision to occur so long as it was linked to good heritage outcomes. Those have been removed.
- Development standards for demolition are concerning and enable the demolition of heritage places and sites for economic reasons.
- Development standards use terminology that is vague and open to misinterpretation.
- The words and phrases 'compatible' and 'have regard to' are repeatedly used throughout the Local Historic Heritage Code and are considered to be problematic and may result in unsympathetic and inconsistent outcomes owing to their established legal translation.
- Performance criteria do not make definition between 'contributory' and 'non contributory' fabric. This may result in poor heritage outcomes where existing unsympathetic development is used as justification for more of the same.
- The Local Historic Heritage Code as currently written will allow for unsympathetic subdivision to occur where front gardens can be subdivided or developed for parking. This will result in loss of front gardens in heritage areas and contemporary development being built in front of and to obstruct view of buildings of heritage value.
- The Local Historic Heritage Code as currently written does not place limits on extensions to heritage places which enables large contemporary extensions that greatly exceed the scale of the heritage building to which they are attached to.
- Significant tree listing criteria are not always heritage related. In fact most are not related to heritage. Significant trees should have their own separate code.
- Currently there is no requirement for Councils to populate the Local Historic Heritage Code with Heritage Precincts of Places. Failure to do so is resulting in buildings and sites of demonstrated value being routinely destroyed.

Recommendation:

Burra Charter: Tasmanian Ratepayers Association Inc. recommends that the *Local Historic Heritage Code* in the [Tasmanian Planning Scheme](#) should be consistent with the objectives, terminology and

methodology of the [Burra Charter](#). We also generally endorse Gray Planning's recommendations regarding the *Local Historic Heritage Code as outlined above*.

Significant trees: Consistent with the Tasmanian Planning Commission's 2016 recommendations on the draft SPP's outlined on page 63³ *'a stand-alone code for significant trees to protect a broader range of values be considered as an addition to the SPPs'*.

6. Tasmania's Brand and Economy

We support the Tasmanian brand noting that a planning system which protects Tasmania's cherished natural and cultural heritage underpins our economy, now and into the future. We consider that the current SPPs threaten Tasmania's brand, as they place our natural and cultural heritage and treasured urban amenity at risk. The current planning system may deliver short-term gain but at the cost of our long-term identity and economic prosperity.

As Michael Buxton, former Professor of Environment and Planning, RMIT University, stated *"The Government argues the new [planning] system is vital to unlock economic potential and create jobs, but the state's greatest economic strengths are the amenity and heritage of its natural and built environments. Destroy these and the state has no future."* Source: Talking Point: *Planning reform the Trojan horse*, The Mercury, Michael Buxton, December 2016 (attached in Appendix 1).

As per [Brand Tasmania's 2019-2024 Strategic Plan](#), it could be argued that the SPPs are inconsistent with Brand Tasmania's main objectives which are to: *'To develop, maintain, protect and promote a Tasmanian brand that is differentiated and enhances our appeal and competitiveness nationally and internationally; To strengthen Tasmania's image and reputation locally, nationally and internationally; and To nurture, enhance and promote the Tasmanian brand as a shared public asset.'*

Recommendation: A brand lens should be placed over the top of the SPPs to ensure they are consistent with the objectives of Brand Tasmania. This consistency could also be facilitated via the Tasmanian Planning Policies.

7. Housing

We understand the critical need for housing, including social and affordable housing. Disappointingly the Tasmanian Planning Scheme contains no provisions to encourage affordable or social housing.

We believe that good planning, transparent decision making and the delivery of social and affordable housing need not be mutually exclusive. Indeed good planning can result in delivery of both more and better housing.

Instead of managing housing through Tasmania's key planning document, the Tasmanian Planning Scheme, in 2018 the Tasmanian Government introduced a fast track land rezone process called the [Housing Land Supply Orders](#) (e.g. Housing Order Land Supply (Huntingfield). Taking this approach compromises strategic planning and transparent decision making. For example, the State Government is the proponent and the assessor. Fast-tracking planning, such as through Housing

³ [Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016 – see page 63.](#)

Land Supply Orders for large subdivisions, will not assist with community cohesion and/or trust in both the planning system or social/affordable housing projects.

Taking zoning and planning assessments outside the Tasmanian Planning System risks an ad hoc approach to housing that makes an integrated approach more difficult. This works against delivering quality housing outcomes.

We support policies and SPPs which encourage development of well-planned quality social and affordable housing. As mentioned above there is no provision for affordable or social housing within the SPPs. We understand this is also the case with the Subdivision Standards. I am/We are concerned that there are no requirements in the SPPs which require developers to contribute to the offering of social and affordable housing. For example, in some states, and many other countries, developers of large subdivisions or multiple dwellings in certain inner city zones, are required to offer a certain percentage of those developments as affordable housing, or pay a contribution to the state in lieu of providing those dwellings.

Recommendation:

Need to encourage delivery of social and affordable housing: New developments should contain a proportion of social and/or affordable housing.

Best practice house and neighbourhood design: should be adopted so that housing developments not only provide a place for people to live but result in better amenity, health and environmental outcomes. Plus we need to ensure that consideration is given to local values in any new large developments.

Provision of infrastructure to support communities: including transport, schools, medical facilities, emergency services, recreation and jobs should be part of the planning process and not an afterthought.

8. Residential Issues

One of my/our main concerns is how residential density is being increased with minimal to no consideration of amenity across all urban environments. I/we understand that the push for increasing urban density is to support the Tasmanian Government's growth plan to grow Tasmania's population to 650,000 by 2050. In our view, we are not doing density or the provision of public open space well.

Currently infill development in our residential zones is not strategically planned but "as of right", and Councils cannot reject Development Applications even though they may fail community expectations. I/we consider the residential standards are resulting in an unreasonable impact on residential character and amenity. Additionally, they remove a right of say and appeal rights over what happens next door to home owners, undermining democracy. People's homes are often their biggest asset but the values of their properties can be unduly impacted due to loss of amenity. This also impacts people's mental health and well-being.

Specifically, the SPPs for General Residential and Inner Residential allow smaller block sizes, higher buildings built closer to, or on site boundary line, and multi-unit developments "as of right" in many urban areas as per the permitted building envelope. In the Low Density Residential Zone multiple

dwellingings are now discretionary (i.e. have to be advertised for public comment and can be appealed), whereas in the past they were prohibited by some Councils such as Clarence City Council. The Village Zone may not be appropriate for purely residential areas, as it allows for commercial uses and does not aim to protect residential amenity.

Neighbourhood amenity and character, privacy and sunlight into backyards, homes and solar panels are not adequately protected, especially in the General and Inner Residential Zones. Rights to challenge inappropriate developments are very limited. Subdivisions can be constructed without the need for connectivity across suburbs or the provision of public open space. Residential standards do not encourage home gardens which are important for food security, connection to nature, biodiversity, places for children to play, mental health/well-being and beauty.

The permitted building envelope, especially in the General Residential Zone, for both single and multiunit developments, for example has led to confusion and anxiety in the community (as seen by examples in the video PMAT commissioned in Clarence Municipality – see [here](#)) with regards to overshadowing, loss of privacy, sun into habitable rooms and gardens, the potential loss of solar access on an adjoining property's solar panels, height, private open space and site coverage/density. Neighbourly relations have also been negatively impacted due to divisive residential standards.

Since the SPPs were created in 2017, PMAT has done a lot of work on the residential standards which reflects the level of community concern and the need for improvement. This work includes:

- PMAT plays an important role as a contact point and referral agent for individuals and community groups regarding planning issues, including residential issues, within the Tasmanian community. PMAT is contacted very regularly regarding residential issues.
- PMAT Launched two TV ads focusing on planning issues during the 2018 State election, including one on the residential issues of the Tasmanian Planning Scheme. Watch [here](#) at the end of the video the TV ad will play.
- PMAT commissioned a video highlighting residential standard planning issues. Watch video [here](#).
- PMAT ran the largest survey of candidates for the 2018 Local Government elections. The survey demonstrated a majority of the candidates surveyed take the planning responsibilities of local government very seriously and believe Councils should have greater capacity to protect local character, amenity and places important to their local communities. There was strong candidate sentiment for local government planning controls that protect local character, sunlight and privacy for our homes. Candidates also agreed with increased public involvement in planning decisions in national parks and reserves.

I/we also concur with government agencies that have also raised concerns regarding our residential standards:

- In 2016, the Tasmanian Planning Commission via its report, [*Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*](#), recommended to the State Government that the Residential Provisions should be reviewed as a priority. **The Tasmanian Planning Commission recommended a comprehensive review of development standards in the General Residential and Inner Residential Zones (i.e. the standards introduced by Planning Directive 4.1) to assess whether the provisions deliver greater housing choice,**

encourage infill development, or unreasonably impact on residential character and amenity. The Minister acknowledged the recommendation, but deferred any review until the five year review of the SPPs.

- In 2018 the Local Government Association of Tasmania’s pushed for review of the residential standards, which it says *‘have led to confusion and anxiety in our communities with overshadowing, loss of privacy, solar access, height, private open space and site coverage to name a few. A review will highlight these concerns across the State and give the community some expectation of change that can ensure their concerns are heard.’*
- See Appendix 2 which is a story of “Mr Brick Wall” which demonstrates the tragic failing of the residential standards and was submitted as a submission to the draft SPPs in 2016.

Recommendation:

We also endorse PMAT’s detailed submission regarding the residential zones and codes which has been prepared by expert planner Heidi Goess of [Plan Place](#). The detailed submission has also been reviewed by PMAT’s *Residential Standards Review Sub-Committee* which comprises planning experts, consultants and community advocates with relevant experience.

We endorse how the detailed PMAT submission advocates for improved residential zones/codes in the [Tasmanian Planning Scheme](#) in order to:

- Adapt to the impacts of climate change in urban and sub-urban settings
- Increase residential amenity/liveability
- Improve subdivision standards including strata title
- Improve quality of densification
- Improve health outcomes including mental health
- Provide greater housing choice/social justice
- Improve public consultation and access to rights of appeal
- Improve definitions and subjective language used in TPS
- Benchmark the above against world’s best practice community residential standards (e.g. [The Living Community Challenge](#)).
- Review exemptions to see if they deliver on the above dot points.

Neighbourhood Code – We would also like to see the introduction of a new *Neighbourhood Code*. This recommendation will be explained in more detail in section 7 Residential issues section below as a tool to protect/enhance urban amenity.

9. Stormwater

The current SPPs provide no provision for the management of stormwater.

In 2016, the Tasmanian Planning Commission recommended the Planning Minister consider developing a stormwater Code, to ensure Councils have the capacity to consider stormwater runoff implications of new developments. That recommendation was not accepted. The Minister considered that Building Regulations adequately deal with that issue, despite Council concerns that stormwater run-off was a planning issue, not just a building development issue.

Tasmanian Ratepayers Association Inc. considers that stormwater needs to be managed as part of the SPPs. For example, there is a [State Policy on Water Quality Management](#) with which the SPPs need to comply. Relevant clauses include the following:

31.1 - Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.

31.5 Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised.

Recommendation: The SPPs should include a new *Stormwater Code*.

10. On-site Waste Water

The current SPPs provide no provision for on-site waste water.

Waste water issues are currently dealt with under the Building Act. This is an issue that needs to be addressed in the Tasmanian Planning Scheme to ensure that water quality management issues arising from onsite waste water treatment are properly considered earlier at the planning stage. That is, if a site does not have appropriate space or soils for on-site waste water treatment system, a use or development that relies on this should not be approved by the planning authority.

Recommendation: On-site waste water issues need to be properly addressed in the Tasmanian Planning Scheme.

11. Rural/Agricultural Issues

An unprecedented range of commercial and extractive uses are now permitted in the rural/agricultural zones which Tasmanian Ratepayers Association Inc. considers will further degrade the countryside and Tasmania's food bowl. Commercial and extractive uses are not always compatible with food production and environmental stewardship. Food security, soil health and environmental and biodiversity issues need to be 'above' short-term commercial and extractive uses of valuable rural/agricultural land resources.

Recommendation: We urge a re-consideration of the rural/agricultural zones with regards to the permitted commercial and extractive uses.

12. Coastal land Issues

We consider that weaker rules for subdivisions and multi-unit development will put our undeveloped beautiful coastlines under greater threat. For example, the same General Residential standards that apply to Hobart and Launceston cities also apply to small coastal towns such as Bicheno, Swansea and Orford. The SPPs are not appropriate for small coastal settlements and will damage their character.

Recommendation: We urge stronger protections from subdivision, multi-unit development and all relevant residential standards that cover Tasmania's undeveloped and beautiful coastlines and small coastal settlements.

13. Coastal Waters

The SPPs only apply to the low water mark and not to coastal waters. The SPPs must be consistent with State Policies including the *State Coastal Policy 1996*. The *State Coastal Policy 1996* states that it applies to the 'Coastal Zone' which 'is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.'⁴ State waters are defined as the waters which extend out to three nautical miles⁵.

Recommendation: The SPPs should again apply to coastal waters e.g. the Environmental Management Zone should be applied again to coastal waters.

14. National Parks and Reserves (Environmental Management Zone)

The purpose of the Environmental Management Zone (EMZ) is to 'provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value', and largely applies to public reserved land. Most of Tasmania's National Parks and Reserves have been Zoned or will be zoned Environmental Management Zone. Tasmanian Ratepayers Association Inc.'s main concerns regarding the Environmental Management Zone is what is permitted in this zone plus the lack of set-back provisions that fail to protect the integrity of for example our National Parks.

Permitted Uses

The EMZ allows a range of *Permitted* uses which we consider are incompatible with protected areas.

Permitted uses include: Community Meeting and Entertainment, Educational and Occasional Care, Food Services, General Retail and Hire, Pleasure Boat Facility, Research and Development, Residential, Resource Development, Sports and Recreation, Tourist Operation, Utilities and Visitor Accommodation.

These uses are conditionally permitted, for example they are permitted because they have an authority issued under the *National Parks and Reserves Management Regulations 2019*, which does not guarantee good planning outcomes will be achieved and does not allow for an appropriate level of public involvement in important decisions concerning these areas.

Set Backs

There are no setback provisions for the Environmental Management Zone from other Zones as is the case for the Rural and Agricultural Zones. This means that buildings can be built up to the boundary, encroaching on the integrity of our National Parks and/or coastal reserves.

Recommendation: We recommend: **1.** All current Environmental Management Zone Permitted uses should be at minimum *Discretionary*, as this will guarantee public comment and appeal rights on developments on public land such as in our National Parks and Reserves. **2.** There should be setback provisions in the Environmental Management Zone to ensure the integrity of our National Parks and

⁴ https://www.dpac.tas.gov.au/__data/assets/pdf_file/0010/11521/State_Coastal_Policy_1996.pdf

⁵ <https://www.ga.gov.au/scientific-topics/marine/jurisdiction/maritime-boundary-definitions>

Reserves. Further to our **submission we also endorse the recommendations made by the Tasmanian National Parks Association as outlined in their submission to the 2022 SPP review [here](#).**

15. Healthy Landscapes (Landscape Conservation Zone)

The purpose of the Landscape Conservation Zone (LCZ) is to provide for the protection, conservation and management of landscape values on private land. However, it does not provide for the protection of *significant natural values* as was the original intent of the LCZ articulated on p 79 of the Draft SPPs Explanatory Document. With a Zone Purpose limited to protecting 'landscape values', LCZ is now effectively a Scenic Protection Zone for private land.

Recommendation: We endorse the recommendations in the 2022 SPP review submission: '*State Planning Provisions Scoping Paper re Landscape Conservation Zone provisions by Conservation Landholders Tasmania*' which calls for a Zone to properly protect natural values on private land.

16. Healthy Landscapes (Natural Assets Code - NAC)

The [Natural Assets Code \(NAC\)](#) fails to meet the objectives and requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA) and does not adequately provide for the protection of important natural values (particularly in certain zones) and requires detailed review.

A key objective of LUPAA is to promote and further the sustainable development of natural and physical resources, and as an integral part of this, maintain ecological processes and conserve biodiversity. More specifically, s15 of LUPAA requires the SPPs, including the NAC, to further this objective.

As currently drafted, the NAC reduces natural values to a procedural consideration and undermines the maintenance of ecological processes and conservation of biodiversity. As a result, the NAC fails to adequately reflect or implement the objectives of LUPAA and fails to meet the criteria for drafting the SPPs.

There are also significant jurisdictional and technical issues with the NAC, including:

- poor integration with other regulations, particularly the Forest Practices System, resulting in loopholes and the ability for regulations to be played off against each other;
- significant limitations with the scope of natural assets and biodiversity values considered under the NAC, with landscape function and ecosystem services and non-threatened native vegetation, species and habitat largely excluded;
- wide-ranging exemptions which further jurisdictional uncertainty and are inconsistent with maintenance of ecological processes and biodiversity conservation;
- extensive exclusions in the application of the Natural Assets Code through Zone exclusion relating to the Agriculture, Industrial, Commercial and Residential Zones and limiting biodiversity consideration to mapped areas based on inaccurate datasets which are not designed for this purpose. As a consequence, many areas of native vegetation and habitat will not be assessed or protected, impacting biodiversity and losing valuable urban and rural trees;
- poorly defined terms resulting in uncertainty;
- a focus on minimising and justifying impacts rather than avoiding impacts and conserving natural assets and biodiversity

- inadequate buffer distances for waterways, particularly in urban areas; and
- watering down the performance criteria to 'having regard to' a range of considerations rather than meeting these requirements, which enables the significance of impacts to be downplayed and dismissed.

As a consequence, the NAC not only fails to promote sustainable development, maintain ecological processes and further biodiversity conservation, it also fails to achieve its stated purpose. The NAC as drafted also fails to provide aspiration to improve biodiversity conservation and can only lead to a reduction in biodiversity and degradation of natural assets.

In 2016, the Tasmanian Planning Commission via its report, [Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016](#), recommended that the Natural Assets Code be scrapped in its entirety, with a new Code developed after proper consideration of the biodiversity implications of proposed exemptions, the production of adequate, State-wide vegetation mapping, and consideration of including protection of drinking water catchments.

The then Planning Minister Peter Gutwein rejected that recommendation. Some amendments were made to the Code (including allowing vegetation of local significance to be protected), but no review of exemptions was undertaken. We understand that while no state-wide mapping was provided, the Government provided \$100,000 to each of the three regions to implement the SPPs – the southern regional councils pooled resources to engage an expert to prepare biodiversity mapping for the whole region.

Note that despite concerns raised by TasWater, no further amendments were made to protect drinking water catchments.

Recommendation: The NAC does not adequately provide for the protection of important natural values (particularly in certain zones) and requires detailed review.

We support PMAT's detailed submission, that will be attached to the broad submission, regarding the *Natural Assets Code* which has been prepared by expert environmental planner Dr Nikki den Exter. Nikki den Exter completed her PhD thesis investigating the role and relevance of land use planning in biodiversity conservation in Tasmania. Nikki also works as an Environmental Planner with local government and has over 15 years' experience in the fields of biodiversity conservation, natural resource management and land use planning. As both a practitioner and a researcher, Nikki offers a unique perspective on the importance of land use planning in contributing to biodiversity conservation. The detailed submission has also been reviewed by PMAT's *Natural Assets Code Review Sub-Committee* which comprises planning experts, consultants and community advocates with relevant experience and knowledge.

17. Healthy Landscapes (Scenic Protection Code)

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values. The Code can be applied through two overlays: scenic road corridor overlay and the scenic protection area overlay. However, We consider that the Scenic Protection Code fails to protect our highly valued scenic landscapes. There is an inability to deliver the objectives through this Code as there are certain exemptions afforded to use and development that allow for detrimental impact on landscape values. Concerns regarding the Scenic Protection

Code have also been provided to the Tasmanian Planning Commission from the Glamorgan Spring Bay Council on the SPPs in accordance with section [35G of LUPAA](#).

It should also be noted, that not only does the Code fail to protect scenic values, we understand that in many instances Councils are not even applying the Code to their municipal areas. Given that Tasmania's scenic landscapes are one of our greatest assets and point of difference, this is extremely disappointing. Local Councils should be given financial support to undertake the strategic assessment of our scenic landscapes so they can populate the Scenic Protection Code within their municipal area via either their LPS process or via planning scheme amendments.



Figure 3 - Rocky Hills, forms part of the Great Eastern Drive, one of Australia's greatest road trips. The Drive underpins east coast tourism. As per www.eastcoasttasmania.com states '*this journey inspires rave reviews from visitors and fills Instagram feeds with image after image of stunning landscapes and scenery*'. The Rocky Hills section of the road is subject to the Scenic road corridor overlay but has allowed buildings which undermine the scenic landscape values.

Recommendation: The Scenic Protection Code of the SPPs should be subject to a detailed review, with a view to providing appropriate use and development controls and exemptions to effectively manage and protect all aspects of scenic landscape values.

18. Geodiversity

The current SPPs have no provision for mandatory consideration of impacts on geodiversity when assessing a new development or use that impacts geodiversity. This means, for example, that under current laws, that there is no formal opportunity for the public to comment on or object to a development or use that would adversely impact geodiversity, and there is no opportunity to appeal permits that allow for adverse impacts on geodiversity.

The below section on geodiversity definitions, values, vulnerability and the need to embrace geodiversity in planning has been written by geomorphologist [Kevin Kiernan](#).

‘Definitions - The terms geodiversity and biodiversity describe, respectively, the range of variation within the non-living and living components of overall environmental diversity. Geodiversity comprises the bedrock geology, landforms and soils that give physical shape to the Earth’s surface, and the physical processes that give rise to them⁶. Action to conserve those elements is termed geodiversity conservation/geoconservation and biodiversity conservation/bioconservation. Such efforts may be focused on the full range of that diversity by ensuring that representative examples of the different geo and bio phenomena are safeguarded. In other cases efforts may be focused only on those phenomena that are perceived as being outstanding in some way, such as particularly scenic landforms and landscapes or particularly charismatic animals such as lions or tigers. The term *geoheritage* describes those elements we receive from the past, live among in the present, and wish to pass on to those who follow us.

Values - The geodiversity that surrounds us sustains and enriches our lives in much the same ways as does biodiversity, indeed there can be no biodiversity without the varied physical environments that provide the essential stage and diverse habitats upon which it depends. Although many of the world’s earliest protected areas were established to safeguard landforms and scenery, over recent decades the emphasis has shifted towards living nature. This probably reflects in part such things as more ready human identification with charismatic animals, but existence of the Linnean classification system that facilitates ready differentiation of the varying types of animals and plants has facilitated rapid recognition of the concept of biodiversity. But just as there are different species of plants and animals, so too are there different types of rocks, minerals, landforms and soils, and indeed the need to safeguard this geodiversity was being promulgated several years prior to adoption of the international convention on biodiversity⁷. These non-living components of the environment are of value in their own right just as living species are – for their inherent intrinsic value; because they sustain natural environmental process (including ecological processes); or because of their instrumental worth to humankind as sources of scientific, educational, aesthetic scenery, spiritual, inspirational, economic and other opportunities.

Vulnerability - Effective management is required if these values are to be safeguarded⁸. As with plant and animal species, some are common and some are rare, some are robust and some are fragile. There is a common misconception that the prefix “geo” necessarily implies a robust character, but many elements of geodiversity are quite the opposite. For example, stalactites in limestone caves can be accidentally brushed off by passing visitors or seriously damaged by changes to the over-lying land surface that derange the natural patterns or chemistry of infiltrating seepage moisture; various types of sand dunes can readily be eroded away if a binding vegetation cover is removed; artificial derangement of drainage can cause stream channels to choke with debris or be eroded; important fossil or rare mineral sites can be destroyed by excavation, burial or even by increased public to a site where a lack of protective management allows over-zealous commercial or private collection; and larger scale landforms are commonly destroyed by such things as excavation or burial during housing, forestry, quarrying, inundation beneath artificial water storages, or mining.

⁶ Gray M 2004 *Geodiversity. Valuing and conserving abiotic nature*. Wiley, Chichester UK

⁷ Gray M Geodiversity: the origin and evolution of a paradigm. Pp.31-36 in Burek CV, Prosser CD (eds.) *The history of geoconservation*. Geological Society Special Publication 300, London UK.

⁸ Kirkpatrick JB, Kiernan K 2006 Natural heritage management. Chap 14 in Lockwood M, Worboys GL, Kothari A (eds.) *Managing protected areas: a global guide*. IUCN/Earthscan, London.

Damage to geodiversity is not undone simply because vegetation may later re-colonise and camouflage a disturbed ground surface. While some landforms may possess the potential for a degree of self-healing if given sufficient time and appropriate conditions, many landforms are essentially fossil features that have resulted from environmental process that no longer occur, such as episodes of cold glacial era climate – for example, small glacial meltwater channels less than 1 m deep have survived intact in Tasmania through several glacial cycles (over 300, 000 years or more) so there is no justification for assuming that excavations for roadways or driveways will magically disappear any sooner.

For a soil to form requires the process of pedogenesis, which involves progressive weathering, clay mineral formation, internal redistribution of minerals and other material, horizon development and various other processes that require a very long period of time - even where climatic conditions are warm and moist rock weathering rates may allow no more than 1 m of soil to form in 50,000 years on most rock types⁹. The uppermost horizons of a soil are the most productive part of a profile but are usually the first to be lost if there is accelerated erosion, churning and profile mixing by traffic, compaction, nutrient depletion, soil pollution or other modes of degradation. Hence, soil degradation should be avoided in the first place rather than being addressed by remediation attempts such as dumping loose “dirt” onto a disturbed surface, because a soil is not just “dirt”.

The need to embrace geodiversity in planning - Sites of geoconservation significance can be valued at a variety of scales, from the global to the very local. Only those sites recognised as important at a state or national scale are ever likely to be safeguarded as protected areas, but many more are nonetheless significant at regional or local level, or even considered important by just a few adjacent neighbours. ***The need for a planning response outside formal protected areas by various levels of government has long been recognised overseas, and also in Tasmania¹⁰.***

The [Australian Natural Heritage Charter¹¹](#) provides one very useful contribution towards better recognition and management of geodiversity by various levels of government. Significant progress has already been made in Tasmania where the state government has established a geoconservation database that can be readily accessed by planners and development proponents. The establishment of a geoconservation code within the Tasmanian planning machinery would facilitate utilisation and development of this important tool for planners and development proponents. No impediment to develop generally exists where geoconservation sites are robust or lacking significance, but important and vulnerable sites require higher levels of planning intervention.'

Further to the above, the [Tasmanian Geoconservation Database](#) is 'a source of information about geodiversity features, systems and processes of conservation significance in the State of Tasmania. The database is a resource for anyone with an interest in conservation and the environment.

⁹ Boyer DG 2004 Soils on carbonate karst. Pp656-658 in Gunn J (ed.) *Encyclopedia of caves and karst science*. Fitzroy Dearborn, New York USA

¹⁰ For example see Erikstad L 1984 Registration and conservation of sites and areas with geological significance in Norway. *Norsk Geografisk Tidsskrift* 38: 200-204; Nature Conservancy Council 1989 *Earth Science Conservation. A draft strategy*. NCC, London, UK; Kiernan K 1991 Landform conservation and protection. pp. 112-129 in *Fifth regional seminar on national parks and wildlife management, Tasmania 1991. Resource document*. Tasmanian Parks, Wildlife & Heritage Department, Hobart.

¹¹ ACIUCN 1996 *Australian natural heritage charter*. Australian Council for the International Union of Conservation, & Australian Heritage Commission, Canberra

However, the principal aim is to make information on sites of geoconservation significance available to land managers, in order to assist them manage these values. **Being aware of a listed site can assist parties involved in works or developments to plan their activities. This may involve measures to avoid, minimise or mitigate impacts to geoconservation values.** More than a thousand sites are currently listed. These range in scale from individual rock outcrops and cuttings that expose important geological sections, to landscape-scale features that illustrate the diversity of Tasmania's geomorphic features and processes. Many of the sites are very robust and unlikely to be affected by human activities; others are highly sensitive to disturbance and require careful management.'

Recommendation: The SPPs must provide better consideration of and protection of geoheritage via the creation of a Geodiversity Code.

19. Integration of Land Uses

Forestry, mine exploration, fish farming and dam construction remain largely exempt from the planning system.

Recommendation: We consider that the planning system should provide an integrated assessment process across all types of developments on all land tenures which includes consistent provision of mediation, public comment and appeal rights.

20. Planning and Good Design

Quality design in the urban setting means “doing density better”. We need quality in our back yards (QIMBY), an idea promoted by [Brent Toderian](#), an internationally recognised City Planner and Urban Designer based in Vancouver.

Liveable towns and suburbs: For most people this means easy access to services and public transport, a reduced need for driving, active transport connections across the suburb, easily accessible green public open spaces, improved streetscapes with street trees continually planted and maintained, with species which can coexist with overhead and underground services. This means well designed subdivisions where roads are wide enough to allow services, traffic, footpaths and street trees. Cul de sacs should not have continuous roofs. There should be less impervious surfaces, continuous roofs and concrete.

Dwelling design: Apartment living could allow more surrounding green space, though height and building form and scale which become important considerations due to potential negative impact on nearby buildings. We also need passive solar with sun into habitable rooms.

Individual dwellings: There must be adequate separation from neighbours to maintain privacy, sunlight onto solar panels and into private open space, enough room for garden beds, play and entertaining areas, and this space should be accessible from a living room. The Residential SPPs do not deliver this. *New research confirms, reported here on the 13 August 2021 [‘Poor housing has direct impact on mental health during COVID lockdowns, study finds’](#), that poor housing had a direct impact on mental health during COVID lockdowns: ‘Your mental health in the pandemic “depends on where you live”, new research suggests, with noisy, dark and problem-plagued homes increasing anxiety, depression, and even loneliness during lockdowns.’ Lockdowns are likely to continue through the pandemic and other climate change impacts – thus its critical, our housing policy and standards ‘make it safe for everyone ... to shelter in place without having poor mental health’.*

Building materials: Low cost development will impact sustainability and increase heating/cooling costs, creating a poor lived experience for future owners. There should be stronger building

controls. Consider the heat retention effects of dark roofs. There should be less hard surfaces and increased tree canopy. Too often the effect of a development which changes the existing density of a street is allowed to proceed without any consideration for place. Neighbours have rights not just the developer.

Recommendation: All residential zones in the SPPs should be rethought to **1.** Mandate quality urban design in our subdivisions, suburbs and towns, **2.** Improve design standards to prescribe environmentally sustainable design requirements including net zero carbon emissions - which is eminently achievable, now **3.** Provide a Zone or mechanism which allows apartment dwellings and/or targeted infill based on strategic planning, **4.** Deliver residential standards in our suburbs which maintain amenity and contribute to quality of life. We also recommend that subdivision standards be improved to provide mandatory requirements for provision of public open space for subdivisions and for multiple dwellings.

21 Various Other Concerns

- Application requirements in cl 6.1 and the need for planning authorities to be able to require certain reports to be prepared by suitable persons (for example, Natural Values Assessments), or for these reports to be mandatory where certain codes apply.
- General exemptions in cl 4.0 of the SPPs particularly those relating to vegetation removal and landscaping.
- The need to better plan for renewable energy and infrastructure.
- We consider that the SPP Acceptable Solutions (i.e. what is permitted as of right) are not generally acceptable to the wider community.
- The system and Tasmanian Planning Scheme language is highly complex and analytical and most of the public are not well informed. More is required in the way of public education, and a user friendly document should be produced, if our planning system is to be trusted by the wider community.
- It is disappointing also that Local Area Objectives and Character Statements such as Desired Future Character Statements have been removed from the Tasmanian Planning Scheme. *There is nothing to guide Councils when making discretionary decisions.*
- Whilst We accept that *Desired Future Character Statements and Local Area Objectives* may be hard to provide in the context of SPPs, which by definition, apply state-wide, we consider that greater latitude could be provided in the SPPs for LPSs to provide these types of statements for each municipality.

Related General Comments/Concerns regarding the SPPs

Tasmanian Ratepayers Association Inc. also has a range of concerns relating to the SPPs more broadly:

1. Amendments to SPPs - 35G of LUPAA
2. The Process for making Minor and Urgent Amendments to SPPs
3. The SPPs reliance on outdated Australian Standards
4. The SPPs vague and confusing terminology
5. The SPPs were developed without a full suite of State Policies
6. Increased complexity
7. Tasmanian Spatial Digital Twin
8. Difficult to Protect local Character via the LPS process

1. Amendments to SPPs - 35G of LUPAA

Under Section 35 G of the *Land Use Planning and Approvals Act 1993*, see [here](#), a planning authority may notify the Minister as to whether an amendment of the SPPs is required. However, the Act does not set out a process that deals with the 35G issues.

Recommendation: 1. It is our view that the *Land Use Planning and Approvals Act 1993* should set out a transparent and robust process for dealing with 35G issues. **2.** Consistent with the Objectives of the *Land Use Planning and Approvals Act 1993* communities that are going through their local LPS process, should be allowed and encouraged by their local Council to comment not only on the application of the SPPs but on any issues they may have in regards to the contents of the SPPs. It is logical that this is when communities are thinking about key concerns, rather than only having the opportunity to raise issues regarding the content of the SPPs during the statutory five year review of the SPPs we recommend the *Land Use Planning and Approvals Act 1993* should be amended to reflect this.

2. Process for Making Minor and Urgent Amendments to SPPs

In 2021, the Tasmanian Government amended the *Land Use Planning and Approvals Act 1993* to change the process for making minor amendments to the SPPs and introduce a separate process for making urgent amendments to the SPPs. These amendments give more power to the Planning Minister with no or a very delayed opportunity for public comment. The definition of both a minor and urgent amendment is also unclear. In our view, amendments processes provide the Minister with too much discretion to make changes to the SPPs and fail to adopt appropriate checks and balances on these significant powers.

Also, legal advice is that when the Tasmanian Planning Policies are introduced, the minor amendment process does not allow for changes to bring the SPPs into line with Tasmanian Planning Policies.

Recommendation: 1. Amending the *Land Use Planning and Approvals Act 1993* to provide a clear definition of what constitutes a *minor* and *urgent* SPP amendment. **2.** Ensure that the process for creating a minor or urgent amendment includes meaningful public consultation that is timely effective, open and transparent.

3. The SPPs Vague and Confusing Terminology

There are many specific words in the SPPs, as well as constructs in the language used, that lead to ambiguity of interpretation. Often this results in sub-optimal planning outcomes for the community and can contribute to delays, unnecessary appeals and increased costs to developers and appellants. Words like SPPs 8.4.2 “provides reasonably consistent separation between dwellings” 8.4.4 “separation between multiple dwellings provides reasonable opportunity for sunlight”. Other terms used throughout the SPPs which are highly subjective include “compatible”, “tolerable risk”, and “occasional visitors” where numbers are not defined.

Similarly, the use of constructs such as ‘having regard to’ may mean that sub- criteria can effectively be disregarded in decision making. Alternative wording such as ‘demonstrate compliance with the following’ would provide greater confidence that the intent of such provisions will be realised.

While this ambiguity leads to delays and costs for all parties, it particularly affects individuals and communities where the high costs involved mean they have reduced capacity to participate in the planning process – contrary to the intent of LUPAA objective 1.(c).

Recommendation: That the terminology and construction of the SPPs be reviewed to provide clearer definitions and shift the emphasis under performance criteria towards demonstrated compliance with stated objectives.

4. The SPPs were developed with few State Policies

The SPPs are not about strategic or integrated planning, but are more aptly described as development controls. The creation of the SPPs should have been guided by a comprehensive suite of State Policies. This did not happen before the development of the SPPs by the Planning Reform Task Force. Hence the SPPs exist without a vision for Tasmania’s future.

The SPPs are still not supported by a comprehensive suite of State Policies to guide planning outcomes. In 2016, the Tasmanian Planning Commission acknowledged, in particular, the need to review the State Coastal Policy as a matter of urgency, but no action has been taken. Other areas without a strategic policy basis include integrated transport, population and settlements, biodiversity management, tourism and climate change.

In 2018, instead of developing a suite of State Policies, the State Government created a new instrument in the planning system – the Tasmanian Planning Policies. As at 2022, the Tasmanian Planning Policies are still being developed. The Tasmanian Planning Policies are expected to be lodged with the Tasmanian Planning Commission by the end of 2022. The Tasmanian Planning Commission will undertake its own independent review, including public exhibition and hearings.

Tasmanian Ratepayers Inc.’s **position has been that we need State Policies rather than Tasmanian Planning Policies** because they are signed off by the Tasmanian Parliament and have a whole of Government approach and a broader effect. The Tasmanian Planning Policies are only signed off by the Planning Minister and only apply to the Tasmanian Planning Scheme and not to all Government policy and decisions.

5. Increased Complexity

The Tasmanian Planning Scheme is very complex, is only available in a poorly bookmarked pdf and is very difficult for the general public to understand. This creates real difficulties for local communities, governments and developers with the assessment and development process becoming more complex rather than less so. Community members cannot even find the Tasmanian Planning Scheme online because of the naming confusion between the Tasmanian Planning Scheme and the State Planning Provisions. PMAT often fields phone enquiries about how to find the Tasmanian Planning Scheme.

Repeated amendments to Tasmania's planning laws and thus how the Tasmanian Planning Scheme is being rolled out is unbelievably complicated. From a community advocacy point of view, it is almost impossible to communicate the LPS process to the general public. For example, see [PMAT Media Release: Solicitor General's Confusion Highlights Flawed Planning Change Nov 2021](#).

Recommendations: It is recommended that illustrated guidelines are developed to assist people in understanding the Tasmanian Planning Scheme. It would be helpful if the Tasmanian Planning Scheme could also be made available as with previous interim schemes through iPlan (or similar) website. This should also link the List Map so there is a graphical representation of the application of the Tasmanian Planning Scheme (which expands when new LPSs come on board). It should also be noted, that for the average person, iPlan is difficult to use.

Recommendations: Create a user friendly version of the Tasmania Planning Scheme such as the provision of pdfs for every LPS and associated maps. IPlan is impenetrable for many users.

6. Tasmanian Spatial Digital Twin

Digital Twin, a digital story telling tool, would revolutionise planning data and public consultation in Tasmania. The Spatial Digital Twin could bring together data sources from across government including spatial, natural resources and planning, and integrate it with real time feeds from sensors to provide insights for local communities, planners, designers and decision makers across industry and government.

It enables communities, for example, to gain planning information about their streets, neighbourhoods and municipalities. It would allow the general public to visualise how the SPPs are being applied to how a development looks digitally before it is physically built, making it easier to plan and predict outcomes of infrastructure projects, right down to viewing how shadows fall, or how much traffic is in an area.

See a NSW Government media release by the Minister for Customer Service and Digital Government: [Digital Twin revolutionises planning data for NSW](#), December 2021.

From a community point of view, it is almost impossible to gain a landscape/municipality scale understanding of the application of the SPPs from two dimensional maps. One of PMAT's alliance member groups, Freycinet Action Network, requested the shape files of Glamorgan Spring Bay Council's draft LPS but was unable to obtain a copy. This would have enabled FAN to better visualise how the LPS is being applied over the landscape.

Recommendation: To introduce a Tasmanian Spatial Digital Twin to aid community consultation with regards to the application of the Tasmanian Planning Scheme via each Council's Local Provisions Schedule process and public consultation more broadly.

7. Difficult to Protect local Character via the LPS process

In 2016, the Tasmanian Planning Commission acknowledged¹² that the SPPs were designed to limit local variation, but queried whether a "one-size fits all" model will deliver certainty:

"If local character is a point of difference and an attribute of all Tasmanian places, unintended consequences may flow from denying local differences. The 'one size fits all' approach is likely to result in planning authorities seeking more exceptions through the inclusion of particular purpose zones, specific area plans and site-specific qualification."

In My/our community group name view the SAP/PPZ/SSQ threshold are too high. As the SAP/PPZ/SSQ are the mechanisms to preserve character, possibly the only way to preserve character, in the Tasmanian Planning Scheme, it is essential that they or like mechanisms, are available to maintain local character. Common standards across the Zones whilst being efficient, could destroy the varied and beautiful character of so much of this state.

It is also extremely disappointing that Local Area Objectives and Character Statements such as Desired Future Character Statements have been removed from the Tasmanian Planning Scheme. Currently, there is nothing to guide Councils when making discretionary decisions, (unless in Discretionary Land Use decision as at 6.10.2b).

Recommendation: Amend section 6.10.2 of the SPPs to read:

6.10.2 In determining an application for a permit for a Discretionary use **"and development"** the planning authority must, in addition to the matters referred to in sub-clause 6.10.1 of this planning scheme, **"demonstrate compliance with"**:

- (a) the purpose of the applicable zone;
- (b) any relevant local area objective for the applicable zone;
- (c) the purpose of any applicable code;
- (d) the purpose of any applicable specific area plan;
- (e) any relevant local area objective for any applicable specific area plan; and
- (f) the requirements of any site-specific qualification, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

Yours sincerely,

Lionel J. Morrell

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¹² See page 17: [Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016.](#)

Appendix 1 - Talking Point: *Planning reform the Trojan horse*, The Mercury, Michael Buxton, December 2016

AUSTRALIAN states have deregulated their planning systems using a national blueprint advanced largely by the development industry. Tasmania is the latest.

Planning system change is always disguised as reform, but the real intent is to advantage the development industry.

In Tasmania, this reform introduces a single statewide planning system. This allows the government to dictate planning provisions regardless of differences in local conditions and needs.

State provisions can easily be changed. In some states, standard statewide provisions have been weakened over time to reduce citizen rights and local planning control.

The Tasmanian planning minister will be able to alter them without reference to Parliament, and potentially gain greater power from the Planning Commission and councils. It is yet to be seen whether the government will permit strong local policy to prevail over state policy.

Some states have allowed a wide range of applications to be assessed without need for permits under codes and by largely eliminating prohibited uses. The Tasmanian system has continued much of the former planning scheme content, but introduces easier development pathways.

An application for development or use need not be advertised if allowed without a permit or considered a permitted activity.

Alternative pathways allow public comment and appeal rights, but these often reduce the level of control.

Serious problems are likely to arise from the content of planning provisions.

For example, while the main residential zone, the General Residential Zone, mandates a minimum site area of 325 square metres and height and other controls for multi-dwelling units, no minimum density applies to land within 400m of a public transport stop or a business or commercial zone. This will open large urban areas to inadequately regulated multi-unit development.

The main rural zones allow many urban uses, including bulky goods stores, retailing, manufacturing and processing, business and professional services and tourist and visitor accommodation complexes.

This deregulation will attract commercial uses to the rural edges of cities and the most scenic landscape areas. Such uses should be located in cities or in rural towns to benefit local jobs instead of being placed as isolated enclaves on some of the state's most beautiful landscapes.

Use and development standards will prove to be useless in protecting the agricultural, environmental and landscape values of rural zones from overdevelopment.



Fast tracking inappropriate developments will force the Tasmanian people to pay a high price for the individual enrichment of a favoured few.

Codes are a particular concern. The heritage code is intended to reduce the impact of urban development on heritage values.

However, performance criteria for demolition are vague and development standards criteria do not provide adequate protection.

The nomination of heritage precincts and places is variable, leaving many inadequately protected.

The National Trust and other expert groups have raised similar concerns.

The potential of the Natural Assets and the Scenic Protection codes to lessen the impacts of some urban uses on rural and natural areas also will be compromised by vague language, limitations and omissions.

Interminable legal arguments will erupt over the meaning and application of these codes, with the inevitable result that development proposals will win out.

The State Government can learn from the disastrous consequences of other deregulated planning systems. It should strengthen regulation and listen to the public to ensure a state system does not destroy much that will be vital for a prosperous and liveable future for citizens.

The Government argues the new system is vital to unlock economic potential and create jobs, but the state's greatest economic strengths are the amenity and heritage of its natural and built environments. Destroy these and the state has no future.

While planning for the future is complex, the hidden agendas of planning reform are evident from the massive impacts from unregulated development in other states.

Fast tracking inappropriate developments will force the Tasmanian people to pay a high price for the individual enrichment of a favoured few.

Tasmania's cities, towns, scenic landscapes and biodiversity are a state and national treasure. Lose them and the nation is diminished.

Michael Buxton is Professor Environment and Planning, RMIT University, Melbourne.

Appendix 2 – The Mr Brick Wall Story

This tragic story, which I have edited down, was submitted to the Tasmanian Planning Commission as part of the public exhibition of the draft statewide scheme.

We call it the tragic story of Mr Brick Wall

Mr Brick Wall states:

“We are already victims of the new planning scheme. We challenged and won on our objection to a large over-height proposed dwelling 3 metres from our back boundary on an internal block under the previous planning scheme. We won on the grounds that the amenity to our home and yard would be adversely affected by this proposed dwelling under the previous planning scheme.

However, this all changed under the new interim planning scheme and the dwelling was allowed to be constructed. As a result we now have an outlook from our outdoor entertaining area, living room, dining room, kitchen, playroom and main bedroom of a brick wall the full length of our back yard on the maximum new height allowed.

We can see a bit of sky but no skyline as such. The dwelling has obscure windows for our so called privacy, which are absolutely useless as they have been allowed to erect commercial surveillance cameras all around their house, 2 of which are on our back boundary. No problem you think! These cameras can be operated remotely, have 360 degree views at the click of a mouse and we understand they have facial recognition of 4 kilometres distance. So where is our privacy and amenity?

The Council was approached by us and our concerns prior to the new changes proceeding and we were told that there was nothing we or the Council could do to stop these changes as all changes to the planning scheme have to be accepted by Councils and they have no say in the matter. As a result we no longer feel comfortable or relaxed when in our own backyard and our young teenage daughters will not use the yard at all. We also have to keep our blinds drawn on the back of our house to ensure some privacy is maintained.

We also had our house listed for sale for almost 6 months, 8 potential buyers no one bought it because everyone of them sighted that the house next door was too close to our boundary. This is our north facing boundary and as such has all our large windows on this side to take advantage of the sun. ‘

Mr Brick Wall ends by saying that the Government needs to realise what’s on paper doesn’t always work out in the real world and that real people are being adversely affected by their decision making.

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

12 August 2022

To Whom It May Concern,

RE: State Planning Provisions (SPPs) Review - Scoping Issues

Phase 2 of the State Government's planning reform is underway and includes a [review of the State Planning Provisions \(SPPs\)](#), introduction of the [Tasmanian Planning Policies](#), the creation of a [regional land use planning framework](#), and a review of the three Regional Land Use Strategies.

The SPPs also require review for consistency with State Policies and the Tasmanian Planning Policies once they are finalised.

We thank you for the opportunity to comment on the review of the SPPs, noting that ALL SPPs are up for review. We also welcome the opportunity to recommend new provisions i.e. new codes and/ zones.

Our submission covers:

- Who we are and why we care about planning;
- A summary of the SPP Review process;
- An overview of where the SPPs sit in the Tasmanian Planning Scheme;
- Our concerns and recommendations regarding the SPPs; and
- Related general comments/concerns regarding the SPPs.

Our concerns and recommendations regarding the SPPs cover 22 broad issues. We also endorse the Planning Matters Alliance Tasmania's (PMAT) submission to the review of the State Planning Provisions including which includes detailed submissions compiled by expert planners regarding three key areas: the *Natural Assets Code*, the *Local Historic Heritage Code* and the residential standards. Each of the three detailed submissions, have also been reviewed by a dedicated PMAT review subcommittee involving a total of 15 expert planners, environmental consultants and community advocates with relevant expertise.

We note that the *State Planning Provisions Review Scoping Paper* states that the State Planning Office will establish reference and consultative groups to assist with detailed projects and amendments associated with the SPPs. We request in the strongest possible terms that we should take part in these reference/consultative groups because our groups considerations have a stronger community voice. It is vital to have a community voice in these processes.

Overall we are calling for the SPPs to be values-based, fair and equitable, informed by [PMAT's Platform Principles](#), and for the SPPs to deliver the objectives of the *Land Use Planning and Approvals Act 1993*.

Planning affects every inch of Tasmania, on both private and public land, and our well-being: our homes, our neighbour's house, our local shops, work opportunities, schools, parks and transport corridors. Planning shapes our cities, towns and rural landscapes. Well thought through strategic planning can build strong, thriving, healthy and sustainable communities.

Yours sincerely,

Daniel

Daniel Steiner

Treasurer

[REDACTED]

We acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina Pakana - Tasmania is Aboriginal land.

Who are we and why we care about Planning

- SCAGI stands for **Seymour Community Action Group Inc.** We are an incorporated community group dating back to the 1980s. Incorporation occurred in 2016, when we committed to care for a weed affected wetland on crown land at Seymour Tasmania.

Our members are from the Seymour area and surrounds and we are working towards a better social and environmental outcome for the future.

Planning is vitally important to our aim and we know that planning is the groundwork for a well-functioning community and environment.

Our activities are well documented on our website at: <https://scagi7215.wixsite.com/scagi>

We at SCAGI have supported PMAT since the early days in 2017. We congratulate PMAT for their thorough work, in making the rather complex planning system more understandable for our communities.

SCAGI would like to endorse all PMATs recommendations, endorsements and positions stated in the following submission. We are very grateful for their guidance and hard work in developing this planning submission as a template for us to use.

The Seymour Community Action Group Inc. supports all of PMATs and their professional contributors work in the following/attached submission. We will refer to ourselves as SCAGI.

Kind regards

Daniel Steiner

SCAGI – Treasurer

scagi7215@gmail.com

SPP Review Process

The Tasmanian Government is currently seeking input to help scope the issues for the [five yearly review of the State Planning Provisions \(SPPs\)](#) in the [Tasmanian Planning Scheme](#), which will be conducted over two stages.

The current review of the SPPs is the best chance the community has now to improve the planning system. The SPPs are not scheduled to be reviewed again until 2027.

As per the State Planning Office website *'The SPPs are the state-wide set of consistent planning rules in the Tasmanian Planning Scheme, which are used for the assessment of applications for planning permits. The SPPs contain the planning rules for the 23 zones and 16 codes in the Tasmanian Planning Scheme, along with the administrative, general, and exemption provisions. **Regular review of the SPPs is best practice ensuring we implement constant improvement and keep pace with emerging planning issues and pressures.***

The SPPs are now operational in 14 of Tasmania's 29 local council areas.

The [State Planning Provisions Review Scoping Paper](#) outlines the six steps of the review of the SPPs. Broadly speaking the review will be conducted in two stages as outlined below.

SPP Review - Stage 1 – SPP Scoping Issues

Public consultation is open from 25 May to 12 August 2022. This review or scoping exercise phase is known as Stage 1.

The aim of Stage 1 is to identify the State Planning Provisions that may require review, as well as if there is a need for any new State Planning Provisions. E.g. new Zones and/or Codes.

Stage 1 may include some amendments to the SPPs, before Stage 2 goes on to consider more substantive issues and the consistency of the SPPs with the Tasmanian Planning Policies. The State Planning Office may characterise those amendments to the SPPs which occur in Stage 1 (or step 3 in the Scoping paper diagram) as minor amendments not requiring public consultation. We at SCAGI are very interested as to how a "minor amendment" is defined and made.

SPP Review - Stage 2 – SPP Amendments

There is a legislative requirement for the State Planning Provisions to be revised for consistency with the [Tasmanian Planning Policies](#), once approved.

The current Stage 1 scoping exercise, along with the approved Tasmanian Planning Policies, will inform draft amendments to the SPPs, which will be considered through the SPP amendment process prescribed under the *Land Use Planning and Approvals Act 1993*.

This process includes a 42 day period of public exhibition and independent review by the Tasmanian Planning Commission and may also include public hearings. We at SCAGI considers such public hearings facilitated by the Tasmanian Planning Commission are essential if the Tasmanian community is to be involved and understand our planning laws.

See flowchart for the SPP amendment process [here](#). This review phase is known as Stage 2 and is likely to occur in 2023.

An overview of where the SPPs sit in the Tasmanian Planning Scheme

The State Government's new single state-wide planning scheme, the Tasmanian Planning Scheme, will replace the planning schemes in each of the 29 local government areas. The Tasmanian Planning Scheme is now operational in 14 of Tasmania's 29 local government areas.

The new Tasmanian Planning Scheme has two parts:

1. A single set of State Planning Provisions (SPPs) that apply to the entire state on private and public land (except Commonwealth controlled land); and
2. Local planning rules, the Local Provisions Schedule (LPS) which apply the SPPs to each municipal area on both private and public land.

1. State Planning Provisions (SPPs)

The SPPs are the core of the Tasmanian Planning Scheme, they set the new planning rules and in SCAGI's view are blunt planning instruments that are more likely to deliver homogenous and bland planning outcomes. The SPPs state how land can be used and developed and outline assessment criteria for new use and development. These rules set out 23 zones and 16 codes that may be applied by Councils under their LPSs. Not all zones or codes will be relevant to all Councils, for example in Hobart there will be no land zoned Agriculture, and in the Midlands there will be no land subject to the Coastal Inundation Hazard Code.

Read the current version of the SPPs [here](#).

- **The Zones:** the 23 zones set the planning rules for use and development that occurs within each zone (i.e. applicable standards, specific exemptions, and tables showing the land uses that are allowed, allowable or prohibited - No Permit Required, Permitted, Discretionary or Prohibited). The zones are: General Residential, Inner Residential, Low Density Residential, Rural Living, Village, Urban Mixed Use, Local Business, General Business, Central Business, Commercial, Light Industrial; General Industrial, Rural, Agriculture, Landscape Conservation, Environmental Management Zone, Major Tourism, Port and Marine, Utilities, Community Purpose, Recreation, Open Space; and the Future Urban Zone.
- **The Codes:** the 16 codes can overlay zones and regulate particular types of development or land constraints that occur across zone boundaries, and include: Signs, Parking and Sustainable Transport, Road and Railway Assets, Electricity Transmission Infrastructure Protection, Telecommunications, Local Historic Heritage, Natural Assets, Scenic Protection, Attenuation, Coastal Erosion Hazard, Coastal Inundation Hazard, Flood-Prone Areas Hazard, Bushfire-Prone Areas, Potentially Contaminated Land, Landslip Hazard and Safeguarding of Airports Code.

In addition to the zone and code provisions, the SPPs contain important information on the operation of the Tasmanian Planning Scheme, including Interpretation (Planning Terms and Definitions), Exemptions, Planning Scheme Operation and Assessment of an Application for Use or Development. These up-front clauses provide important context for the overall planning regime as they form the basis for how planning decisions are made. The terminology is very important, as often planning terms do not directly align with plain English definitions.

2. Local Planning Rules/Local Provisions Schedule (LPS)

The local planning rules, known as the Local Provisions Schedule, are prepared by each Council and determine where zones and codes apply across each municipality. The development of the LPS in each municipality is the last stage in the implementation of the Tasmanian Planning Scheme. Once the LPS for a municipality is signed off by the Tasmanian Planning Commission, the Tasmanian Planning Scheme becomes operational in that municipality.

The LPS comprise:

- maps showing WHERE the SPP zone and codes apply in a local municipal area; and
- any approved departures from the SPP provisions for a local municipal area.

View the Draft LPS approval process [here](#).

If Councils choose to apply a certain zone in their LPS (e.g. Inner Residential, Rural Living or Agriculture Zone), the rules applying to that zone will be the prescriptive rules set out in the SPPs and are already approved by the State Government. **Councils cannot change the SPPs which will be applied. Councils only have control over where they will be applied through their LPS.**

Site Specific Local Planning Rules

If a Council or local community decides that areas within its municipality are not suited to one of the standard 23 zones then they may consider applying one of three site specific local planning rules. These three local planning rules are the only tool the Council/Community has to protect local character. However, from a community point of view, they are disappointingly difficult to have applied (see example outlined under point 8 in the section below entitled '*Related General Comments/Concerns regarding the SPP*').

The three planning tools are:

- **Particular Purpose Zone (PPZ)** – is a zone that can be created in its own right. It is a group of provisions consisting of (i) a zone that is particular to an area of land; and (ii) the provisions that are to apply in relation to that zone. It usually will apply to a particular land use (e.g. UTAS Sandy Bay campus or a hospital, Reedy Marsh, Dolphin Sands, The Fisheries).
- **Specific Area Plan (SAP)** - being a plan consisting of (i) a map or overlay that delineates a particular area of land; and (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs. SAPs are specific to that site and sit over the top of a zone. For example, a proposed Coles Bay SAP would have sat over the underlying Low Density Residential Zone and the SAP rules would have allowed for a broader scope of new non-residential uses across the whole of Coles Bay. SAPs can be used for greenfield residential subdivision to allow higher density housing, to plan for roads and to protect areas of vegetation and open space (e.g. SAPs are also proposed for Cambria Green, Huntingfield, Jackeys Marsh, Blackmans Bay Bluff).
- **Site Specific Qualification (SSQ)** is used to facilitate particular types of activities at certain sites (e.g. New Town Plaza Shopping Centre) and sit over the top of a zone.

Our concerns and recommendations regarding the SPPs

In PMAT's view the State Government's Tasmanian Planning Scheme fails to adequately address a range of [issues](#), which will likely result in poor planning outcomes. A planning system that deals effectively with these issues is essential for Tasmania's future and for the well-being of communities across the state.

The SPP review is thus critically important and is a particular priority for us at SCAGI, as it is the best chance we have to improve planning outcomes until 2027.

Our key concerns and recommendations cover the following topics:

1. Ensuring the community has the right to have a say;
2. Climate Change Adaptation and Mitigation;
3. Planning, Insurance and climate risks;
4. Community connectivity, health and well-being;
5. Aboriginal cultural heritage;
6. Heritage buildings and landscapes (Local Historic Heritage Code);
7. Tasmania's brand and economy;
8. Housing;
9. Residential issues;
10. Stormwater;
11. Onsite wastewater;
12. Rural/Agricultural issues;
13. Coastal land issues;
14. Coastal waters;
15. National Parks and Reserves (Environmental Management Zone);
16. Healthy Landscapes (Landscape Conservation Zone);
17. Healthy Landscapes (Natural Assets Code);
18. Healthy Landscapes (Scenic Protection Code);
19. Geodiversity;
20. Integration of land uses;
21. Planning, Loss of Character Statements and Good Design;
22. Other various issues with the SPPs.

1. Ensuring the community has the right to have a say

Land use planning is the process through which governments, businesses, and residents come together to shape their communities. Having a right of say is critical to this.

The current SPPs however, with fewer discretionary developments, and more exemptions, significantly reduce the community's right to have a say and in many instances also removes appeal rights, weakening democracy. More and more uses and development are able to occur without public consultation or appeal rights. Without adequate community involvement in the planning process, there is a risk of more contested projects, delays and ultimately less efficient decision-making on development proposals.

The reduction in community involvement is clearly demonstrated by how developments are dealt with in our National Parks and Reserves and residential areas.

National Parks and Reserves and right of say

Commercial tourism development can be approved in most National Parks and Reserves without guarantee of public consultation, and with no rights to appeal. This means that the public has no certainty of being able to comment and no appeal rights over public land covering almost 50% of Tasmania. The State Government has repeatedly stated that that this issue will be dealt with through the review of the Reserve Activity Assessment (RAA) process.

The RAA process is the internal government process by which developments in national parks and reserves are assessed. However, the review has stalled with no apparent progress for at least five years¹.

Community stakeholders are unable to obtain clear information on the review progress, timelines and the formal process regarding consultation. It appears that the State Government has abandoned this critically important review of the Reserve Activity Assessment. We at SCAGI are concerned that proposed developments can be approved under the existing deeply flawed process without any opportunity for public comment and involvement. This is inconsistent with three of the most fundamental of the objectives of the *Land Use Planning and Approvals Act 1993*: "(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity... (c) to encourage public involvement in resource management and planning; 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."

There is a current Petition (closing 4 August 2022) before the Tasmanian Parliament: '[Inadequate processes for assessing and approving private tourism developments in Tasmania's national parks](#)' which has already attracted 2609 signatures and demonstrates the level of community concern. Amongst other concerns, the petition draws to the attention of the Tasmanian Parliament that '*The Reserve Activity Assessment (RAA) process is flawed, opaque and lacks genuine public consultation*' and calls on the '*Government to abandon the Expressions of Interest process and halt all proposals currently being considered under the Reserve Activity Assessment process until a statutory*

¹Page 11 of the *Minister's Statement of Reasons for modifications to the draft State Planning Provisions* [here](#) which states '...in response to matters raised during the hearings [of the draft SPPs] the Government agrees that a review of the RAA (Reserve Activity Assessment) be undertaken'.

assessment and approval process for private tourism developments in Tasmania's national parks is implemented'.

In 2016, the Tasmanian Planning Commission via its report, [Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016](#), identified the level of public concern regarding the Reserve Activity Assessment process.

In 2017, the then Planning Minister Peter Gutwein acknowledged that the RAA process “needs review”, but made no amendments to the SPPs in relation to developments in national parks.

In 2019 eleven community groups were so frustrated they could not obtain clarity on the RAA review they resorted to lodging a Right to Information (RTI) request to seek transparency. See [PMAT Media Release: Has Hodgman abandoned the review of RAA process for developments in national parks and reserves?](#)

Recommendation: That the State Government move quickly to **1.** finalise the RAA Review, including the exemptions and applicable standards for proposed use and development in the Environmental Management Zone **2.** To implement changes for a more open, transparent and robust process that is consistent with the Tasmanian Planning System *Land Use Planning and Approvals Act 1993* objectives. **3.** The Environmental Management Zone should be amended to ensure the public has a meaningful right of say and access to appeal rights - in particular by amending what are “permitted” and “discretionary” uses and developments in the Environmental Management Zone.

Residential areas and right of say

PMAT commissioned an architectural planning study (Figures 1 and 2) to demonstrate what is permitted in the General Residential Zone to visually demonstrate what can be built without public comment, appeal rights and notification to your adjoining neighbour.



Figure 1 – PMAT’s planning study demonstrates what is *Permitted* in the General Residential Zone. This is what is allowed to be built with no notification to your adjoining neighbour, no ability to comment, and no appeal rights.

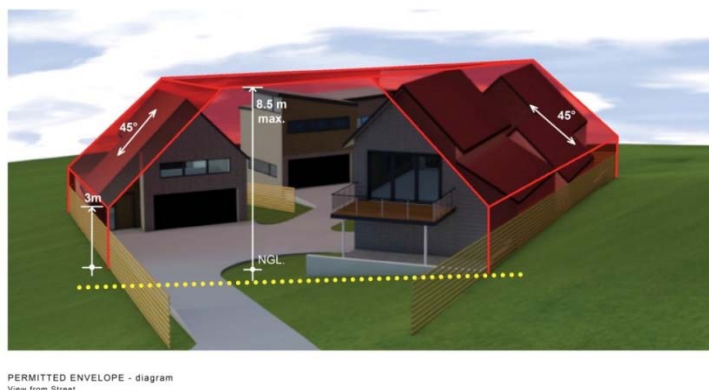


Figure 2 – PMAT’s planning study demonstrates what is *Permitted* in the General Residential Zone. This is what is allowed to be built with no notification to your adjoining neighbour, no ability to comment and no appeal rights.

PMAT’s planning study helps highlight issues that have led to confusion and anxiety in our communities including lack of say about the construction of multiple and single dwellings (especially by adjoining neighbours), bulk, height, overshadowing, loss of privacy, loss of sunlight/solar access, loss of future solar access for Solar PV arrays and Solar Hot Water panels on, north-east, north, and north-west -facing roofs, lack of private open space and inappropriate site coverage, overlooking private open space and blocking existing views

Recommendation: The SPPs should be amended to ensure the public has a meaningful right of say and access to appeal rights across the residential zones, in particular by amending what is “permitted” and “discretionary” use and development. Our planning system must include meaningful public consultation that is timely effective, open and transparent.

2. Climate Change Adaptation and Mitigation

Adaptation

Given the likely increased severity and frequency of floods, wildfire, coastal erosion and inundation, drought and heat extremes, we are seeking amendments to the SPPs which better address adaptation to climate change. We need planning which ensures people build out of harm’s way.

Mitigation

Climate Change Mitigation refers to efforts to reduce or prevent emissions of greenhouse gases. We at SCAGI would like to see increased opportunity for mitigation by for example embedding sustainable transport, ‘green’ (i.e. regenerative) design of buildings and subdivisions in planning processes. One current concern is that across residential zones solar panels on adjoining properties are not adequately protected nor the foresight to enable future rooftop solar panel installations with unencumbered solar access.

On the subject of renewable energy, which will become increasingly important as the world moves to Net Zero, we are concerned that there appears to be no strategically planned Wind Farm designated area. We do not want open slather wind farms right across the state industrialising our scenic landscapes but would like to see appropriately placed wind farms, decided after careful modelling of all environmental data. This is especially important as based on the [200% Tasmanian](#)

[Renewable Energy Target](#), We understand that this could equate to approximately 89 wind farms and over 3000 wind turbines. The new target aims to double Tasmania's renewable energy production and reach 200 per cent of our current electricity needs by 2040.

Recommendation: 1. The SPPs be amended to better address adaptation to climate change, by ensuring Tasmania's risk mapping is based on the best available science and up to date data. 2. The SPPs be amended to better embed sustainable transport, green design of buildings and subdivisions into planning processes, including better protection of solar panels and provision for future solar access. 3. Strategic thinking and modelling to decide where best to allow wind farms. The SPPs could include a new *No Go Wind Farm Code*.

3. Planning, Insurance and Climate Risks

This year, the Climate Council, an independent, crowd-funded organisation providing quality information on climate change to the Australian public, released a report entitled [Uninsurable Nation: Australia's Most Climate-Vulnerable Places](#) and a [climate risk map](#).

Key findings of the Report concluded climate change is creating an insurability crisis in Australia due to worsening extreme weather and sky-rocketing insurance premiums. It is our understanding that the modelling found that approximately 2% of homes in Tasmania would be effectively uninsurable by 2030 due to the effects of climate change. The major risk to the areas of the state are the north east and the east - in Bass, 3.7% of homes and in Lyons, 2.8% of homes.

Risks include flooding, storm surges and wildfires. The SPPs deal with these risks under the following Codes:

- Coastal Erosion Hazard Code
- Coastal Inundation Hazard Code
- Flood-Prone Areas Hazard Code
- Bushfire-Prone Areas Code
- Landslip Hazard Code

However, we understand that the code risk mapping is based on conservative climate data. There is also a concern that the State Government's risk mapping and the insurance sector's risk mapping are inconsistent.

Recommendation: the SPPs Codes be reviewed and updated to ensure they reflect the best available science about current and likely bushfire, flood and coastal inundation risks. The State Government, through its Tasmanian Planning Scheme, has a responsibility to ensure that the planning system does not allow the building of homes in areas that will become uninsurable. Consideration should also be given in the review as to how the SPPs can ensure that developments and uses approved can be retrofitted to better respond to changing climatic conditions.

We would like to know the status of *Tasmania's Climate Change Action Plan 2017-2021* which contained a proposal for: "...**land-use planning reforms** to manage natural hazards and climate impacts. Instruments under development include a Tasmanian Planning Policy on Hazards and Environmental Risks, and State Planning Provisions for natural hazards."

4. Community connectivity, health and well-being

The SPPs currently have limited provisions to promote better health for all Tasmanians, such as facilitation of walking and cycling opportunities across suburbs, ensuring local access to recreation areas and public open space and addressing food security.

Recommendation:

Liveable Streets Code – We endorse the Heart Foundation in its *‘Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016’* which calls for the creation of a new *‘Liveable Streets Code’*. In their representation they stated *‘In addition to, or as alternative, the preferred position is for provisions for streets to be included in a Liveable Streets code. Such a code would add measurable standards to the assessment of permit applications. An outline for a Liveable Streets code is included at Annexure 1 as at this stage such a code requires further development and testing. For this representation the concept of a Liveable Streets code is advocated as a foreshadowed addition to the SPPs.’* Annexure 1 – Draft for a Liveable Streets Code (page 57) of the *‘Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016’* sets out the code purpose, application, definition of terms, street design parameters, Street connectivity and permeability, streets enhance walkability, streets enhance cycle-ability, and streets enhance public transport. Our streets are also corridors for service infrastructure – such as telecommunications, electricity and water. It is important that placement of these services does not detract from liveable streets design, for example through limiting street trees.

Food security – We also endorse the recommendations *‘Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016’* for amendments to the State Planning Provisions to facilitate food security.

Public Open Space – We recommend creating tighter provisions for the Public Open Space Zone and /or the creation of a Public Open Space Code. The planning system must ensure local access to recreation areas with the provision of public open space. Public open space has aesthetic, environmental, health and economic benefits. The [2021 Australian Liveability Census](#), based on over 30,000 responses, found that the number 1 *‘attribute of an ideal neighbourhood is where ‘elements of the natural environment’ are retained or incorporated into the urban fabric as way to define local character or uniqueness. In the 2021 Australian Liveability Census 73% of respondents selected this as being important to them. That is a significant consensus.’*

We are seeking mandatory provisions and standards for public open space and riparian and littoral reserves as part of the subdivision process. We understand these are not mandated currently and that developers do not have to provide open space as per for example the voluntary [Tasmanian Subdivision Guidelines](#).

It may be that mandated provisions of Public Open Space can be addressed adequately in the Open Space Zone already in the SPPs. Very specifically, we at SCAGI are seeking the inclusion of requirements for the provision of public open space for certain developments like subdivisions or multiple dwellings.

We understand that a developer contribution can be made to the planning authority in lieu of the provision of open space and that those contributions can assist in upgrading available public open space. However, there appears to be no way of evaluating the success of this policy.

Neighbourhood Code - We recommend that we create a new *Neighbourhood Code*. This recommendation will be explained in more detail in section 7 *Residential issues* section below as a tool to protect/enhance urban amenity.

5. Aboriginal Cultural Heritage

The current SPPs have no provision for mandatory consideration of impacts on Aboriginal Heritage, including Cultural Landscapes, when assessing a new development or use that will impact on Aboriginal cultural heritage.

This means, for example, that under current laws, there is no formal opportunity for Tasmanian Aboriginal people to comment on or object to a development or use that would adversely impact their cultural heritage, and there is no opportunity to appeal permits that allow for adverse impacts on Aboriginal cultural heritage values.

While we at SCAGI acknowledge that the Tasmanian Government has committed to developing a new Tasmanian Aboriginal Cultural Heritage Protection Act to replace the woefully outdated *Aboriginal Heritage Act 1975* (Tas), it is unclear whether the proposed “light touch” integration of the new legislation with the planning system will provide for adequate protection of Aboriginal Cultural heritage, involvement of Tasmanian Aboriginal people in decisions that concern their cultural heritage, and consideration of these issues in planning assessment processes.

Indeed, it is unclear if the new Act will “*give effect to the Government’s commitment to introducing measures to require early consideration of potential Aboriginal heritage impacts in the highest (State and regional) level of strategic planning, and in all assessments of rezoning proposals under the LUPA Act to ensure major planning decisions take full account of Aboriginal heritage issues.*”²

One way that the planning scheme and SPPs could ensure Aboriginal cultural heritage is better taken into account in planning decisions, is through the inclusion of an Aboriginal Heritage Code to provide mandatory assessment requirements and prescriptions that explicitly aim to conserve and protect Aboriginal cultural heritage. Assessment under this code could serve as a trigger for assessment under a new Tasmanian Aboriginal Cultural Heritage Protection Act. Until that Review is complete, it will be unclear how the new Act will give effect to the objective of cross reference with the planning scheme. **The planning scheme should therefore set up a mechanism that ensures maximum assessment, consideration and protection of Aboriginal heritage.**

We at SCAGI recognise this is an imperfect approach in that the proposed Aboriginal Heritage Code may not be able to fully give effect to the *United Nations Declaration of the Rights of Indigenous Peoples* by providing Tasmanian Aboriginal people the right to free, prior and informed consent about developments and uses that affect their cultural heritage or give them the right to determining those applications.

However, while the Tasmanian Government is in the process of preparing and implementing the new Aboriginal Cultural Heritage Protection Act, it will at least allow for consideration and protection of Aboriginal cultural heritage in a way that is not presently provided under any Tasmanian law.

² Jaensch, Roger (2021) *Tabling Report: Government Commitment in Response to the Review Findings, Aboriginal Heritage Act 1975: Review under s.23* – see here: <https://nre.tas.gov.au/Documents/Tabling%20Report%20-%20Review%20of%20the%20Aboriginal%20Heritage%20Act.pdf>

Recommendation: The SPPs must provide better consideration of and protection to Aboriginal cultural heritage such as via the creation of an *Aboriginal Heritage Code* and the cross reference and meaningful connection to a new Aboriginal Cultural Heritage Protection Act that will protect Aboriginal Cultural heritage.

6. Heritage Buildings and Heritage Landscape Issues (Local Historic Heritage Code)

We at SCAGI considers that limited protections for heritage places will compromise Tasmania's important cultural precincts and erode the heritage character of listed buildings. We understand that many Councils have not populated their Local Historic Heritage Codes as they are resource and time limited and there is a lack of data.

PMAT engaged expert planner Danielle Gray of [Gray Planning](#) to draft a detailed submission on the Local Historic Heritage Code. The input from Gray Planning has provided a comprehensive review of the Local Historic Heritage Code and highlights deficiencies with this Code. There is considerable concern that the wording and criteria in the Local Historic Heritage Code will result in poor outcomes for sites in Heritage Precincts as well as Heritage Places that are individually listed. There is also a lack of consistency in terminology used in the Local Historic Heritage Code criteria that promote and easily facilitate the demolition of and unsympathetic work to heritage places, Precinct sites and significant heritage fabric on economic grounds and a failure to provide any clear guidance for application requirements for those wanting to apply for approval under the Local Historic Heritage Code. The Local Historic Heritage Code also fails to provide incentives for property owners in terms of adaptive reuse and subdivision as has previously been available under Interim Planning Schemes. It is considered that the deficiencies in the current Local Historic Heritage Code are significant and will result in poor outcomes for historic and cultural heritage management in Tasmania.

A summary of the concerns and recommendations with respect to the review of the Local Historic Heritage Code by Gray Planning is outlined below.

Gray Planning - Summary of concerns and recommendations with respect to the Local Historic Heritage Code

- The name of the Local Historic Heritage Code should be simplified to 'Heritage Code'. This simplified naming is inclusive of historic heritage and cultural heritage rather than emphasising that heritage is about historic values only.
- Definitions in the Local Historic Heritage Code are currently brief and inexhaustive and do not align with definitions in the Burra Charter.
- There are no clear and easily interpreted definitions for terms repeatedly used such as 'demolition', 'repairs' and 'maintenance'.
- Conservation Processes (Articles 14 to 25) as outlined in the Burra Charter should be reflected in the Local Historic Heritage Code Performance Criteria. Issues covered in the Burra Charter are considered to be very important to maintaining historic and cultural heritage values such as setting, context and use are not mentioned in the Local Historic Heritage Code at all.
- The Local Historic Heritage Code does not deal with any place listed on the Tasmanian Heritage register and there is a hard line separate of local and state listed places. This fails to recognise the complexity of some sites which have documented state and local values.

- Failure to also consider state and local heritage values as part of the Local Historic Heritage Code will result in important issues such as streetscape and setting and their contribution to heritage values not being considered in planning decisions.
- The SPP Code does not provide a summary of application requirements to assist both Councils and developers. This approach results in a failure to inform developers of information that may be required in order to achieve compliance.
- The Objectives and Purpose of the Local Historic Heritage Code is too limited and should align with the *Historic Cultural Heritage Act 1995* in terms of purpose.
- The Exemptions as listed in the Local Historic Heritage Code are in some cases ambiguous and would benefit greatly from further clarification and basic terms being defined under a new Definitions section.
- Previously, some Interim Planning Schemes included special provisions that enabled otherwise prohibited uses or subdivision to occur so long as it was linked to good heritage outcomes. Those have been removed.
- Development standards for demolition are concerning and enable the demolition of heritage places and sites for economic reasons.
- Development standards use terminology that is vague and open to misinterpretation.
- The words and phrases 'compatible' and 'have regard to' are repeatedly used throughout the Local Historic Heritage Code and are considered to be problematic and may result in unsympathetic and inconsistent outcomes owing to their established legal translation.
- Performance criteria do not make definition between 'contributory' and 'non contributory' fabric. This may result in poor heritage outcomes where existing unsympathetic development is used as justification for more of the same.
- The Local Historic Heritage Code as currently written will allow for unsympathetic subdivision to occur where front gardens can be subdivided or developed for parking. This will result in loss of front gardens in heritage areas and contemporary development being built in front of and to obstruct view of buildings of heritage value.
- The Local Historic Heritage Code as currently written does not place limits on extensions to heritage places which enables large contemporary extensions that greatly exceed the scale of the heritage building to which they are attached to.
- Significant tree listing criteria are not always heritage related. In fact most are not related to heritage. Significant trees should have their own separate code.
- Currently there is no requirement for Councils to populate the Local Historic Heritage Code with Heritage Precincts of Places. Failure to do so is resulting in buildings and sites of demonstrated value being routinely destroyed.

Recommendation:

Burra Charter: We at SCAGI recommend that the *Local Historic Heritage Code* in the [Tasmanian Planning Scheme](#) should be consistent with the objectives, terminology and methodology of the [Burra Charter](#). We at SCAGI also endorse Gray Planning's recommendations regarding the *Local Historic Heritage Code* as outlined above.

Significant trees: Consistent with the Tasmanian Planning Commission's 2016 recommendations on the draft SPP's outlined on page 63³ *'a stand-alone code for significant trees to protect a broader range of values be considered as an addition to the SPPs'*.

7. Tasmania's Brand and Economy

We support the Tasmanian brand noting that a planning system which protects Tasmania's cherished natural and cultural heritage underpins our economy, now and into the future. We consider that the current SPPs threaten Tasmania's brand, as they place our natural and cultural heritage and treasured urban amenity at risk. The current planning system may deliver short-term gain but at the cost of our long-term identity and economic prosperity.

As Michael Buxton, former Professor of Environment and Planning, RMIT University, stated *"The Government argues the new [planning] system is vital to unlock economic potential and create jobs, but the state's greatest economic strengths are the amenity and heritage of its natural and built environments. Destroy these and the state has no future."* Source: Talking Point: Planning reform the Trojan horse, The Mercury, Michael Buxton, December 2016 (attached in Appendix 1).

As per [Brand Tasmania's 2019-2024 Strategic Plan](#), it could be argued that the SPPs are inconsistent with Brand Tasmania's main objectives which are to: *'To develop, maintain, protect and promote a Tasmanian brand that is differentiated and enhances our appeal and competitiveness nationally and internationally; To strengthen Tasmania's image and reputation locally, nationally and internationally; and To nurture, enhance and promote the Tasmanian brand as a shared public asset.'*

Recommendation: A brand lens should be placed over the top of the SPPs to ensure they are consistent with the objectives of Brand Tasmania. This consistency could also be facilitated via the Tasmanian Planning Policies.

8. Housing

We understand the critical need for housing, including social and affordable housing. Disappointingly the Tasmanian Planning Scheme contains no provisions to encourage affordable or social housing.

We believe that good planning, transparent decision making and the delivery of social and affordable housing need not be mutually exclusive. Indeed good planning can result in delivery of both more and better housing.

Instead of managing housing through Tasmania's key planning document, the Tasmanian Planning Scheme, in 2018 the Tasmanian Government introduced a fast track land rezone process called the [Housing Land Supply Orders](#) (e.g. Housing Order Land Supply (Huntingfield)). Taking this approach compromises strategic planning and transparent decision making. For example, the State Government is the proponent and the assessor. Fast-tracking planning, such as through Housing Land Supply Orders for large subdivisions, will not assist with community cohesion and/or trust in both the planning system or social/affordable housing projects.

³ [Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016 – see page 63.](#)

Taking zoning and planning assessments outside the Tasmanian Planning System risks an ad hoc approach to housing that makes an integrated approach more difficult. This works against delivering quality housing outcomes.

We support policies and SPPs which encourage development of well-planned quality social and affordable housing. As mentioned above there is no provision for affordable or social housing within the SPPs. We understand this is also the case with the Subdivision Standards. I am/We are concerned that there are no requirements in the SPPs which require developers to contribute to the offering of social and affordable housing. For example, in some states, and many other countries, developers of large subdivisions or multiple dwellings in certain inner city zones, are required to offer a certain percentage of those developments as affordable housing, or pay a contribution to the state in lieu of providing those dwellings.

Recommendation:

Need to encourage delivery of social and affordable housing: New developments should contain a proportion of social and/or affordable housing.

Best practice house and neighbourhood design: should be adopted so that housing developments not only provide a place for people to live but result in better amenity, health and environmental outcomes. Plus we need to ensure that consideration is given to local values in any new large developments.

Provision of infrastructure to support communities: including transport, schools, medical facilities, emergency services, recreation and jobs should be part of the planning process and not an afterthought.

9. Residential Issues

One of Our main concerns is how residential density is being increased with minimal to no consideration of amenity across all urban environments. We understand that the push for increasing urban density is to support the Tasmanian Government's growth plan to grow Tasmania's population to 650,000 by 2050. In our view, we are not doing density or the provision of public open space well.

Currently infill development in our residential zones is not strategically planned but "as of right", and Councils cannot reject Development Applications even though they may fail community expectations. We consider the residential standards are resulting in an unreasonable impact on residential character and amenity. Additionally, they remove a right of say and appeal rights over what happens next door to home owners, undermining democracy. People's homes are often their biggest asset but the values of their properties can be unduly impacted due to loss of amenity. This also impacts people's mental health and well-being.

Specifically, the SPPs for General Residential and Inner Residential allow smaller block sizes, higher buildings built closer to, or on site boundary line, and multi-unit developments "as of right" in many urban areas as per the permitted building envelope. In the Low Density Residential Zone multiple dwellings are now discretionary (i.e. have to be advertised for public comment and can be appealed), whereas in the past they were prohibited by some Councils such as Clarence City Council.

The Village Zone may not be appropriate for purely residential areas, as it allows for commercial uses and does not aim to protect residential amenity.

Neighbourhood amenity and character, privacy and sunlight into backyards, homes and solar panels are not adequately protected, especially in the General and Inner Residential Zones. Rights to challenge inappropriate developments are very limited. Subdivisions can be constructed without the need for connectivity across suburbs or the provision of public open space. Residential standards do not encourage home gardens which are important for food security, connection to nature, biodiversity, places for children to play, mental health/well-being and beauty.

The permitted building envelope, especially in the General Residential Zone, for both single and multiunit developments, for example has led to confusion and anxiety in the community (as seen by examples in the video PMAT commissioned in Clarence Municipality – see [here](#)) with regards to overshadowing, loss of privacy, sun into habitable rooms and gardens, the potential loss of solar access on an adjoining property's solar panels, height, private open space and site coverage/density. Neighbourly relations have also been negatively impacted due to divisive residential standards.

Since the SPPs were created in 2017, PMAT has done a lot of work on the residential standards which reflects the level of community concern and the need for improvement. This work includes:

- PMAT plays an important role as a contact point and referral agent for individuals and community groups regarding planning issues, including residential issues, within the Tasmanian community. PMAT is contacted very regularly regarding residential issues.
- PMAT Launched two TV ads focusing on planning issues during the 2018 State election, including one on the residential issues of the Tasmanian Planning Scheme. Watch [here](#) at the end of the video the TV ad will play.
- PMAT commissioned a video highlighting residential standard planning issues. Watch video [here](#).
- PMAT ran the largest survey of candidates for the 2018 Local Government elections. The survey demonstrated a majority of the candidates surveyed take the planning responsibilities of local government very seriously and believe Councils should have greater capacity to protect local character, amenity and places important to their local communities. There was strong candidate sentiment for local government planning controls that protect local character, sunlight and privacy for our homes. Candidates also agreed with increased public involvement in planning decisions in national parks and reserves.

We also concur with government agencies that have also raised concerns regarding our residential standards:

- In 2016, the Tasmanian Planning Commission via its report, [*Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*](#), recommended to the State Government that the Residential Provisions should be reviewed as a priority. **The Tasmanian Planning Commission recommended a comprehensive review of development standards in the General Residential and Inner Residential Zones (i.e. the standards introduced by Planning Directive 4.1) to assess whether the provisions deliver greater housing choice, encourage infill development, or unreasonably impact on residential character and**

amenity. The Minister acknowledged the recommendation, but deferred any review until the five year review of the SPPs.

- In 2018 the Local Government Association of Tasmania’s pushed for review of the residential standards, which it says *‘have led to confusion and anxiety in our communities with overshadowing, loss of privacy, solar access, height, private open space and site coverage to name a few. A review will highlight these concerns across the State and give the community some expectation of change that can ensure their concerns are heard.’*
- See Appendix 2 which is a story of “Mr Brick Wall” which demonstrates the tragic failing of the residential standards and was submitted as a submission to the draft SPPs in 2016.

Recommendation:

We also endorse PMAT’s detailed submission regarding the residential zones and codes which has been prepared by expert planner Heidi Goess of [Plan Place](#). The detailed submission has also been reviewed by PMAT’s *Residential Standards Review Sub-Committee* which comprises planning experts, consultants and community advocates with relevant experience.

We endorse how the detailed PMAT submission advocates for improved residential zones/codes in the [Tasmanian Planning Scheme](#) in order to:

- Adapt to the impacts of climate change in urban and sub-urban settings
- Increase residential amenity/liveability
- Improve subdivision standards including strata title
- Improve quality of densification
- Improve health outcomes including mental health
- Provide greater housing choice/social justice
- Improve public consultation and access to rights of appeal
- Improve definitions and subjective language used in TPS
- Benchmark the above against world’s best practice community residential standards (e.g. [The Living Community Challenge](#)).
- Review exemptions to see if they deliver on the above dot points.

Neighbourhood Code – We would also like to see the introduction of a new *Neighbourhood Code*. This recommendation will be explained in more detail in section 7 Residential issues section below as a tool to protect/enhance urban amenity.

10. Stormwater

The current SPPs provide no provision for the management of stormwater.

In 2016, the Tasmanian Planning Commission recommended the Planning Minister consider developing a stormwater Code, to ensure Councils have the capacity to consider stormwater runoff implications of new developments. That recommendation was not accepted. The Minister considered that Building Regulations adequately deal with that issue, despite Council concerns that stormwater run-off was a planning issue, not just a building development issue.

We at SCAGI consider that stormwater needs to be managed as part of the SPPs. For example, there is a [State Policy on Water Quality Management](#) with which the SPPs need to comply. Relevant clauses include the following:

31.1 - Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.

31.5 Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised.

Recommendation: The SPPs should include a new *Stormwater Code*.

11. On-site Waste Water

The current SPPs provide no provision for on-site waste water.

Waste water issues are currently dealt with under the Building Act. This is an issue that needs to be addressed in the Tasmanian Planning Scheme to ensure that water quality management issues arising from onsite waste water treatment are properly considered earlier at the planning stage. That is, if a site does not have appropriate space or soils for on-site waste water treatment system, a use or development that relies on this should not be approved by the planning authority.

Recommendation: On-site waste water issues need to be properly addressed in the Tasmanian Planning Scheme.

12. Rural/Agricultural Issues

An unprecedented range of commercial and extractive uses are now permitted in the rural/agricultural zones which we at SCAGI consider will further degrade the countryside and Tasmania's food bowl. Commercial and extractive uses are not always compatible with food production and environmental stewardship. Food security, soil health and environmental and biodiversity issues need to be 'above' short-term commercial and extractive uses of valuable rural/agricultural land resources.

Recommendation: We at SCAGI urge a re-consideration of the rural/agricultural zones with regards to the permitted commercial and extractive uses.

13. Coastal land Issues

We at SCAGI consider that weaker rules for subdivisions and multi-unit development will put our undeveloped beautiful coastlines under greater threat. For example, the same General Residential standards that apply to Hobart and Launceston cities also apply to small coastal towns such as Bicheno, Swansea and Orford. The SPPs are not appropriate for small coastal settlements and will damage their character.

Recommendation: We at SCAGI urge stronger protections from subdivision, multi-unit development and all relevant residential standards that cover Tasmania's undeveloped and beautiful coastlines and small coastal settlements.

14. Coastal Waters

The SPPs only apply to the low water mark and not to coastal waters. The SPPs must be consistent with State Policies including the *State Coastal Policy 1996*. The *State Coastal Policy 1996* states that it applies to the 'Coastal Zone' which 'is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.'⁴ State waters are defined as the waters which extend out to three nautical miles⁵.

Recommendation: The SPPs should again apply to coastal waters e.g. the Environmental Management Zone should be applied again to coastal waters.

15. National Parks and Reserves (Environmental Management Zone)

The purpose of the Environmental Management Zone (EMZ) is to 'provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value', and largely applies to public reserved land. Most of Tasmania's National Parks and Reserves have been Zoned or will be zoned Environmental Management Zone. SCAGI's main concerns regarding the Environmental Management Zone is what is permitted in this zone plus the lack of set-back provisions that fail to protect the integrity of for example our National Parks.

Permitted Uses

The EMZ allows a range of *Permitted* uses which we at SCAGI consider are incompatible with protected areas. **Permitted uses include:** Community Meeting and Entertainment, Educational and Occasional Care, Food Services, General Retail and Hire, Pleasure Boat Facility, Research and Development, Residential, Resource Development, Sports and Recreation, Tourist Operation, Utilities and Visitor Accommodation.

These uses are conditionally permitted, for example they are permitted because they have an authority issued under the *National Parks and Reserves Management Regulations 2019*, which does not guarantee good planning outcomes will be achieved and does not allow for an appropriate level of public involvement in important decisions concerning these areas.

Set Backs

There are no setback provisions for the Environmental Management Zone from other Zones as is the case for the Rural and Agricultural Zones. This means that buildings can be built up to the boundary, encroaching on the integrity of our National Parks and/or coastal reserves.

Recommendation: We at SCAGI recommend: **1.** All current Environmental Management Zone Permitted uses should be at minimum *Discretionary*, as this will guarantee public comment and appeal rights on developments on public land such as in our National Parks and Reserves. **2.** There should be setback provisions in the Environmental Management Zone to ensure the integrity of our National Parks and Reserves. Further to SCAGI's **submission we also endorse the recommendations made by the Tasmanian National Parks Association as outlined in their submission to the 2022 SPP review** [here](#).

⁴ https://www.dpac.tas.gov.au/__data/assets/pdf_file/0010/11521/State_Coastal_Policy_1996.pdf

⁵ <https://www.ga.gov.au/scientific-topics/marine/jurisdiction/maritime-boundary-definitions>

16. Healthy Landscapes (Landscape Conservation Zone)

The purpose of the Landscape Conservation Zone (LCZ) is to provide for the protection, conservation and management of landscape values on private land. However, it does not provide for the protection of *significant natural values* as was the original intent of the LCZ articulated on p 79 of the Draft SPPs Explanatory Document. With a Zone Purpose limited to protecting 'landscape values', LCZ is now effectively a Scenic Protection Zone for private land.

Recommendation: We at SCAGI endorse the recommendations in the 2022 SPP review submission: *'State Planning Provisions Scoping Paper re Landscape Conservation Zone provisions by Conservation Landholders Tasmania'* which calls for a Zone to properly protect natural values on private land.

17. Healthy Landscapes (Natural Assets Code - NAC)

The [Natural Assets Code \(NAC\)](#) fails to meet the objectives and requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA) and does not adequately provide for the protection of important natural values (particularly in certain zones) and requires detailed review.

A key objective of LUPAA is to promote and further the sustainable development of natural and physical resources, and as an integral part of this, maintain ecological processes and conserve biodiversity. More specifically, s15 of LUPAA requires the SPPs, including the NAC, to further this objective.

As currently drafted, the NAC reduces natural values to a procedural consideration and undermines the maintenance of ecological processes and conservation of biodiversity. As a result, the NAC fails to adequately reflect or implement the objectives of LUPAA and fails to meet the criteria for drafting the SPPs.

There are also significant jurisdictional and technical issues with the NAC, including:

- poor integration with other regulations, particularly the Forest Practices System, resulting in loopholes and the ability for regulations to be played off against each other;
- significant limitations with the scope of natural assets and biodiversity values considered under the NAC, with landscape function and ecosystem services and non-threatened native vegetation, species and habitat largely excluded;
- wide-ranging exemptions which further jurisdictional uncertainty and are inconsistent with maintenance of ecological processes and biodiversity conservation;
- extensive exclusions in the application of the Natural Assets Code through Zone exclusion relating to the Agriculture, Industrial, Commercial and Residential Zones and limiting biodiversity consideration to mapped areas based on inaccurate datasets which are not designed for this purpose. As a consequence, many areas of native vegetation and habitat will not be assessed or protected, impacting biodiversity and losing valuable urban and rural trees;
- poorly defined terms resulting in uncertainty;
- a focus on minimising and justifying impacts rather than avoiding impacts and conserving natural assets and biodiversity
- inadequate buffer distances for waterways, particularly in urban areas; and

- watering down the performance criteria to ‘having regard to’ a range of considerations rather than meeting these requirements, which enables the significance of impacts to be downplayed and dismissed.

As a consequence, the NAC not only fails to promote sustainable development, maintain ecological processes and further biodiversity conservation, it also fails to achieve its stated purpose. The NAC as drafted also fails to provide aspiration to improve biodiversity conservation and can only lead to a reduction in biodiversity and degradation of natural assets.

In 2016, the Tasmanian Planning Commission via its report, [*Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*](#), recommended that the Natural Assets Code be scrapped in its entirety, with a new Code developed after proper consideration of the biodiversity implications of proposed exemptions, the production of adequate, State-wide vegetation mapping, and consideration of including protection of drinking water catchments.

The then Planning Minister Peter Gutwein rejected that recommendation. Some amendments were made to the Code (including allowing vegetation of local significance to be protected), but no review of exemptions was undertaken. We at SCAGI understand that while no state-wide mapping was provided, the Government provided \$100,000 to each of the three regions to implement the SPPs – the southern regional councils pooled resources to engage an expert to prepare biodiversity mapping for the whole region.

Note that despite concerns raised by TasWater, no further amendments were made to protect drinking water catchments.

Recommendation: The NAC does not adequately provide for the protection of important natural values (particularly in certain zones) and requires detailed review.

We at SCAGI support PMAT’s detailed submission, that will be attached to the broad submission, regarding the *Natural Assets Code* which has been prepared by expert environmental planner Dr Nikki den Exter. Nikki den Exter completed her PhD thesis investigating the role and relevance of land use planning in biodiversity conservation in Tasmania. Nikki also works as an Environmental Planner with local government and has over 15 years’ experience in the fields of biodiversity conservation, natural resource management and land use planning. As both a practitioner and a researcher, Nikki offers a unique perspective on the importance of land use planning in contributing to biodiversity conservation. The detailed submission has also been reviewed by PMAT’s *Natural Assets Code Review Sub-Committee* which comprises planning experts, consultants and community advocates with relevant experience and knowledge.

18. Healthy Landscapes (Scenic Protection Code)

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values. The Code can be applied through two overlays: scenic road corridor overlay and the scenic protection area overlay. However, we at SCAGI consider that the Scenic Protection Code fails to protect our highly valued scenic landscapes. There is an inability to deliver the objectives through this Code as there are certain exemptions afforded to use and development that allow for detrimental impact on landscape values. Concerns regarding the Scenic

Protection Code have also been provided to the Tasmanian Planning Commission from the Glamorgan Spring Bay Council on the SPPs in accordance with section [35G of LUPAA](#).

It should also be noted, that not only does the Code fail to protect scenic values, we at SCAGI understand that in many instances Councils are not even applying the Code to their municipal areas. Given that Tasmania's scenic landscapes are one of our greatest assets and point of difference, this is extremely disappointing. Local Councils should be given financial support to undertake the strategic assessment of our scenic landscapes so they can populate the Scenic Protection Code within their municipal area via either their LPS process or via planning scheme amendments.



Figure 3 - Rocky Hills, forms part of the Great Eastern Drive, one of Australia's greatest road trips. The Drive underpins east coast tourism. As per www.eastcoasttasmania.com states '*this journey inspires rave reviews from visitors and fills Instagram feeds with image after image of stunning landscapes and scenery*'. The Rocky Hills section of the road is subject to the Scenic road corridor overlay but has allowed buildings which undermine the scenic landscape values.

Recommendation: The Scenic Protection Code of the SPPs should be subject to a detailed review, with a view to providing appropriate use and development controls and exemptions to effectively manage and protect all aspects of scenic landscape values.

19. Geodiversity

The current SPPs have no provision for mandatory consideration of impacts on geodiversity when assessing a new development or use that impacts geodiversity. This means, for example, that under current laws, that there is no formal opportunity for the public to comment on or object to a development or use that would adversely impact geodiversity, and there is no opportunity to appeal permits that allow for adverse impacts on geodiversity.

The below section on geodiversity definitions, values, vulnerability and the need to embrace geodiversity in planning has been written by geomorphologist [Kevin Kiernan](#).

‘Definitions - The terms geodiversity and biodiversity describe, respectively, the range of variation within the non-living and living components of overall environmental diversity. Geodiversity comprises the bedrock geology, landforms and soils that give physical shape to the Earth’s surface, and the physical processes that give rise to them⁶. Action to conserve those elements is termed geodiversity conservation/geoconservation and biodiversity conservation/bioconservation. Such efforts may be focused on the full range of that diversity by ensuring that representative examples of the different geo and bio phenomena are safeguarded. In other cases efforts may be focused only on those phenomena that are perceived as being outstanding in some way, such as particularly scenic landforms and landscapes or particularly charismatic animals such as lions or tigers. The term geoheritage describes those elements we receive from the past, live among in the present, and wish to pass on to those who follow us.

Values - The geodiversity that surrounds us sustains and enriches our lives in much the same ways as does biodiversity, indeed there can be no biodiversity without the varied physical environments that provide the essential stage and diverse habitats upon which it depends. Although many of the world’s earliest protected areas were established to safeguard landforms and scenery, over recent decades the emphasis has shifted towards living nature. This probably reflects in part such things as more ready human identification with charismatic animals, but existence of the Linnean classification system that facilitates ready differentiation of the varying types of animals and plants has facilitated rapid recognition of the concept of biodiversity. But just as there are different species of plants and animals, so too are there different types of rocks, minerals, landforms and soils, and indeed the need to safeguard this geodiversity was being promulgated several years prior to adoption of the international convention on biodiversity⁷. These non-living components of the environment are of value in their own right just as living species are – for their inherent intrinsic value; because they sustain natural environmental process (including ecological processes); or because of their instrumental worth to humankind as sources of scientific, educational, aesthetic scenery, spiritual, inspirational, economic and other opportunities.

Vulnerability - Effective management is required if these values are to be safeguarded⁸. As with plant and animal species, some are common and some are rare, some are robust and some are fragile. There is a common misconception that the prefix “geo” necessarily implies a robust character, but many elements of geodiversity are quite the opposite. For example, stalactites in limestone caves can be accidentally brushed off by passing visitors or seriously damaged by changes to the over-lying land surface that derange the natural patterns or chemistry of infiltrating seepage moisture; various types of sand dunes can readily be eroded away if a binding vegetation cover is removed; artificial derangement of drainage can cause stream channels to choke with debris or be eroded; important fossil or rare mineral sites can be destroyed by excavation, burial or even by increased public to a site where a lack of protective management allows over-zealous commercial or private collection; and larger scale landforms are commonly destroyed by such things as excavation or burial during housing, forestry, quarrying, inundation beneath artificial water storages, or mining.

⁶ Gray M 2004 *Geodiversity. Valuing and conserving abiotic nature*. Wiley, Chichester UK

⁷ Gray M Geodiversity: the origin and evolution of a paradigm. Pp.31-36 in Burek CV, Prosser CD (eds.) *The history of geoconservation*. Geological Society Special Publication 300, London UK.

⁸ Kirkpatrick JB, Kiernan K 2006 Natural heritage management. Chap 14 in Lockwood M, Worboys GL, Kothari A (eds.) *Managing protected areas: a global guide*. IUCN/Earthscan, London.

Damage to geodiversity is not undone simply because vegetation may later re-colonise and camouflage a disturbed ground surface. While some landforms may possess the potential for a degree of self-healing if given sufficient time and appropriate conditions, many landforms are essentially fossil features that have resulted from environmental process that no longer occur, such as episodes of cold glacial era climate – for example, small glacial meltwater channels less than 1 m deep have survived intact in Tasmania through several glacial cycles (over 300, 000 years or more) so there is no justification for assuming that excavations for roadways or driveways will magically disappear any sooner.

For a soil to form requires the process of pedogenesis, which involves progressive weathering, clay mineral formation, internal redistribution of minerals and other material, horizon development and various other processes that require a very long period of time - even where climatic conditions are warm and moist rock weathering rates may allow no more than 1 m of soil to form in 50,000 years on most rock types⁹. The uppermost horizons of a soil are the most productive part of a profile but are usually the first to be lost if there is accelerated erosion, churning and profile mixing by traffic, compaction, nutrient depletion, soil pollution or other modes of degradation. Hence, soil degradation should be avoided in the first place rather than being addressed by remediation attempts such as dumping loose “dirt” onto a disturbed surface, because a soil is not just “dirt”.

The need to embrace geodiversity in planning - Sites of geoconservation significance can be valued at a variety of scales, from the global to the very local. Only those sites recognised as important at a state or national scale are ever likely to be safeguarded as protected areas, but many more are nonetheless significant at regional or local level, or even considered important by just a few adjacent neighbours. ***The need for a planning response outside formal protected areas by various levels of government has long been recognised overseas, and also in Tasmania¹⁰.***

The [Australian Natural Heritage Charter¹¹](#) provides one very useful contribution towards better recognition and management of geodiversity by various levels of government. Significant progress has already been made in Tasmania where the state government has established a geoconservation database that can be readily accessed by planners and development proponents. The establishment of a geoconservation code within the Tasmanian planning machinery would facilitate utilisation and development of this important tool for planners and development proponents. No impediment to develop generally exists where geoconservation sites are robust or lacking significance, but important and vulnerable sites require higher levels of planning intervention.'

Further to the above, the [Tasmanian Geoconservation Database](#) is 'a source of information about geodiversity features, systems and processes of conservation significance in the State of Tasmania. The database is a resource for anyone with an interest in conservation and the environment.

⁹ Boyer DG 2004 Soils on carbonate karst. Pp656-658 in Gunn J (ed.) *Encyclopedia of caves and karst science*. Fitzroy Dearborn, New York USA

¹⁰ For example see Erikstad L 1984 Registration and conservation of sites and areas with geological significance in Norway. *Norsk Geografisk Tidsskrift* 38: 200-204; Nature Conservancy Council 1989 *Earth Science Conservation. A draft strategy*. NCC, London, UK; Kiernan K 1991 Landform conservation and protection. pp. 112-129 in *Fifth regional seminar on national parks and wildlife management, Tasmania 1991. Resource document*. Tasmanian Parks, Wildlife & Heritage Department, Hobart.

¹¹ ACIUCN 1996 *Australian natural heritage charter*. Australian Council for the International Union of Conservation, & Australian Heritage Commission, Canberra

However, the principal aim is to make information on sites of geoconservation significance available to land managers, in order to assist them manage these values. **Being aware of a listed site can assist parties involved in works or developments to plan their activities. This may involve measures to avoid, minimise or mitigate impacts to geoconservation values.** More than a thousand sites are currently listed. These range in scale from individual rock outcrops and cuttings that expose important geological sections, to landscape-scale features that illustrate the diversity of Tasmania's geomorphic features and processes. Many of the sites are very robust and unlikely to be affected by human activities; others are highly sensitive to disturbance and require careful management.'

Recommendation: The SPPs must provide better consideration of and protection of geoheritage via the creation of a Geodiversity Code.

20. Integration of Land Uses

Forestry, mine exploration, fish farming and dam construction remain largely exempt from the planning system.

Recommendation: We at SCAGI consider that the planning system should provide an integrated assessment process across all types of developments on all land tenures which includes consistent provision of mediation, public comment and appeal rights.

21. Planning and Good Design

Quality design in the urban setting means “doing density better”. We need quality in our back yards (QIMBY), an idea promoted by [Brent Toderian](#), an internationally recognised City Planner and Urban Designer based in Vancouver.

Liveable towns and suburbs: For most people this means easy access to services and public transport, a reduced need for driving, active transport connections across the suburb, easily accessible green public open spaces, improved streetscapes with street trees continually planted and maintained, with species which can coexist with overhead and underground services. This means well designed subdivisions where roads are wide enough to allow services, traffic, footpaths and street trees. Cul de sacs should not have continuous roofs. There should be less impervious surfaces, continuous roofs and concrete.

Dwelling design: Apartment living could allow more surrounding green space, though height and building form and scale which become important considerations due to potential negative impact on nearby buildings. We also need passive solar with sun into habitable rooms.

Individual dwellings: There must be adequate separation from neighbours to maintain privacy, sunlight onto solar panels and into private open space, enough room for garden beds, play and entertaining areas, and this space should be accessible from a living room. The Residential SPPs do not deliver this. *New research confirms, reported here on the 13 August 2021 [‘Poor housing has direct impact on mental health during COVID lockdowns, study finds’](#), that poor housing had a direct impact on mental health during COVID lockdowns: ‘Your mental health in the pandemic “depends on where you live”, new research suggests, with noisy, dark and problem-plagued homes increasing anxiety, depression, and even loneliness during lockdowns.’ Lockdowns are likely to continue through the pandemic and other climate change impacts – thus its critical, our housing policy and standards ‘make it safe for everyone ... to shelter in place without having poor mental health’.*

Building materials: Low cost development will impact sustainability and increase heating/cooling costs, creating a poor lived experience for future owners. There should be stronger building

controls. Consider the heat retention effects of dark roofs. There should be less hard surfaces and increased tree canopy. Too often the effect of a development which changes the existing density of a street is allowed to proceed without any consideration for place. Neighbours have rights not just the developer.

Recommendation: All residential zones in the SPPs should be rethought to **1.** Mandate quality urban design in our subdivisions, suburbs and towns, **2.** Improve design standards to prescribe environmentally sustainable design requirements including net zero carbon emissions - which is eminently achievable, now **3.** Provide a Zone or mechanism which allows apartment dwellings and/or targeted infill based on strategic planning, **4.** Deliver residential standards in our suburbs which maintain amenity and contribute to quality of life. We at SCAGI also recommend that subdivision standards be improved to provide mandatory requirements for provision of public open space for subdivisions and for multiple dwellings.

21 Various Other Concerns

- Application requirements in cl 6.1 and the need for planning authorities to be able to require certain reports to be prepared by suitable persons (for example, Natural Values Assessments), or for these reports to be mandatory where certain codes apply.
- General exemptions in cl 4.0 of the SPPs particularly those relating to vegetation removal and landscaping.
- The need to better plan for renewable energy and infrastructure.
- We at SCAGI consider that the SPP Acceptable Solutions (i.e. what is permitted as of right) are not generally acceptable to the wider community.
- The system and Tasmanian Planning Scheme language is highly complex and analytical and most of the public are not well informed. More is required in the way of public education, and a user friendly document should be produced, if our planning system is to be trusted by the wider community.
- It is disappointing also that Local Area Objectives and Character Statements such as Desired Future Character Statements have been removed from the Tasmanian Planning Scheme. *There is nothing to guide Councils when making discretionary decisions.*
- *Whilst we at SCAGI accept that Desired Future Character Statements and Local Area Objectives may be hard to provide in the context of SPPs, which by definition, apply state-wide, we consider that greater latitude could be provided in the SPPs for LPSs to provide these types of statements for each municipality.*

Related General Comments/Concerns regarding the SPPs

We at SCAGI also have a range of concerns relating to the SPPs more broadly:

1. Amendments to SPPs - 35G of LUPAA
2. The Process for making Minor and Urgent Amendments to SPPs
3. The SPPs reliance on outdated Australian Standards
4. The SPPs vague and confusing terminology
5. The SPPs were developed without a full suite of State Policies
6. Increased complexity
7. Tasmanian Spatial Digital Twin
8. Difficult to Protect local Character via the LPS process

1. Amendments to SPPs - 35G of LUPAA

Under Section 35 G of the *Land Use Planning and Approvals Act 1993*, see [here](#), a planning authority may notify the Minister as to whether an amendment of the SPPs is required. However, the Act does not set out a process that deals with the 35G issues.

Recommendation: 1. It is our view at SCAGI that the *Land Use Planning and Approvals Act 1993* should set out a transparent and robust process for dealing with 35G issues. **2.** Consistent with the Objectives of the *Land Use Planning and Approvals Act 1993* communities that are going through their local LPS process, should be allowed and encouraged by their local Council to comment not only on the application of the SPPs but on any issues they may have in regards to the contents of the SPPs. It is logical that this is when communities are thinking about key concerns, rather than only having the opportunity to raise issues regarding the content of the SPPs during the statutory five year review of the SPPs. We at SCAGI recommend the *Land Use Planning and Approvals Act 1993* should be amended to reflect this.

2. Process for Making Minor and Urgent Amendments to SPPs

In 2021, the Tasmanian Government amended the *Land Use Planning and Approvals Act 1993* to change the process for making minor amendments to the SPPs and introduce a separate process for making urgent amendments to the SPPs. These amendments give more power to the Planning Minister with no or a very delayed opportunity for public comment. The definition of both a minor and urgent amendment is also unclear. In SCAGI's view, amendments processes provide the Minister with too much discretion to make changes to the SPPs and fail to adopt appropriate checks and balances on these significant powers.

Also, legal advice is that when the Tasmanian Planning Policies are introduced, the minor amendment process does not allow for changes to bring the SPPs into line with Tasmanian Planning Policies.

Recommendation: 1. Amending the *Land Use Planning and Approvals Act 1993* to provide a clear definition of what constitutes a *minor* and *urgent* SPP amendment. **2.** Ensure that the process for creating a minor or urgent amendment includes meaningful public consultation that is timely effective, open and transparent.

3. The SPPs Vague and Confusing Terminology

There are many specific words in the SPPs, as well as constructs in the language used, that lead to ambiguity of interpretation. Often this results in sub-optimal planning outcomes for the community and can contribute to delays, unnecessary appeals and increased costs to developers and appellants. Words like SPPs 8.4.2 “provides reasonably consistent separation between dwellings” 8.4.4 “separation between multiple dwellings provides reasonable opportunity for sunlight”. Other terms used throughout the SPPs which are highly subjective include “compatible”, “tolerable risk”, and “occasional visitors” where numbers are not defined.

Similarly, the use of constructs such as ‘having regard to’ may mean that sub- criteria can effectively be disregarded in decision making. Alternative wording such as ‘demonstrate compliance with the following’ would provide greater confidence that the intent of such provisions will be realised.

While this ambiguity leads to delays and costs for all parties, it particularly affects individuals and communities where the high costs involved mean they have reduced capacity to participate in the planning process – contrary to the intent of LUPAA objective 1.(c).

Recommendation: That the terminology and construction of the SPPs be reviewed to provide clearer definitions and shift the emphasis under performance criteria towards demonstrated compliance with stated objectives.

4. The SPPs were developed with few State Policies

The SPPs are not about strategic or integrated planning, but are more aptly described as development controls. The creation of the SPPs should have been guided by a comprehensive suite of State Policies. This did not happen before the development of the SPPs by the Planning Reform Task Force. Hence the SPPs exist without a vision for Tasmania’s future.

The SPPs are still not supported by a comprehensive suite of State Policies to guide planning outcomes. In 2016, the Tasmanian Planning Commission acknowledged, in particular, the need to review the State Coastal Policy as a matter of urgency, but no action has been taken. Other areas without a strategic policy basis include integrated transport, population and settlements, biodiversity management, tourism and climate change.

In 2018, instead of developing a suite of State Policies, the State Government created a new instrument in the planning system – the Tasmanian Planning Policies. As at 2022, the Tasmanian Planning Policies are still being developed. The Tasmanian Planning Policies are expected to be lodged with the Tasmanian Planning Commission by the end of 2022. The Tasmanian Planning Commission will undertake its own independent review, including public exhibition and hearings.

At SCAGI our **position has been that we need State Policies rather than Tasmanian Planning Policies** because they are signed off by the Tasmanian Parliament and have a whole of Government approach and a broader effect. The Tasmanian Planning Policies are only signed off by the Planning Minister and only apply to the Tasmanian Planning Scheme and not to all Government policy and decisions.

5. Increased Complexity

The Tasmanian Planning Scheme is very complex, is only available in a poorly bookmarked pdf and is very difficult for the general public to understand. This creates real difficulties for local communities, governments and developers with the assessment and development process becoming more complex rather than less so. Community members cannot even find the Tasmanian Planning Scheme online because of the naming confusion between the Tasmanian Planning Scheme and the State Planning Provisions. PMAT often fields phone enquiries about how to find the Tasmanian Planning Scheme.

Repeated amendments to Tasmania's planning laws and thus how the Tasmanian Planning Scheme is being rolled out is unbelievably complicated. From a community advocacy point of view, it is almost impossible to communicate the LPS process to the general public. For example, see [PMAT Media Release: Solicitor General's Confusion Highlights Flawed Planning Change Nov 2021](#).

Recommendations: It is recommended that illustrated guidelines are developed to assist people in understanding the Tasmanian Planning Scheme. It would be helpful if the Tasmanian Planning Scheme could also be made available as with previous interim schemes through iPlan (or similar) website. This should also link the List Map so there is a graphical representation of the application of the Tasmanian Planning Scheme (which expands when new LPSs come on board). It should also be noted, that for the average person, iPlan is difficult to use.

Recommendations: Create a user friendly version of the Tasmania Planning Scheme such as the provision of pdfs for every LPS and associated maps. IPlan is impenetrable for many users.

6. Tasmanian Spatial Digital Twin

Digital Twin, a digital story telling tool, would revolutionise planning data and public consultation in Tasmania. The Spatial Digital Twin could bring together data sources from across government including spatial, natural resources and planning, and integrate it with real time feeds from sensors to provide insights for local communities, planners, designers and decision makers across industry and government.

It enables communities, for example, to gain planning information about their streets, neighbourhoods and municipalities. It would allow the general public to visualise how the SPPs are being applied to how a development looks digitally before it is physically built, making it easier to plan and predict outcomes of infrastructure projects, right down to viewing how shadows fall, or how much traffic is in an area.

See a NSW Government media release by the Minister for Customer Service and Digital Government: [Digital Twin revolutionises planning data for NSW](#), December 2021.

From a community point of view, it is almost impossible to gain a landscape/municipality scale understanding of the application of the SPPs from two dimensional maps. One of PMAT's alliance member groups, Freycinet Action Network, requested the shape files of Glamorgan Spring Bay Council's draft LPS but was unable to obtain a copy. This would have enabled FAN to better visualise how the LPS is being applied over the landscape.

Recommendation: To introduce a Tasmanian Spatial Digital Twin to aid community consultation with regards to the application of the Tasmanian Planning Scheme via each Council's Local Provisions Schedule process and public consultation more broadly.

7. Difficult to Protect local Character via the LPS process

In 2016, the Tasmanian Planning Commission acknowledged¹² that the SPPs were designed to limit local variation, but queried whether a "one-size fits all" model will deliver certainty:

"If local character is a point of difference and an attribute of all Tasmanian places, unintended consequences may flow from denying local differences. The 'one size fits all' approach is likely to result in planning authorities seeking more exceptions through the inclusion of particular purpose zones, specific area plans and site-specific qualification."

In SCAGI's view the SAP/PPZ/SSQ threshold are too high. As the SAP/PPZ/SSQ are the mechanisms to preserve character, possibly the only way to preserve character, in the Tasmanian Planning Scheme, it is essential that they or like mechanisms, are available to maintain local character. Common standards across the Zones whilst being efficient, could destroy the varied and beautiful character of so much of this state.

It is also extremely disappointing that Local Area Objectives and Character Statements such as Desired Future Character Statements have been removed from the Tasmanian Planning Scheme. Currently, there is nothing to guide Councils when making discretionary decisions, (unless in Discretionary Land Use decision as at 6.10.2b).

Recommendation: Amend section 6.10.2 of the SPPs to read:

6.10.2 In determining an application for a permit for a Discretionary use **"and development"** the planning authority must, in addition to the matters referred to in sub-clause 6.10.1 of this planning scheme, **"demonstrate compliance with"**:

- (a) the purpose of the applicable zone;
- (b) any relevant local area objective for the applicable zone;
- (c) the purpose of any applicable code;
- (d) the purpose of any applicable specific area plan;
- (e) any relevant local area objective for any applicable specific area plan; and
- (f) the requirements of any site-specific qualification, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

¹² See page 17: [Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016.](#)

Appendix 1 - Talking Point: *Planning reform the Trojan horse*, The Mercury, Michael Buxton, December 2016

AUSTRALIAN states have deregulated their planning systems using a national blueprint advanced largely by the development industry. Tasmania is the latest.

Planning system change is always disguised as reform, but the real intent is to advantage the development industry.

In Tasmania, this reform introduces a single state-wide planning system. This allows the government to dictate planning provisions regardless of differences in local conditions and needs.

State provisions can easily be changed. In some states, standard state-wide provisions have been weakened over time to reduce citizen rights and local planning control.

The Tasmanian planning minister will be able to alter them without reference to Parliament, and potentially gain greater power from the Planning Commission and councils. It is yet to be seen whether the government will permit strong local policy to prevail over state policy.

Some states have allowed a wide range of applications to be assessed without need for permits under codes and by largely eliminating prohibited uses. The Tasmanian system has continued much of the former planning scheme content, but introduces easier development pathways.

An application for development or use need not be advertised if allowed without a permit or considered a permitted activity.

Alternative pathways allow public comment and appeal rights, but these often reduce the level of control.

Serious problems are likely to arise from the content of planning provisions.

For example, while the main residential zone, the General Residential Zone, mandates a minimum site area of 325 square metres and height and other controls for multi-dwelling units, no minimum density applies to land within 400m of a public transport stop or a business or commercial zone. This will open large urban areas to inadequately regulated multi-unit development.

The main rural zones allow many urban uses, including bulky goods stores, retailing, manufacturing and processing, business and professional services and tourist and visitor accommodation complexes.

This deregulation will attract commercial uses to the rural edges of cities and the most scenic landscape areas. Such uses should be located in cities or in rural towns to benefit local jobs instead of being placed as isolated enclaves on some of the state's most beautiful landscapes.

Use and development standards will prove to be useless in protecting the agricultural, environmental and landscape values of rural zones from overdevelopment.



Fast tracking inappropriate developments will force the Tasmanian people to pay a high price for the individual enrichment of a favoured few.

Codes are a particular concern. The heritage code is intended to reduce the impact of urban development on heritage values.

However, performance criteria for demolition are vague and development standards criteria do not provide adequate protection.

The nomination of heritage precincts and places is variable, leaving many inadequately protected.

The National Trust and other expert groups have raised similar concerns.

The potential of the Natural Assets and the Scenic Protection codes to lessen the impacts of some urban uses on rural and natural areas also will be compromised by vague language, limitations and omissions.

Interminable legal arguments will erupt over the meaning and application of these codes, with the inevitable result that development proposals will win out.

The State Government can learn from the disastrous consequences of other deregulated planning systems. It should strengthen regulation and listen to the public to ensure a state system does not destroy much that will be vital for a prosperous and liveable future for citizens.

The Government argues the new system is vital to unlock economic potential and create jobs, but the state's greatest economic strengths are the amenity and heritage of its natural and built environments. Destroy these and the state has no future.

While planning for the future is complex, the hidden agendas of planning reform are evident from the massive impacts from unregulated development in other states.

Fast tracking inappropriate developments will force the Tasmanian people to pay a high price for the individual enrichment of a favoured few.

Tasmania's cities, towns, scenic landscapes and biodiversity are a state and national treasure. Lose them and the nation is diminished.

Michael Buxton is Professor Environment and Planning, RMIT University, Melbourne.

Appendix 2 – The Mr Brick Wall Story

This tragic story, which I have edited down, was submitted to the Tasmanian Planning Commission as part of the public exhibition of the draft state-wide scheme.

We call it the tragic story of Mr Brick Wall

Mr Brick Wall states:

“We are already victims of the new planning scheme. We challenged and won on our objection to a large over-height proposed dwelling 3 metres from our back boundary on an internal block under the previous planning scheme. We won on the grounds that the amenity to our home and yard would be adversely affected by this proposed dwelling under the previous planning scheme.

However, this all changed under the new interim planning scheme and the dwelling was allowed to be constructed. As a result we now have an outlook from our outdoor entertaining area, living room, dining room, kitchen, playroom and main bedroom of a brick wall the full length of our back yard on the maximum new height allowed.

We can see a bit of sky but no skyline as such. The dwelling has obscure windows for our so called privacy, which are absolutely useless as they have been allowed to erect commercial surveillance cameras all around their house, 2 of which are on our back boundary. No problem you think! These cameras can be operated remotely, have 360 degree views at the click of a mouse and we understand they have facial recognition of 4 kilometres distance. So where is our privacy and amenity?

The Council was approached by us and our concerns prior to the new changes proceeding and Were told that there was nothing we or the Council could do to stop these changes as all changes to the planning scheme have to be accepted by Councils and they have no say in the matter. As a result we no longer feel comfortable or relaxed when in our own backyard and our young teenage daughters will not use the yard at all. We also have to keep our blinds drawn on the back of our house to ensure some privacy is maintained.

We also had our house listed for sale for almost 6 months, 8 potential buyers no one bought it because everyone of them sighted that the house next door was too close to our boundary. This is our north facing boundary and as such has all our large windows on this side to take advantage of the sun. ‘

Mr Brick Wall ends by saying that .the Government needs to realise what’s on paper doesn’t always work out in the real world and that real people are being adversely affected by their decision making.

Rosny Hill Friends Network Inc.



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

CC: michael.ferguson@dpac.tas.gov.au

12 August 2022

To Whom It May Concern,

RE: State Planning Provisions (SPPs) Review - Scoping Issues

Rosny Hill Friends Network (RHFN) thank you for the opportunity to comment on the review of the SPPs.

1. About Rosny Hill Friends Network and our experience of the current SPPs.

RHFN is a community group formed around 2016 to protect the Rosny Hill Nature Recreation Area (NRA) from large scale inappropriate tourism development.

Rosny Hill NRA is a reserve under State legislation that is managed by Clarence City Council (CCC). We formed because CCC would not listen and respond to community concerns in relation to the scale and type of development on the hill. We understand and value good planning and are committed to promoting it and participating positively.

In relation to the Rosny Hill development proposal, CCC worked hand in glove with the chosen developer, excluding the broader community. RHFN gathered over 1000 signatures, forcing the Council to hold a public meeting on the development. The public meeting unanimously rejected large scale tourism development. RHFN commissioned a smaller more suitable alternative development and submitted it to Council.

Council persisted. The Development Application (DA) for a large tourism hotel development was advertised and attracted over 500 representations, many very detailed, with all but a handful opposed to the development. The DA was approved by Council 8 votes to 4.

Subsequently, RHFN appealed the Council decision through RMPAT, which required raising nearly \$80,000 from community donations. Our appeal could not take into account the reserve status of Rosny Hill and was hampered by the limitations of the Natural Assets Code. Our appeal was also hindered by the Clarence Interim Planning Scheme (IPS) which had not properly zoned Rosny Hill NRA despite community recommendations years earlier. Recently the Tasmanian Planning Commission, in its review of the Clarence IPS, required Council to change the zoning from Recreation

Zone to the more appropriate Environmental Management Zone - too late to impact the current approved development.

After more than a year, RHFN was forced to settle the appeal and the development went on to be approved by Council in early 2021 with a complex set of 24 conditions, which reflected issues that had been ignored or overlooked by the developer and council approval process.

Our experience was one in which the community was sidelined in the early days of planning, requiring enormous amounts of time, energy and money from local residents in an attempt to influence the decision at many points.

2. Rosny Hill Friends Network strongly endorses the Planning Matters Alliance Tasmania's (PMAT) submission to the review of the State Planning Provisions.

RHFN has as a core object, the preservation of Biodiversity. In particular, we strongly endorse PMAT's assessment, quoted as follows:

"Importantly, Tasmania has some of the strongest requirements of any jurisdiction in Australia to promote biodiversity in a substantive sense (Bates, 2013), with s5 of LUPAA placing an obligation on any person on whom a function is imposed, or a power is conferred under this Act to further the objectives set out in Schedule 1. The strong requirements under LUPAA provide an explicit legal foundation for biodiversity conservation as substantive outcome rather than merely a procedural requirement."

3. Rosny Hill Friends Network agrees with PMAT key concerns and recommendations covering the following topics:

1. Ensuring the community has the right to have a say;
2. Climate Change Adaptation and Mitigation;
3. Planning, Insurance and climate risks;
4. Community connectivity, health and well-being;
5. Aboriginal cultural heritage;
6. Heritage buildings and landscapes (Local Historic Heritage Code);
7. Tasmania's brand and economy;
8. Housing;
9. Residential issues;
10. Stormwater;
11. Onsite wastewater;
12. Rural/Agricultural issues;
13. Coastal land issues;
14. Coastal waters;
15. National Parks and Reserves (Environmental Management Zone);
16. Healthy Landscapes (Landscape Conservation Zone);
17. Healthy Landscapes (Natural Assets Code);
18. Healthy Landscapes (Scenic Protection Code);
19. Geodiversity;

- 20. Integration of land uses;
- 21. Planning, Loss of Character Statements and Good Design;

In our experience we found SPPs inadequate in relation to the topics listed above:
1,3,4,5,6,15,17,18,19 and 21.

We call for the SPPs to be values-based, fair and equitable, informed by [PMAT's Platform Principles](#), and for the SPPs to deliver the objectives of the *Land Use Planning and Approvals Act 1993*.

Planning affects all of Tasmania. Planning is becoming increasingly important with growing interest in and pressure on the State's natural, cultural and social values, local communities, cities, towns, coastal and rural landscapes. Thoughtful, evidence-based strategic planning can build strong, thriving, healthy and sustainable communities.

We earnestly recommend that you take on board the detailed professional work of PMAT in the scoping of issues for review of SPPs.

Yours sincerely

Beth Rees

President

Rosny Hill Friends Network

We acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina Pakana - Tasmania is Aboriginal land.

From: [Wayne Burgess](#)
To: [State Planning Office Your Say](#)
Subject: Submission re-review of SPPs
Date: Friday, 12 August 2022 3:37:50 PM

Herewith my submission regarding the review of the State Planning Provisions (SPPs), as they apply in particular to the General, Inner and Low Density Residential Zones.

Fundamental matters requiring, in my view, careful consideration during the review process include:

- building envelope - restore a minimum 4m rear boundary and previous side boundary setbacks, due to significant negative impacts on neighbouring properties.
- private open space - include a pervious surface requirement, for lawn, garden, play purposes, and to absorb rainfall
- dwelling access to private open space - restore previous requirement, for amenity reasons
- north-facing living room window - restore previous requirement, for health and well-being (physical & mental) of inhabitants
- lot sizes and site coverage - for example, there would be merit in a Medium Density Zone, to suit particular areas
- privacy, overshadowing/solar access and overlooking - adequate protection required for existing neighbouring dwellings and vacant building lots; quantify requirement for solar access by mandating use of shadow diagrams in DA's
- amendment (simplification?) of building envelope diagrams, to assist interpretation
- a critical analysis of the 'balance' between acceptable solutions and performance criteria for many planning topics
- avoidance of subjective terms relating to performance criteria assessments, i.e. "unreasonable loss of amenity", "minimise detrimental impact", "compatible with adjoining dwellings", "having regard to", etc.
- enhancing protection of local character, amenity and streetscape - by amendment of acceptable solutions/performance criteria, e.g restore frontage setback for new dwellings in the Inner Residential Zone

Other matters requiring consideration include:

- lack of a Stormwater Code, applicable to large developments (including Units), new subdivisions and single dwellings, which creates serious difficulties for Councils when assessing DA's
- extreme rainfall events, predicted to increase in severity and frequency, compounds the seriousness of properly dealing with runoff and stormwater as a planning issue
- Natural Assets and Scenic Protection Codes should both apply to all zones, but particularly the residential zones, to enable protection of vegetation on skylines and timbered backdrops around urban areas

R.W.Burgess

12 August 2022

By email yoursay.planning@dpac.tas.gov.au
[REDACTED]

Submission to State Planning Provisions Review – Stage 1 – Scoping Issues

Overall, with fewer discretionary developments and more exemptions, there is a reduction in the community's right to have a say in developments which affect them and our beautiful state. This is a disappointing feature of the State Planning Provisions (SPP), which, although not yet fully enacted across all 29 councils, is causing contested developments, community anxiety, delays, and inefficiencies.

SPP's and Land Use Planning and Approvals Act 1993 (LUPA 93)

Recommendation: The revision process to be conducted with constant measurement against the **Objectives of the LUPA 93**. The SPP under review does not reflect these objectives. The Tasmanian Planning Policies list these objectives as intended and the current review must incorporate them now.

I fully endorse the following submissions:

- **Planning Matters Alliance Tasmania (PMAT)**
- **West Tamar Landcare**

They have been prepared with great care and commitment incorporating input from professionals in the field and stakeholders.

In addition, I strongly recommend that PMAT be engage as a stakeholder member of the reference / consultative group that is to be established as part of this review. Their expertise, dedication and broad community representation is essential to the delivery of good outcomes.

This is also appropriate regarding the Stage 2 Review and the Tasmanian Planning Policy process.

The composition of the review panel is an important aspect of this stage and must be seen to be broadly representative of the community.

"...progression of Stage 1 amendments to the SPPs through the normal processes with assistance from stakeholder reference/consultative groups." (planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions)

I endorse the supporting documents to the PMAT submission:

- *Local Historic Heritage Code* – prepared by Danielle Gray of Gray Planning
- *Residential Zones and Codes* – prepared by Heidi Goess of Plan Place
- *Natural Assets Code* – prepared by Dr Nikki den Exter

Other submissions I have consulted and endorse are:

- *Heart Foundation Representation to the final draft State Planning Provisions March 2016*
- *Tasmanian National Parks Association*
- *Conservation Landholders Tasmania*

Just what amendments/additions can be made before Stage 2 is confusing – the reference to minor amendments being made without public consultation is an area of concern. Nonetheless there is a pressing need for amendments to be made asap to apprehend developments happening via a weak and faulty scheme.

There are decisions being made now, across all zones, that will leave a legacy for hundreds of years.

Consideration of new codes Refer to submissions named above for rationale and information.

- PUBLIC OPEN SPACE CODE – applied to all residential zones. esp. Future Urban Zone
- LIVABLE STREETS CODE – (ref Heart Foundation, PMAT)
- NEIGHBOURHOOD CODE – (ref PMAT Residential Issues)

Unintended consequences

The SPP was intended to streamline planning across Tasmania: make things clearer and cut red tape. In July last year Rebecca Ellston (Property Council Tas Executive Director) wrote in support of the new planning system as *“reducing the regulatory burden on our planning system ... Industry know all too well that red tape burdens development”* (Examiner 10 July 2021).

In the case of making things clearer, the one-size-fits all appears to have led to confusion and unintended local consequences. With respect of red tape, ambiguous or absent definitions and the absence of a State of the Environment report (SOE), enables the SPP to cut red tape without proper understanding of possible outcomes. The absence of SOE renders the Objectives of LUPA difficult, if not impossible to achieve.

Definition of Local Character | Heritage | Local Precincts | Local Precincts

Launceston City Council Agenda 20 May 2021 Item 9.1 SAP 66 aka The Gorge Hotel SAP *“This amendment is designed to overcome the need for compatibility and facilitate a form of development that has the ability to make a beneficial change to the character of the area.”*

In this amendment the LCC / JAC group (the proponent) argued in their performance criteria that the Margaret St precinct of Launceston had no discernible character and therefore was able to be developed without regard to the surrounding area. The argument was accepted by the Planning Commission, ignoring community argument to the contrary. At no stage did the council present to the community any concept of the so-called precinct it had in mind. So now a planning amendment for one building can affect a much larger area.

The definition of local character and the idea of precinct has been left up to lawyers and planners, speaking in the interests of a proponents wishing to disregard local character in order to increase height and bulk.

Recommendation: Whilst SAP 66 was done under the LCC Interim Planning Scheme, the SPP still has the ability to disregard local character. The words ‘having regard to’ is too easily disregarded and should be changed to ‘demonstrate compliance with the following:’ when relying on performance criteria.

Building Height – Urban Zones – Residential and Commercial.

City zone developments should not be allowed to increase height above the Acceptable Solution – ‘having regard to’ just allows lips service to occur, and height to be increased. Height of course equals money, for developer and for a council. Proposals for larger developments can be confusing and difficult for stakeholders to fathom. It’s not uncommon that when a building goes up comments can be heard “I didn’t think it would be that big/high.” There needs to be certainty around building height.

Recommendation: When a development in a city zone relies on performance criteria for height, rather than endless, and often misleading artist impressions and/or 3D modelling, a Scale 1:1 scaffold model be constructed in-situ during the exhibition period. The public may only see daily paper artist impressions, provided by a proponent, that appear to say “relax, nothing to see here”. Seeking out the actual development documents, which can be difficult to assess, is not common. See Pg 4 which shows a recent example of a potential development being presented using unclear impressions via a daily paper – The Examiner. The use of Scale 1:1 in-situ model presentation is an international practice.

Housing

Infill housing appears to be rampant and fraught with conflict amongst neighbours. Residential standards that decrease amenity are unhealthy. A planning scheme that creates angst needs fixing. (see page 4 Letter to the Editor July 2021)

The Housing Land Supply fast track, free-for-all delivers sub-division building blocks and that is all. Being outside the planning scheme is inappropriate and risks ad-hoc development.

Tasmania needs good medium density housing. There are examples around the world but not here in Tasmania. The SPP allows crammed in, single level buildings with roofs almost touching; it's an economic model and not good housing. There are mainland examples of this, and it's started happening here. Tasmania should lead the way and stop crammed housing with little open space. Housing is a priority area for amendments with the SPP.

LPS and Local Character.

I personally have a nearby SAP established under the LPS which has kept the local character of my community. Without it the area would have transformed inappropriately and unnecessarily and effected many people. The three site specific rules available to the LPS process are important in holding back the one-size-fits-all square peg into which local provisions must be crammed. In this area the SPP requires amendment to make the scheme more sensitive to local variations.

Brand Tasmania

A rush to take Tasmania to 200% renewable energy with over 3000 wind turbines in 89 farm locations along with the required transmission cables might make Brand Tasmania a green brand but is this the manifestation that brings people to visit and to live here? These proposals are simply a new economic model and not in Tasmania's best interests as they are currently being rushed in. What can the SPP do to manage this?

If planning legislation can allow a Cambria Green to occur then more will be on the cards. Brand Tasmania and Tasmania's future prosperity will be damaged by 'Gold Coast' style developments as manifest by the Cambria Green proposal. What can the SPP do to manage this?

Regional Land Use Strategies (RLUS)

The pressure on Tasmania to provide land for development at all costs is well expressed in the three RLUS's.

"The current planning legislation provides little guidance on the regional land use strategies (RLUS), including who prepares them, and the assessment, approval and review processes. There are no requirements for community engagement, or the content and timeframes for the strategies."

planningreform.tas.gov.au/planning-reforms-and-reviews/regional-planning-framework

Environmental Management Zone | Natural Assets Code | Scenic Protection Code

All are areas of public angst and development interest. Brand Tasmania heavily rests on our beautiful parks and natural landscape. What kind of development is allowed and what say the public can have is a pressing issue facing this review and needs urgent attention.

The supporting documents with the PMAT submission, the submissions from West Tamar Landcare, Tasmanian National Parks and Conservation Landholders Tasmania cover this area in depth. I strongly endorse the recommendations put forward in these submissions.

Amend Section 35G of the LUPA 1993 to enable an amendment/s during the LPS process. It makes sense that a council going through their LPS process is well placed to recommend changes to better accommodate their integration of the SPP. This came up at the LPS hearing of the West Tamar Council in regard to the disconnect that exists in regard to Priority Vegetation / Natural Code mapping and Forest Practices Act.

I appreciate this opportunity to Have A Say and hope this review period brings about amendments and adjustments to give Tasmania a planning scheme that works for all, that fully delivers the objectives of the LUPA 1993.

"Planning affects every inch of Tasmania, on both private and public land, and our well-being: our homes, our neighbour's house, our local shops, work opportunities, schools, parks and transport corridors. Planning shapes our cities, towns and rural landscapes. Well thought through strategic planning can build strong, thriving, healthy and sustainable communities." Planning Matters Alliance Tasmania

Yours sincerely, Victoria Wilkinson

Ref: Building Height – Urban Zones – Residential and Commercial

The Birchalls Car Park in Launceston (top picture) has been a problem site for some time. Caught up in legal and financial woes, it has been overseen by the Launceston City Council and the Office of the Co-ordinator General. The Launceston Creative Precinct does not exist in any planning scheme let alone any community understanding of place. Rather it is a turn of phrase used by the Launceston City Council to suggest where more intense development can occur.

This recent artist impression is a good example of the legerdemain publicity that accompanies development proposals wishing to exceed the acceptable solution regarding building height.



VISION: An artist's impression of the Launceston Creative Precinct. Picture: Supplied TUESDAY AUGUST 09, 2022

THE EXAMINER

<https://www.theguardian.com/artanddesign/2014/jan/22/building-profiles-spring-up-uk-planning-consultation-oxford>



Friday July 02, 2021 THE EXAMINER

LETTERS TO THE EDITOR MOVING FROM SYDNEY

A lovely picture on the front page of (*The Examiner*, June 29).

Moving from Sydney to live in Launceston, I would advise them to be very wary where they buy their house.

Our green treed garden areas in South Launceston are fast disappearing with infill housing appearing everywhere, and the birdsong has gone.

Our neighbours recently moved here from Canberra, choosing their home very carefully, and spending a lot of money on local tradies to tastefully renovate; they now discover that their valued privacy is about to be lost with a two-storey house to be built just over their back fence, about which they can do nothing.

Any new arrivals need to be notified and warned of the deeply disquieting aspects of our planning system.

John J Ball, South Launceston.

12 August 2022

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

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

Dear State Planning Office,

Regional Development Australia Tasmania (RDAT) thanks the Tasmanian State Planning Office for the opportunity to contribute to the review of the State Planning Provisions (SPPs).

RDAT has completed extensive stakeholder consultation for the preparation of a Strategic Regional Plan for Tasmania. Planning and issues relating to urban design and housing were raised consistently as important to enable economic development and social and economic inclusion. A core issue of concern is the need to balance development with Tasmania's natural environment and liveability.

The SPPs are the core of the Tasmanian Planning Scheme; their words frame the form, use and design of our settlements and countryside. They impact the quality of life afforded by Tasmania for this and future generations. The SPPs contain zone and code provisions, they contain important information on the operation of the Tasmanian Planning Scheme. They provide Interpretation (Planning Terms and Definitions), Exemptions, Planning Scheme Operation and Assessment of an Application for Use or Development. These clauses provide important context for the overall planning regime as they form the basis for how planning decisions are made.

This review provides a timely opportunity to refine this important planning instrument to help ensure our plans stay true to the needs of the community and to meeting the laudable objectives of planning in Tasmania as outlined in Schedule 1 of the Land Use Planning and Approvals Act 1993. An outcome of the review should be a planning scheme which provides clarity and transparency in Tasmania and for investors.

We support the review as timely and important for regional development in Tasmania. RDAT has a strong interest in the review of the SPPs and would appreciate the opportunity to participate in the reference and consultative groups to further progress the review.

Yours sincerely



Jen Newman
Acting CEO



An Australian Government Initiative



12 August 2022

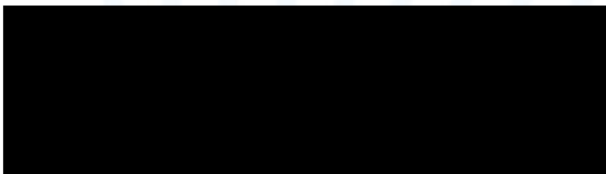
Dear Sir/Madame,

Cradle Coast Authority (CCA) thank the State Planning Office for the opportunity to contribute to determining the scope of the review of the State Planning Provisions (SPPs).

In the face of the accelerating pace of change in our economic, social and ecological circumstances, CCA appreciate that this review provides an important opportunity to tailor a key planning instrument to better serve our community. CCA look forward to the opportunity of further assisting the SPO to refine the SPPs.

Please find attached CCA's submission.

Regards,



Sheree Vertigan AM
Chief Executive Officer
Cradle Coast Authority

State Planning Provisions (SPPs) Review

Cradle Coast Authority (CCA) thank the State Planning Office for the opportunity to contribute to this review of the State Planning Provisions (SPPs) as part of their ambitious reform agenda for the planning system.

The SPPs are the core of the Tasmanian Planning Scheme, and their words frame the form, use and design of our settlements and countryside and in doing so impact the quality of life afforded by our islands for this and future generations. This review provides a timely opportunity to refine this important planning instrument to help ensure our plans stay true to the needs of the community and to meeting the laudable objectives of planning in Tasmania as outlined in schedule 1 of the Land Use Planning And Approvals Act 1993.

CCA recognise the system we have has come about through an ongoing evolutionary process and whilst not perfect the existing SPP's provide a firm basis for refinement and enhancement. CCA further note the high level of resolution in the existing SPPs and the embedded checks and balances that define the range of appropriate development within each zone and code. However, since these were first drafted Tasmania's economic, social and environmental circumstances have changed significantly. The pace and impact of these changes has meant that the Cradle Coast region, like other regions in the state, is facing unprecedented challenges that the planning system just wasn't designed to meet.

CCA observe there is a growing gap between the environment our planning system delivers and the one our community needs. CCA believe that this review provides an opportunity to better tailor the SPPs to address the following pressing issues:

Our built environment is making it harder for us to become or stay healthy. We are facing growing problems of non-communicable diseases such as type 2 diabetes, cardiovascular disease, mental illness and respiratory illness. These now account for the highest social and economic burden on the Tasmanian healthcare system, and their rates are predicted to rise.

Many chronic diseases are preventable and can be reduced by changing lifestyles. CCA believes the SPPs have a key role in facilitating built environments that makes it easier for people to adopt healthy lifestyle behaviours. Extensive international and Australian evidence shows that built environments that embody qualities such as walkability, more appealing open spaces, safer streets and traffic calming have been demonstrated to support the take-up of more healthy behaviours. CCA respectfully request that the SPP's could be refined to support better public health and wellbeing as outlined in section 1 below.

Our community is increasingly poorly served by the stock of housing. As a population, we are aging, forming smaller households than in previous years and diversifying. CCA request that the SPPs could be refined to better facilitate a wider range of housing types, particularly in and around our urban centres as outlined in section 2 below. This will assist in unblocking housing bottlenecks and provide people with more appropriate housing within their communities.

Tasmania's natural heritage is increasingly being threatened by climate change. This imperils the exceptional natural values that are the foundation of our wellbeing, that contribute so much to our quality of life and are at the heart of our island's appeal and our clean and green image. CCA respectfully request that the SPPs could be refined to better protect and enhance our natural heritage as outlined in section 3 below.

Our communities are being disadvantaged by uncertainty and the legacy of the boom-and-bust economic cycles. In particular projects such as major mines or construction camps can have a massive impact on their host communities. Many of these impacts are beneficial but some can cause significant damage to the economic and social fabric of these communities. CCA respectfully request that the SPPs could be refined to minimize the negative impacts of these major projects and optimize the positive ones as outlined in section 4 below.

CCA understands that this review process will provoke diverse suggestions and requests. CCA observe that the consideration of these submissions could be done in a number of ways and different methodologies will lead to different results. CCA respectfully request that the SPPs review process should place a greater emphasis on the impact the resulting environments will have on people's lives over and above administrative convenience and neatness as outlined in section 5 below.

CCA also note that there are a number of changes to the planning system that may require changes to the SPPs that CCA would like to bring to the attention of the SPO and these are outlined in section 6 below.

CCA asks the State Planning Authority to consider the following issues and suggested amendments in their review of the State Planning Provisions.

Part 1: Changes to support better public health and wellbeing

CCA contends that the built form that has resulted from the application of the existing SPPs does not always provide a supportive environment for people to do all the things they need to do to enjoy the benefits of good health, a prerequisite to fully participating and contributing to their community. This failure has significant implications, it contributes to the burden of disease on the Tasmanian community and economy, diminishes lives and denies people their right to realise their potential. The Victorian Legislative Council Inquiry into Environmental Design and Public Health emphasized that two particular aspects of the built environment were central to promoting healthy lifestyle choices: parks and other public open spaces, and facilitating active transport modes (walking, cycling and public transport). Extensive research links multiple positive physical, mental and social health benefits to having access to green and open public areas. Conversely, health outcomes are generally poorer in communities that lack such spaces. Green public spaces encourage a range of physical activities, provide opportunities for social interaction, aid in mitigating urban heat island effects and can contribute to sustainable urban stormwater management. While the provision of green and other public spaces is important, its quality is also relevant to health outcomes.

Given the Tasmanian Government's plan to grow Tasmania's population to 650,000 by 2050 and the imperative to facilitate urban consolidation to address sprawl CCA suggests safeguarding the area accessibility, quality and variety of existing and new open space will become even more important in coming years. If we fail to do so we risk consigning many future Tasmanians to poorer health and diminished lives.

CCA notes the objective of new roads in GRZ (8.6.2b) and other residential zones states new roads should provide for adequate accommodation of vehicular, pedestrian, cycling and public transport traffic without providing a definition of what adequate means. Given the prevailing emphasis on vehicular transport, CCA contends that merely requiring 'adequate accommodation' will be interpreted as accommodating vehicles first and then if there is space left over to accommodate other users. Achieving real change will require a greater emphasis on reconciling the multiple modes of transport with each other and with roads as a crucial contributor to facilitating social interaction.

CCA also note that the SPPs are silent on the question of the relative convenience or inconvenience of the network of walkable public spaces in new subdivisions. Direct, accessible footpaths to key destinations contribute greatly to the relative appeal of walking as a transport choice.

CCA further observe that another impact on people's choice to walk or not is their sense of personal safety. Extensive evidence suggests that a sense of passive surveillance, of

public spaces being overlooked and therefore occupied by potential witnesses or good samaritans who would intervene or help in case of attack, is both a deterrent to attackers and is reassuring for pedestrians. This has been demonstrated to make walking more appealing. Passive surveillance can be hard wired into a streetscape when windows and doors of habitable rooms are orientated towards the adjoining streetscape. However, CCA observe that whilst passive surveillance is considered in other urban zones it is not considered in residential zones. This should be addressed as a high proportion of potential walking trips are likely to pass through residentially zoned land, assuming they start or finish at peoples homes.

Recommendation 1.1 Explore the drafting of a Liveable Street code

Such a code would inform the design of streets that provides safe and convenient access for users of all ages and abilities regardless of their mode of travel within a connected street hierarchy. Liveable streets facilitate walking and cycling through connectivity and permeability, and facilitate the efficient movement of public transport as well as a wide range of opportunities for informal social interaction (Source: definition adapted from the Heart Foundations submission to a State Policy for Healthy Spaces and Places).

The code should also incorporate provisions for sustainable irrigation and requirements for canopy trees to protect the amenity of the pedestrian domain as a pleasant and realistic option for walking and social interaction protected from micro climatic extremes.

Recommendation 1.2 Investigate design standards for quality of open spaces

Develop Performance Criteria within the Open Space Zone to establish a level of quality that open space needs to realise through requiring consideration of design guidelines. This should include requirements for the installation of canopy trees and provision for their long-term survival as noted in Recommendation 1.1 above.

Recommendation 1.3 Amend objectives for new roads in GRZ (8.6.2b) and other residential zones

Revise the text to recognise the important role that the road corridor can have in facilitating informal social interactions that make a significant contribution to building social bonds within a neighbourhood through the addition of the following: new roads should reconcile the demands of vehicular, pedestrian, cycling movements and public transport traffic and provide a high standard of amenity to facilitate incidental pedestrian social interaction (see also 1.1).

Recommendation 1.4 Amend Performance Criteria P1 for new roads in GRZ (8.6.2)

This currently requires *maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks*. This should be amended to state: *maximising*

connectivity with the surrounding road, pedestrian, cycling and public transport networks and enhancing accessibility and convenience of active transport trips to key destinations such as schools, town centres and parks. This will help ensure that new subdivisions are hard wired for pedestrian convenience and contribute to the relative appeal of walking compared to driving.

Recommendation 1.5 Add a new development standard in the GRZ Development Standards for Dwellings

The objective of this new development standard, nominally titled 8.4.9 Orientation towards streets would be to promote a greater sense of safety on streets and activate streetscapes. The effect of this development standard is to require dwellings visible from the adjoining street to orientate doors and/or windows of habitable rooms to ensure they are visible from the street.

Recommendation 1.6 Amend Future Urban Zone to recognize the potential to ensure future development enjoys the benefit of a mature and established landscape

This will require:

Provide a definition for features of landscape significance and a requirement that they are determined by an appropriately qualified person.

The purpose of the zone is amended to add a new statement 'facilitate the retention and enhancement of landscape features to enhance the amenity of future residential uses.'

Drafting of guidelines for the assessment of features of landscape significance and guidelines for their retention and management.

Addition of a development standard with a performance criterion requiring regard to these guidelines.

Part 2: Changes to better align housing stock to community need

The characteristics of Tasmania's population is changing faster than our housing stock. Fewer people live in traditional nuclear families as we age, families break up and reform and non conventional household groups emerge. In relation to aging; as we grow older our housing needs change. We are more likely to need smaller housing nearer services.

CCA note with concern the observation made by the Department of State Growth that Infill housing is largely absent within the Tasmanian housing market, with the majority of new housing development located on the urban fringe, mostly as detached houses.

Low density housing on the urban fringe is often the most affordable type of housing for many households. It is also the most affordable type of housing for developers to deliver. However, this development pattern comes at a cost. Fringe urban areas require the upgrade and extension of already stretched utilities, often requiring disruption across many different suburbs. Such areas tend to be highly car dependent, with limited public transport services and are often lacking in supporting social infrastructures such as educational facilities and social, healthcare and recreational services and other infrastructure.

CCA further consider facilitating smaller, accessible, and low maintenance housing options will support downsizing opportunities that are presently lacking. This will help people to find appropriate housing as their circumstances change throughout their lives in locations of their choice. It will also remove housing bottlenecks that lock up larger houses better suited to families. As noted by the Department of State Growth there is a wide range of appropriate downsizing housing types including ancillary dwellings, townhouses and houses on small infill lots.

We face a housing shortage and have a very high level of car dependency, yet our town centres have high rates of vacancy above the ground floor. Apart from being a wasted asset this compromises the ability of these towns to support an after 5pm economy and leaves streets empty at night, without the reassurance of passive surveillance that would keep them safe. It is recognized that insurance, building and planning standards may all contribute to deterring habitation of over the shop spaces or their development. However, the relative impact of these deterrents is poorly understood and hence so is the scope to appreciate if changes to the SPPs will have an effect on facilitating the development of over the shop type housing and if they do, what changes to the SPPs would be called for. Consequently, CCA believes further research in this area is required in order to identify the specific changes that need to be made to unlock the potential of this underused housing typology.

We also observe that there is no provision for affordable or social housing within the SPPs. CCA is concerned that social housing provision has failed to keep up with need and has

tended to be pushed into peripheral or more isolated and vulnerable locations because this is where the cheapest land is. However, this means that the most disadvantaged in our community end up living in places that enjoy poor accessibility to essential services and reinforce car dependency. CCA further note the reliance on large scale areas of social housing can also contribute to a sense of a ghetto that stigmatizes the people from that area. CCA further note that good planning of social housing is important for all sectors of society and careful consideration of host communities concerns at the planning stage can minimize problems of integrating social housing and the inhabitants of that housing into the host community.

[Recommendation 2.1: Provide pathways for development of affordable and/or social housing that is, as far as possible undistinguishable from market housing and is subject to the same processes and design standards as market housing.](#)

This will minimise stigma faced by the residents of social housing and minimise community resistance

[Recommendation 2.2: Investigate the potential of design standards in Performance Criteria of residential and other zones to foster and encourage a high standard of urban infill development.](#)

This will need to reconcile the competing challenges of respecting the character and identity of place and contribute to overcoming the reluctance to address the 'missing middle' of more dense, smaller housing in and near the centres of towns.

[Recommendation 2.3 Explore the impediments to the conversion or use of vacant space for over the shop type residential accommodation.](#)

This will assist in identifying what (if any) changes need to be made to the SPPs to facilitate this housing typology.

Part 3: Changes to support natural values and build resilience

Tasmania's natural heritage is unique and internationally recognised. It is vital to the well-being, way-of-life and economic viability of our human community. Clean abundant water, rich fertile soils, varied natural landscapes with resulting microclimates, and geographic isolation, have all combined to allow the development of strong natural resource-based industries including tourism.

Although around 45% of Tasmania is protected in reserves, and every strategic state policy document highlights the importance of our native ecosystems for current and future societies and their intrinsic value, they are nevertheless under threat. There are more than 30 threatened vegetation communities, and 650 threatened species in Tasmania listed under the Threatened Species Protection Act 1995 and the Environmental Protection and Biodiversity Conservation Act. A common threat to many of these species is a loss of their habitat. Too frequently, this is a direct result of inappropriate burning, logging, grazing, clearing for conversion to agriculture, or through weed and feral animal incursion: all problems caused by humans. Clearing land of its native vegetation also affects aquatic, estuarine and coastal ecosystem health. For example, a state government report last year highlighted that 46% of monitored river sites had declining river health.

In addition, climate change will bring with it increased severity and frequency of floods, wildfire, coastal erosion and inundation, drought and heat extremes. These in turn will impact food security, and the long-term liveability (and indeed, habitability) of our towns and cities. These impacts will affect all communities and ecosystems to some extent but will fall more heavily on our coasts, rivers, areas of sensitive ecology and on those who are less well-off and are less able to afford the premium that safer, more secure locations will increasingly attract.

CCA considers that the existing SPPs offer inadequate protection to existing natural values and that the cumulative threats they are facing will only be amplified by climate change. Native vegetation is a critical part of the biological, social and landscape fabric of our state, and the remnants around developed areas are essential habitat for wildlife. CCA further share Huon Valleys opinion that Biodiversity and ecosystems are naturally dynamic and science and data continually improving, and the planning scheme needs to be responsive to this.

While some mapped areas of native vegetation, and/or the threatened species they harbour, are formally protected under legislation, this does not always transfer to equivalent protection under the planning scheme. CCA notes that the Natural Assets Code is the principal provision to protect native vegetation and associated ecological values in the planning system.

CCA recognises that the long-term viability of individual natural assets (including remnant native vegetation) will be influenced by each asset's location and size, including its connectivity to other natural areas, and the extent to which it is buffered from human impacts. Consideration of these factors therefore has spatial implications that require recognition in the planning system.

CCA shares West Tamar Councils' view that the prescribed data requirements for the priority vegetation overlay map in clause LPI.7.5(c) are too broad and unworkable. CCA also note that many statutory planners report this makes it confusing to apply and observes that this increases the chances that it may be applied incorrectly.

CCA endorses the recommendation of West Tamar Landcare that the Natural Assets Code mapping under the new planning scheme displays consistent mapping of Priority Vegetation Areas across all zones in Tasmania. CCA considers that the absence of such mapping in all planning zones is misleading and potentially adds to the confusion acknowledged by planners and creates a potential defence for clearing in contravention of other legislation. CCA consider, as a minimum, the display of the true spatial extent of these areas of priority vegetation and habitat on zoning maps provides a reminder to resource developers to seek further information on relevant controls, and also perhaps pause for thought before acting.

To effectively tackle the issues discussed above, CCA recommends that the whole Natural Assets Code, and its attendant provisions such as Priority Vegetation overlays under Local Provisions Schedules, is systematically reviewed with expert consultation. Recommendations below also look at the way the SPPs interact with other planning codes dealing with native vegetation such as the Forest Practices Act.

CCA observe that our existing SPPs are presently inadequate when it comes to many environmental matters that affect liveability, such as stormwater management and the role of green infrastructure in meeting community needs. CCA notes that in 2016, the Tasmanian Planning Commission recommended the Planning Minister consider developing a Stormwater Code, to ensure Councils have the capacity to consider stormwater runoff implications of new developments. That recommendation was not accepted because the Minister considered that Building Regulations adequately deal with that issue, despite Council concerns that stormwater run-off was a planning issue, not just a building development issue. CCA would like to bring to the SPO's attention that the use of 'green infrastructure' techniques for water management, such as rain gardens, swales, flowpath consideration, vegetated buffers, urban wetlands or filtration beds, and permeable or vegetated surfaces (often "optional extras" that individual Councils implement under Water-Sensitive Urban Design principles), support greater ecological health and create landscape, ecological and social benefits. These are best considered in the planning system if they are to optimise their contribution to the wider community.

Recommendation 3.1 Give greater emphasis to Natural Resource Management in the development of the SPPs

Ensuring the SPPs provide adequate protection to natural values will be assisted by reference to the principles of the Natural Heritage Strategy, in particular that natural heritage has intrinsic value, that the precautionary principle should be applied, that the whole community should be engaged, and that there is a consideration of intergenerational equity.

Recommendation 3.2 Initiate Systematic review of the Natural Assets Code.

As populations increase, household size diminish and environmental values are increasingly threatened by climate change a comprehensive review of the Natural Asset Code is required, Some key issues are noted below. This is not an exhaustive list:

- a. Establish controls that apply across all zones that mirror or refer to relevant controls in other legislation. For example, this could mean that where vegetation is mapped as a threatened vegetation community, and protected under the Threatened Species Act 1995, the SPPs and the Forest Practices Code both contain the same information and method of interpretation about what vegetation requires protection. This clarity would make legislation more transparent and may reduce illegal clearing, resulting in improved environmental outcomes and reduced compliance costs.
- b. Better define “priority vegetation” and “significant habitat” so that the protection implied is actually delivered. For example, “priority vegetation” could be defined as:
 - “Priority vegetation” means native vegetation that is either:
 - a Threatened Ecological Community (EPBC Act) or a Threatened Vegetation Community (Tas Threatened Species Protection Act); or
 - known habitat for a threatened fauna or flora species; or
 - already mapped as priority vegetation and where the conversion of it to non-priority vegetation would result in a long-term negative impact on breeding populations of native species.
- c. Re-map priority vegetation across the state using a definition similar to the above. Make this transparent, easily accessible by the community and able to be reviewed periodically (as TasVeg mapping is, for example). Consider including buffer zones around priority vegetation to protect it from edge effects and piecemeal damage. Consider including linkage vegetation corridors between remnant patches of priority vegetation to improve the resilience of these remnants, and improve state-wide habitat values.
- d. Consider climate change mitigation and resilience provisions, in consultation with experts, so that the SPPs are future-looking and best practice for sustainable land use and liveable community design.

- e. CCA endorse West Tamar Councils suggestion to allow the priority vegetation overlay to apply to the Agriculture Zone and provide suitable exemptions for agricultural use in accordance with a Forest Practices Plan.

Recommendation 3.3 Develop and implement a Green Infrastructure Code

This should incorporate:

1. Standards for permeable surfaces, good stormwater and drainage design
2. Standards for street trees, canopy and shaded walking infrastructure
3. Standards for renewable energy infrastructure
4. Climate change considerations

Recommendation 3.4 Review of the Coastal Erosion Hazard Code

In order to make sure that the SPPs fit well with the principles and intent of the State Coastal Policy 1996, and to ensure that the Coastal Erosion Hazard Code is fit for purpose given rapidly changing coastal processes.

Recommendation 3.5 Amend Natural Asset Code C7.1.5

This states the purpose of the code is to manage impacts on threatened fauna species by minimising clearance of significant habitat. CCA believe that simply not clearing land is not enough to protect its long term viability and that the effect of the code would be enhanced by recognising the role that it plays in facilitating improved management by adding and facilitate effective management to the description of its purpose.

Recommendation 3.6 Explore potential to require buffers and linkages between areas of ecological value to protect their integrity and viability in the Natural asset Code

The long-term viability of natural assets requires careful consideration of not only the land physically occupied by that asset but also the impact that surrounding uses have and integration with other natural assets. To this end, the Natural Asset Code should also make provision for guidance relating to buffer zones and linkages around areas of significant habitat as demonstrated in a report prepared by a qualified practitioner in the field.

Part 4: Changes to mitigate detrimental impacts of major primary industry and infrastructure projects

Traditionally the construction phase of mines and major infrastructure projects like windfarms create many jobs in an area. Developments like these have placed significant pressures on the local economy when a large non-resident workforce competes for scarce short term rental accommodation. The impacts of the sudden arrival of many people on the local community include a general decline in the availability of accommodation, sharp increases in the cost of rental accommodation and an instability in the overall cost of housing. In the Cradle Coast region, this has also contributed to a rise in DIDO (drive in drive out) operations adding traffic to rural roads that are winding and because of the length of the journeys likely to involve a significant component of night time travel. This brings with increased risks of accidents and road kill. Mine operators have also reported the difficulties in finding accommodation have contributed to an inability to find staff.

The short term nature of these projects exacerbates this problem. The dramatic difference between the construction and operational phase and the paucity of other sectors make the local economy very volatile and vulnerable. The lack of security in the economic future discourages investments to improve these circumstances and deters people from establishing themselves within a community.

CCA believe these adverse impacts can be alleviated by encouraging the provision of purpose built non-resident workers accommodation that can respond to the peak demands of those construction phases. These facilities should not necessarily be seen as an end use, rather a temporary support for the peaks in demand to supplement short term accommodation provided in serviced apartments.

CCA acknowledges that workers' accommodation needs to provide a high level of health, safety and comfort for their occupants commensurate with the needs of modern mobile workforce working day and night shifts.

CCA believe that by applying appropriate development standards, new development is appropriately located and serviced, is able to be socially integrated into existing communities and compatible with existing land uses.

CCA also believe that with appropriate planning, design and management the assets needed for non resident worker accommodation such as housing units, infrastructure and landscaping may be re-purposed on site or within the region and the site rehabilitated to leave a positive legacy of the plan.

Recommendation 4.1 Definition of work camps/non-resident worker accommodation in the SPP and explore the creation of a new zone or code for work camps

The distinctive circumstances of Work camps require bespoke treatment in the planning scheme, assuming they are to be considered within the planning process (see recommendation 6.1)

This provides the opportunity to introduce design guidelines to minimise conflicts as a performance criterion for the new zone. These guidelines should provide guidance for an acceptable impact on:

Visual amenity: ensuring a contribution to the built form and landscape character so as to make a positive contribution and provide a high level of amenity for its occupants, particularly within the regions established towns and communities.

Integration with the host community: The guidelines should seek to ensure work camps fit into the surrounding community (where located within townships) and ensure impacts on social and community services are considered. This will contribute to ensuring that the incoming workers can easily access and contribute to the local community and local residents can enjoy services or facilities not otherwise to be found in their community.

Recommendation 4.2 Introduce a requirement for Social Impact Assessment of proposed projects

A new zone for Work camps provides the opportunity to introduce design guidelines to minimise conflicts as a performance criterion for the new zone. The scope of such an SIA to consider impact on the housing market and affordability, contribution and impacts to the local economy, pressures on local services, likely/possible sources of conflict between the incoming and host community.

Recommendation 4.3 Introduce Legacy strategy

The disruptive and temporary nature of these major projects can be diminished by the adoption and adherence to an appropriate legacy strategy that provides guidance and sets out minimum standards on the following matters:

- The reuse of the work camp
- The reuse of assets within the host community and any identified purposes they may be used for
- The disposal of assets and reuse elsewhere
- The rehabilitation of the site

Part 5: Process of further developing the SPPs

CCA notes that the State Planning Provisions Review Scoping Paper asserts that reference and consultative groups will be established to assist with detailed projects and amendments associated with the SPPs. CCA further note that the methodologies and metrics by which competing recommendations are considered will determine which recommendations progress through to the next stage and then final adoption and incorporation into the SPPs. With this in mind CCA request that the SPO develop the scope of the SPPs with an eye on the impacts it will have on peoples abilities to meet all of their needs recognizing these include adequate physical exercise, fresh, nutritious food, social interaction, opportunities to play and express oneself and enjoy restorative experiences that diminish the impacts of stress. CCA recognises the impacts of a place on these things can never be known completely, design is not destiny after all. However, CCA does understand, and understand well, the built environment variables that will make it more or less likely that people will walk, play, interact with one another, enjoy better food, and feel safer, amongst other things. CCA contends that even though these qualities cannot always be clearly defined or the outcomes guaranteed that they deserve a greater emphasis in the SPP if we are to better serve the Tasmanian community. This is true even if it requires incorporating references to qualities such as liveability, walkability, and habitability which defy easy description.

CCA further note the wealth of expertise in the community and the weight that should be placed on the perspectives of civil society if we are to maintain our social licence and democratic legitimacy. This does not mean pandering to ephemeral trends in public opinion but instead requires an in-depth and informed discussion. CCA commends the SPO for their commitment to working groups to consider these changes and would suggest that these should be as representative of Tasmanian society as possible and that these working groups benefit from accessible insights into relevant research and case studies.

Recommendation 5.1 Emphasise outcome rather than output in determining the final form of the SPPs

In considering which of the competing recommendations should progress to the next stage a greater emphasis is given to the resulting lived experience of the environments the planning system facilitates. CCA request the SPO does not shy away from provisions that may require debate and discussion in practice if they contribute to a better, more resilient, sustainable quality of life. For example, liveability, sustainability will always be contested terms and it will be impossible to define them completely and 'having regard to...' will always be challenging. However, that is not to say we shouldn't try and establish a working definition for them or ignore these aspirations as unquantifiable. If a provision addresses an important issue, demonstrably lift the bar of development and facilitate a

higher level of wellbeing for the community the fact that it may be difficult to apply or administratively clunky in some cases should not deter us.

Recommendation 5.2 Increase reliance on evidence based understanding of best practice and community input

Inform the assessment of competing recommendations by reference to evidence-based understanding of best practice, science and knowledge based precautionary approach. This should be informed by community input to determine appropriate planning controls and directions.

Part 6: Other requested changes

As well as the key issues raised above CCA note that this review provides the potential to address other issues that may or may not lie within the revised SPPs. However, CCA respectfully request they are explored at this stage to ensure the SPPs are compatible with best practice and contribute to supporting the Tasmanian community to thrive. If it is determined that they cannot be addressed at this time CCA would welcome the opportunity to discuss these matters to explore how best they can be considered.

Recommendation 6.1 Integrate all Land Uses and developments into the planning system

Forestry, mine exploration, fish farming and dam construction remain largely exempt from the planning system. CCA considers that the planning system should provide a 'one stop shop' for the community to participate in the discussion about the future of their state. To this end, CCA requests consideration of an integrated assessment process across all types of developments on all land tenures which includes the consistent provision of mediation, public comment and appeal rights.

Recommendation 6.2 Incorporate indicative design solutions to lift the standard of design

CCA believes that the planning system has a role in leading the market, not just following it. CCA further draw the SPO's attention to research done by the Department of State Growth that identified the perceived poor quality of existing infill development contributes to community and market resistance to future infill development. Self-evidently the SPP has to be technical in nature to ensure it can be applied consistently and fairly. However, CCA believes it also has a role in changing market expectations so people better understand what is not just required but what is possible to assist in recast their priorities. To this end CCA request that the SPO explores the potential to include worked examples of hypothetical development that elegantly achieves and reconciles the acceptable solutions and performance criteria as indicative examples. This might assist in informing a better understanding and application of terms like passive

surveillance and articulation that are used in the SPPs and suggest techniques that might assist in the reconciliation of multiple objectives in a single development.

CCA also note that the intent to provide consistency in the existing SPPs increases the risk of generic solutions that erode the distinctiveness of our towns and reinforce the suburbanization of rural architecture. CCA request that the SPPs are amended to incorporate or refer to promotional guidance as to locally appropriate architecture and landscape.

CCA shares Huon Valley Councils' concern that there is an onerous process to develop Specific Area Plans rather than incorporate provisions in the zones and codes that allow for discretionary considerations of local features and characteristics. CCA wishes to echo their recommendation that additional provisions need to be included in zones and codes that facilitate consideration of local characteristics and/or stronger state support given to the development of local area specific planning tools that address this gap.

[Recommendation 6.3 Improve the transparency and accessibility of the planning process](#)

The planning system affects every one of us. It influences what we can and cannot do, the degree of protection over what we hold dear and the extent of what we can develop and where. The complexity of the built environment and the difficulties balancing the community's needs and rights requires that the system considers and balances many different factors that defy a simple articulation. This contributes to a sense of exclusion from the planning system and has contributed to misunderstandings and frustration. These have in turn led to time consuming and distressing conversations between council officers and community members explaining why someone's shed or house cannot be approved or even worse has to be removed.

A plain English summary of what the SPPs are, how they function and a definition of planning terms would assist the wider community to participate in the planning process and better reflect its democratic legitimacy.

CCA also request a comprehensive review of mapping, training and the current level of transparency so that the community can understand the SPPs and by extension be involved with planning.

[Recommendation 6.4 Enhance emphasis on multi-purpose spaces](#)

CCA consider that at a time of increasing population pressures and an imperative to diminish the need to travel there is a self-evident need to design spaces to reconcile multiple purposes and so facilitate the more efficient use of urban space. For example open spaces that serve recreation and storm water management purposes and access ways and other vehicular spaces can also provide settings for play and social interaction.

CCA considers that achieving this requires careful design that should be required at the planning stage. However, CCA considers the SPP to be silent on this subject and request consideration is made to emphasise and encourage multiple use of space where possible.

From: [Kerry Houston](#)
To: [State Planning Office Shared Mailbox](#)
Subject: Planning submission
Date: Friday, 12 August 2022 10:50:49 AM
Attachments: [image001.png](#)

- a. I am a small business owner and live next door to our hotel in Stanley in Northwest Tasmania. I care about my town and the lifestyle that we and the tourists who flock here enjoy.
- b. I want to make a submission on the review of State Planning Provisions.
- c. I believe there is a gap in the current planning system – no Zones and Codes that provide a planning system for wind farms
- d. Problem in my area as wind farm is planned and shows there is a problem with the current State Planning Provisions – wind farms don't get a mention. The community don't get a mention against slick developers with a lot of money to spend on glossy reports.
- e. No real planning directions for developers and the community to have wind farms in the right location. I will wear the problem of poor planning for a new industry
- f. Big, new industry of wind farms is spreading across the Tasmanian landscape and is not properly considered in the current State Provisions, Zones and Codes. There needs to be community support and buy in or these projects will fail.
- g. There needs to be a Wind farm Zoning and Code. The current Agriculture and Rural Zoning do not consider landscape and skyline issues. There should be a requirement for wind farm developers to address a Code which has landscape and skyline issues
- h. Turbines are now 270m tall and getting bigger and noisier and are not considered in a Code. The current State Planning Provisions need updating.
- i. Should be 'No Wind Farm Zone' (or "No Turbine Zones") in the State planning provisions.
- j. Need an overlay of 'No Turbine Zones' under a Wind Farm Code so there are no surprises for neighbours and the community.
- k. Need a Wind Farm Code that minimises the impacts on the landscape such as skyline impacts.
- l. Needs a Wind Farm Code that requires mandatory early consultation with neighbours for 6km from the wind farm. Our whole township is about 5km and under!
- m. Need Wind farm Zoning and a Wind Farm Code to be part of the State Planning Provisions and to include an upfront bond to cover rehabilitation. Otherwise it will cost Council and landholder and the community.

KERRY HOUSTON
OWNER



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Ship Inn Stanley acknowledges and pays respect to the Tasmanian Aboriginal people as the traditional owners and continuing custodians of the land and waters of this island, lutruwita (Tasmania), where we live and work.

From: [anthony salt](#)
To: [State Planning Office Shared Mailbox](#)
Subject: State Planning Provisions - SPPs
Date: Friday, 12 August 2022 2:54:37 PM

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

I refer to the State Planning Provisions as it relates to the Environmental Management Zone, the Natural Assets Code and the Local Provisions Schedule.
The intended changes in essence disenfranchise the public from making a contribution to policies and outcomes even though they have to live with the results.
Leaving critical decisions in the hands of the incumbent Government driven by lobbyists does not act to benefit the community in the long term.
Such narrowly based power concentrated to selected groups is counterproductive to beneficial results for current and future generations
It is tantamount to a cabal of vested interests sabotaging a democratic system. Covert manipulation of a democracy is fundamentally unethical.
It is merely sensible to mute vested interests that are driven by self promotion and profit seekers. Opening fragile wilderness landscapes to man's meddling is a irreparable tragedy. Old growth cannot be replaced. Consider future generations not present greed !
Yours Faithfully
Anthony Salt

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

12 August 2022

To Whom It May Concern,

RE: State Planning Provisions (SPPs) Review - Scoping Issues

thank you for the opportunity to comment on the review of the SPPs, noting that ALL SPPs are up for review.

My concerns and attached Appendices, 1,2 and 3 regarding the SPPs cover sustainability and land use issues. I also endorse the Planning Matters Alliance Tasmania's (PMAT) submission to the review of the State Planning Provisions including which includes detailed submissions compiled by expert planners regarding three key areas: the *Natural Assets Code*, the *Local Historic Heritage Code* and the residential standards.

I note that the *State Planning Provisions Review Scoping Paper* states that the State Planning Office will establish reference and consultative groups to assist with detailed projects and amendments associated with the SPPs. It is vital to have a community voice in these processes do that all aspects of sustainability and liveability are appropriately covered.

I call for the SPPs to be values-based, fair and equitable, informed by [PMAT's Platform Principles](#), and for the SPPs to deliver the objectives of the *Land Use Planning and Approvals Act 1993*.

Planning affects every inch of Tasmania, on both private and public land, and our well-being: our homes, our neighbour's house, our local shops, work opportunities, schools, parks and transport corridors. Planning shapes our cities, towns and rural landscapes. Well thought through strategic planning can build strong, thriving, healthy and sustainable communities.

Yours sincerely,

Jillian Koshin, PhD



CC: michael.ferguson@dpac.tas.gov.au

I acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina

As per my cover letter please find below my full submission including Appendices 1-3

“THE MOST EFFECTIVE SUSTAINABLE INFRASTRUCTURE fights climate change while meeting community needs. So communities aren’t just reaping immediate benefits, they’re also better positioned to weather changing times ahead.”¹

The apparent lack of attention to genuinely sustainable development in the state planning is a major concern for me. There appears to be an over-emphasis on promoting and encouraging unsustainable development and associated activities such as large areas of impermeable surfaces for car parking or inappropriate uses for particular given areas, or permissions for vegetation and mature tree destruction (euphemistically referred to as ‘removal’).

Due to the ever-increasing occurrence and severity of natural disasters, climate change mitigation-based measures are vital to good planning, and have been the subject of international attention for many years as well as very recently.

Given the Covid-19 pandemic and unprecedented floods, uncontrollable fires and record-breaking temperatures around the world, in Australia and in Tasmania, where sea/ocean temperatures off the East Coast are already some degrees higher and rising at a faster pace than in other parts of the world, it is vital that the Tasmanian Planning Scheme is such that it is well-thought through, fair, equitable and sustainable.

APPENDIX 1:

Extracts from the United Nations publication, “What Will Green Infrastructure Mean For A Post-Covid World?”²

¹ WHAT WILL **GREEN INFRASTRUCTURE** MEAN FOR A POST-COVID WORLD?
https://www.nytimes.com/paidpost/unops/what-will-green-infrastructure-mean-for-a-post-covid-world.html?cpv_ap_id=50120791&utm_campaign=morein&tbs_nyt=2021-sept-nytnative_morein

² WHAT WILL **GREEN INFRASTRUCTURE** MEAN FOR A POST-COVID WORLD?
https://www.nytimes.com/paidpost/unops/what-will-green-infrastructure-mean-for-a-post-covid-world.html?cpv_ap_id=50120791&utm_campaign=morein&tbs_nyt=2021-sept-nytnative_morein

“Without dramatic changes to how we develop and build infrastructure, we will critically undermine attempts to tackle the most pressing issue for the survival of our planet.”

Grete Faremo, executive director, UNOPS

IT WAS, U.N. SECRETARY GENERAL ANTÓNIO GUTERRES SAID, “a code red for humanity.”

In its sixth assessment report, published in August, the Intergovernmental Panel on Climate Change said that even under the most optimistic of scenarios, the world is likely to breach the 1.5°C increase in global temperatures within 20 years. Noting that evidence of human responsibility for warming was now “unequivocal,” the report predicted more frequent and severe flooding across Africa and Asia, and more intense heat waves across the world.

To keep temperature rises within 1.5°C will, according to Piers Forster, one of the report’s main authors, require the world to hit net-zero emissions by around the middle of the century. And while the role of industry and energy in these efforts is essential and well known, that of another sector — infrastructure — is both critically important and often misunderstood. As the world recovers from a crippling pandemic, infrastructure is emerging as a generational opportunity to rebuild the world’s economies while tackling climate change.

Source: “[Sixth Assessment Report](#),” Intergovernmental Panel on Climate Change.

“Development that is not designed to support economies to become more resilient to climate change is fundamentally less valuable to the communities it is meant to support and to investors.”

Amal-Lee Amin, director of climate strategy, CDC Group

...

Environmentally... Using more sustainable infrastructure in urban settings could reduce carbon-dioxide emissions by up to 3.7 gigatons a year, or about one-tenth of the annual total.

But from a social and economic point of view, the case for improved infrastructure is no less compelling. In both emerging and developed economies, substandard roads and transport impose enormous costs:

it's estimated that substandard infrastructure will cost taxpayers worldwide some \$1.5 trillion per year by 2030.

“Delivering sustainable infrastructure is key to improving lives while ensuring that economies have built-in resilience to climate change,” says Amal-Lee Amin, formerly of the Inter-American Development Bank and now director of climate strategy at the London-based development-finance house CDC. ...

Infrastructure influences some **92 percent** of the Sustainable Development Goals' targets and is an indispensable part of achieving them.

Source: “[New Oxford University-UNOPS Report Stresses Infrastructure as Key to Unlocking Sustainable Development Goals](#),” UNOPS, University of Oxford.

The importance of devising resilient infrastructure has been underlined by the Covid pandemic. ... practical obstacles to sustainable infrastructure remain daunting. In a recent report, the Organization for Economic Cooperation and Development (OECD) cited “**inadequate national strategies and frameworks, ineffective governance, weak capacity, poor standardisation [and] limited transparency in processes and methodologies.**”

“Our world’s infrastructure is too often unequipped to deal with immense and unprecedented needs, such as the impacts of a changing climate,” she says. “We need infrastructure that is resilient to shocks and stress, and that provides for and protects humanity against an uncertain future.”³

APPENDIX 2⁴

³ Samantha Stratton-Short, head of strategic initiatives at UNOPS, referring to the UN Sustainability Development Goals (SDGs) in “[Sustainable Infrastructure Policy Initiative](#),” O.E.C.D

⁴ EXTRACTS prepared for “Don’t Rubbish Invermay Veolia’ community organisation, J Koshin, March 2021 (From original document of evidence and research attached to a complaint to the Tasmanian Integrity Commission November 2020, Tasmanian Network Partners & Associates et al)

Appendices 2 and 3 related to land use planning in flood prone areas, internationally, nationally and in Launceston and Hobart. Appendix 2 shows the Contents headings from the “*Extracts prepared for Don’t Rubbish Invermay Veolia*” (a community organisation) and is included here as a quick overview of subjects covered in detail in Appendix 3. The Contents pages show the range of issues and public interest concerns surrounding unsustainable land use planning, particularly associated with flooding and poor planning decisions.

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APPENDIX 3 Extracts

Appendix 3 discusses land-use planning in flood prone areas. It is included here as further evidence of why land use choices in planning are so important because it appears that some council planners, supporters of the new Tasmanian state planning schemes and certain vested interests either do not have enough evidence at hand or they simply lack the understanding.

...

c) Flood risk with inevitable intensified effects on emergency evacuations, temporary rehousing of students etc in every flood warning event, regardless of levees and actual flooding.⁵

Neither the flood emergency and evacuations in June 2016 nor the damaging flood events across the UTas Sandy Bay campus in 2018 made any difference to the attitude or stance taken by Launceston Council or UTas management on the idea of relocation to a tidal/flood inundation zone.⁶ The concerns of the SES have been ignored. Even the sobering content of the final BMT Flood Modelling report,⁷ a report commission by the City Council itself, and which includes data and warnings about climate change and sea level rise, has been used to support a campus relocation rather than being taken as a serious warning.

⁵ As occurred in the flood warning emergencies in 2011 and 2016. The June 2016 evacuation of the student accommodation added 10% to the workload of the SES and the Inveresk campus evacuation cost UTas approximately \$40,000.

⁶ Basil Fitch Open letter to VC re Hobart flooding 2018

⁷ BMT, North and South Esk Rivers Flood Modelling and Mapping Update, Vols 1 & 2, November 2018

When questioned about the seriousness of the BMT report the vice-chancellor, Rufus Black, in a unique distortion of the content and issues contained in the report, quickly jumped on the idea that the report ‘will inform our design’.⁸ He appeared ignorant of climate change and sea level rise issues.⁹ When told of the flood emergency situation as it was during 2016, and asked what he thought the evacuation of a full campus would look like, his reply was that students could perhaps be evacuated to Hobart or Burnie campuses. (We did not query that response, so idiotic was it.) He also suggested the UTas experience building on the tidal flat/flood inundation zone could assist places around the world, places like Bangladesh, with the knowledge gained.¹⁰

Such glib answers, the cavalier attitude of UTas management and City Council’s ready acceptance of the UTas response to the seriousness of relocating a full campus, (with its ‘vulnerable population’) to a sub-tidal flood inundation zone amounts to wilful blindness and negligence on their part.

In addition to the ample evidence – local, national and international¹¹ - provided to the City Council and UTas management countering the wisdom of relocating a university campus to a flood inundation zone in an estuary, it is also noted that the conditions, reasons and liability concerns behind the State Treasury’s insistence on the introduction/implementation of the Invermay/Inveresk Flood Inundation Area Code, former members of the Launceston Flood Authority (such as the late Dr Owen Inglis, former FA Chairman Martin Renilson, and a previous City Engineer and flood expert, Mr G Brayford) were unanimous in their opposition to any further development in Inveresk.

Summary

Despite the pre-existing indicators, issues and risks, despite the level of public opposition and the wide public awareness of the issues and risks, despite the vast of information including serious academic-standard research on land use, sustainability, disaster resilience, planning, evidence and warnings about risks and the consequences of ignoring the information, Launceston City Councillors have wilfully supported UTas’ claims and the deficient Development Applications over the ratepayers, residents and businesses of Launceston.

From the time of the first moves to relocate the student accommodation followed by the plans to relocate the Newnham Campus, there was a failure or

⁸ Meeting 18 March 2019, VC Rufus Black (with entourage) to Morrell, Koshin, Penna & Murrell.

⁹ For <http://floodlist.com/climate/warming-may-mean-sea-levels-30cm-higher>

¹⁰ See Appendices for notes of Black’s words taken at the meeting.

¹¹ This evidence includes published research papers/articles by academic staff of UTas itself, but they have been ignored by the previous VC Rathjen and now by current VC Rufus Black as well as by the UTas Council, with the exception perhaps of the academic representative on that council, Prof Jamie Kirkpatrick and the administration staff representative Corey Peters.

a dereliction of duty by aldermen/councillors to carry out their own due diligence instead of accepting the claims put forward by UTas. Moreover, they have disregarded the known risks and the level of possible damage – both short term and long term - associated with the risks. In approving deficient (incomplete) DAs, in favouring one particular applicant (UTas) over the requirements of the Planning Scheme, and in waiving parking requirements, Launceston councillors have set a planning precedence.

7. RISK – Infrastructure, land use, ‘levee paradox’

LCC and UTas attitudes to Due Diligence, Risk and International flood disaster research.

This section takes into account the following aspects in relation to the Launceston flood risk situation, the LCC’s and UTas attitudes to due diligence and risk etc. The aspects are:

- **Land use, planning, environmental management, disaster resilience**
- **International insurance industry, location, access, emergency events, short-term and long-term damage, flood hazard rating, risk assessment**
- **Infrastructure, land use and the ‘levee paradox’**
- **maladministration/negligence, breach of duty of care, liability. (Includes research and publication Timeline April 2017-28 July 2020)**

Introduction

Long-term disaster resilience and adaptation have become increasingly important in flood risk management and land use, both nationally and internationally. Infrastructure such as levees is no longer regarded as a main solution, if indeed it ever was. Yet, in the case of Launceston’s local government, it is regarded as the only method of flood mitigation. This long-since outdated reliance on the single measure mitigation is short-sighted and ignorant of the global evidence and research on aspects such as government policy, sustainable alternatives, disaster-resilient communities, recovery, costs, advice and warnings.¹² In the age of climate change and ever-increasing severe weather events, the LCC-supported UTas relocation is foolish and dangerous.

¹² There are hundreds of academic/scientific papers and resources on these topics. See for example, Burby, RJ, (Ed) *Cooperating with Nature: Confronting Natural Hazards with Land-Use Planning for Sustainable Communities*, Joseph Henry Press, US, 1998; Milet, D. (Ed.) *Disasters by Design: A Reassessment of Natural Hazards in the United States*, US 1999 Olshansky, Robert & Kartez J., “Environmental Management and Governance: Intergovernmental Approaches to Hazards and Sustainability” 21 October 2002; FEMA Training,

On top of the flood issues, and promoting / permitting intensive development across the Flood inundation zone, is the issue of additional infrastructure required to 'support' the development (eg .roads, street widening, traffic management systems etc) and the cost imposition, of that infrastructure and its maintenance favouring developers such as UTas, on the public purse over the public interest and local amenity.

Infrastructure, land use and the 'levee paradox'

Raymond Burby, Emeritus Professor specialising in Land Use and Environmental Planning in the Department of City & Regional Planning at the University of North Carolina, and numerous others have carried out 'high-quality research' and written extensively about the paradoxes of government policy in relation to floodplains.¹³ Findings by Burby et al on the paradoxes are mirrored in the current, very recent Launceston situation. Burby's study, "Hurricane Katrina and the Paradoxes of Government Disaster Policy: Bringing About Wise Governmental Decisions for Hazardous Areas." was published in 2006.

Around the same time, the Tasmanian State Treasury and Launceston City Council engineering staff were in the process of putting together the latest world-standard, evidenced-based best practice policy and procedures for levee renewal and flood mitigation for Launceston. This included commissioning and publication in 2006 a comprehensive study by GHD and Risk Frontiers, "Invermay Floodplain: A Social, Economic, Infrastructure and Risk Evaluation Study".¹⁴ On the front cover of the study is a quote from the work of international researchers:

A more disaster conscious society needs to be built with better preparedness and safe in failure rather than, unrealistic, safe from failure design of flood defences.¹⁵

While Tasmanian Treasury was insisting on a strict evidence-based land use code and leading in policy on the inclusion and implementation of floodplain

"Building Disaster Resilient and Sustainable Communities", US, 24 October 1999.([training.fema.gov > hiedu > docs > hazdem > trends-bu..](http://training.fema.gov/hiedu/docs/hazdem/trends-bu..)).

Olshansky, Kartez, RJ Burby, in the US and researchers/writers such as A Gissing, J McAneney et al in Australia all write that such a high risk form 'of **land use** and community **building** are not sustainable in the long run.'

¹³ Burby, RJ, 'Hurricane Katrina and the Paradoxes of Government Disaster Policy: Bringing About Wise Governmental Decisions for Hazardous Areas, *ANNALS, American Academy of Political and Social Science*, 2006. According to its website "the ANNALS exists to address society's most important problems and concerns with high-quality research...", www.aapss.org Dr. Burby has research interests in state and local land-use management approaches to natural hazard mitigation, watershed protection, and other environmental problems.

¹⁴ GHD & Risk Frontiers, Invermay Floodplain: A Social and Economic Infrastructure and Risk Evaluation Study", 2006; See also BMT "North and South Esk Rivers Flood Modelling and Mapping Update", Vols 1 & 2, November 2018, which includes climate change effects in its update of the 2006 GHD study.

¹⁵ GHD & Risk Frontiers, cover, 2006, quote Kundzewicz & Takeuchi, 1999, p. 417.

land use planning measures for Launceston, Burby was researching similar issues and the extent and causes of flood damage. He argues

that the extensive damage in New Orleans and the trend in increasing numbers and severity of disasters are the wholly predictable (in fact, predicted) outcomes of well-intentioned, but short-sighted, public policy decisions at all levels of government.¹⁶

He identifies two paradoxes created by such public policy decisions, and the adverse consequences of those paradoxes. Labelling the paradoxes as i) the Safe Development Paradox and ii) the Local Government Paradox, he writes:

... the safe development paradox...that in trying to make hazardous areas safe for development, government policies instead have made them targets for catastrophes. The second I term the local government paradox, since I show that while citizens bear the brunt of losses in disasters, local public officials often fail to take actions necessary to protect them. The consequences of each paradox reinforce the other and in combination lead to a never-ending cycle of ever more unsafe urban development and ever larger, ever more catastrophic losses from natural hazards.

Although Burby mainly refers to the pre-2005 US situation and the three levels of government there, the paradoxes he observes also apply to Launceston, with the exception of the brief period of that city's land use planning enlightenment, 2006-2011. In 2019-2020, with Launceston City Council's reversal of the Planning Scheme flood plain land uses and the Flood Inundation Code, Burby's observations are particularly relevant.

Safe Development Paradox For most of this (twentieth) century, the federal (US) government has pursued a policy toward the use of hazardous areas...safe development. The basic idea is that land exposed to natural hazards can be profitably used if steps are taken to make it safe for human occupancy. The means of achieving this have evolved over time, but they basically include measures to mitigate the likelihood of damage and measures to deal with residual financial risk...

...The development stimulus of these policies is further augmented by (US) federal aid that reduces the cost to localities of providing

¹⁶ Burby, RJ "Hurricane Katrina and the Paradoxes of Government Disaster Policy for Hazardous Areas", 2006, p. 2; https://www.wcu.edu/webfiles/pdfs/paradox_of_disaster_policy.pdf
Professor Emeritus, FAICP burby@email.unc.edu

infrastructure in hazardous areas such as water and sewerage service and highway access...p.4) [[‘Safe development paradox’]]

Although US government development stimulus policies and government aid in relation to financial risk differ to those for Launceston, particularly in relation to financial risk for residents, businesses and ratepayers of the Flood Inundation zone, the end effect - intensification of development of the floodplain - has been the same.

Since 2011, Tasmanian state government and Launceston local government spending - combined with an exceedingly high amount of in-kind advice and assistance - in the form of levee design alterations, ad hoc traffic management plans, ad hoc car parking solutions, street and road realignment/widening, has been to directly assist and enable large individual discretionary development projects on the floodplain, to the detriment of the public interest, liveability and local amenity. In March 2013, the Council voted to authorise the GM to sign the Memorandum of Understanding for “the Development and Enhancement of the Inveresk Precinct between Launceston City Council and University of Tasmania”.¹⁷ In 2014 the state government established a Coordinator-General’s department, the purpose of which was to push a pro-development agenda, which was, in large part, to get rid of ‘red tape’ and to facilitate the UTas campus relocation to the Flood Inundation Zone.

Since that time between 2015-2020, LCC has been juggling priorities to accommodate UTas and one or two favoured large developers in their intensification of the Flood Inundations zone. This has been mainly via discretionary DA approvals and road/traffic infrastructure and committing to ongoing maintenance of that infrastructure despite the negative impact on local residents and local businesses and daily commuters.

Yet, there has been no major funding for Launceston’s combined ageing stormwater-sewerage system. This is despite the frequent localised stormwater-sewerage flooding in parts of Inveresk and Invermay,¹⁸ despite the addition of the 180-unit student block on the subtidal land next to the levee in 2015-16, and despite the planned campus relocation and the 2016-17 claims (albeit wild and unsupported claims) of over 16,000 students coming to the campus. In March 2013 the former water authority, Ben Lomond Water, informed the council that it (the council) would be billed 5.8 million dollars per annum for the water authority to maintain the ongoing maintenance and repair for the stormwater component of the system. Despite the LCC GM, Robert Dobrzynski, pushing to get the UTas student accommodation to Inveresk and despite the early stages of LCC preparations to gift land to UTas,

¹⁷ Launceston City Council meeting minutes, 23 March 2013.

¹⁸ See photographs, 23 January 2016, Launceston Flood Events and Emergency Timeline section.

and despite the MOU for the “development and enhancement of the Inveresk Precinct”, the GM vehemently rejected any suggestion of LCC covering ongoing costs and maintenance of the stormwater component of that system. He claimed the cost would have to be passed on to ratepayers through rates. General manager Dobrzynski said,

It's not money that we have, it's a completely new cost, and it's an imposition in the order of magnitude of \$130-\$140 per rateable property.

At a time when there's increasing concern with cost of living pressures on our depressed economy, this is just an outrageous imposition.¹⁹

Moreover, the same LCC GM who vociferously opposed taking over responsibility for Launceston's stormwater component – a system that is for a wide section of the community, and a system that will be under severe pressure and risk with the campus relocation - did not hesitate to add to council debt in relation to the UTas campus relocation. In this he was supported by LCC aldermen/councillors, who approved the measures.

Additional extracts from Burby's study that are relevant to the Launceston situation follow.

According to Lewis 2003, 76), "the metropolitan area ... simply exploded into the swamps - first toward the East Bank section of Jefferson Parish; more recently, into the eastern reaches of Orleans Parish and beyond." He went on to note that "most of the newly developed land is built on muck and is sinking at various rates. Much of the land is subject to extremely dangerous flooding" (p. 77).

From Burby p.6:

Even though the pace of development slowed after 1985, between 1970 and 2000 this area of former marshes and swamps saw more than 22,000 new housing units built and the city wanted more. In its 1999 New Century New Orleans Land Use Plan, the city planning commission argued,

Moreover, there are extensive opportunities for future development of the vacant parcels that range from single vacant lots to multi-thousand acre tracts. Long term, these development opportunities represent not only population increases but also

¹⁹ Brown D, Walker T, ABC report, 22 April 2013.

<https://www.abc.net.au/local/audio/2013/04/22/3742541.htm>

significant potential employment for the city. (Cily Planning Commission, 1999, 201)

Ironically, just six years later, the entire area of urban growth the city had been promoting and the Corps protecting for forty years was entirely under water.

Also from Burby p. 6:

As the experience of New Orleans illustrates federal policy has had its *intended* effect of facilitating and sustaining development in hazardous areas. The paradox is that in trying to make the most hazardous parts of New Orleans safe for urban expansion, it had the *unintended effect* of contributing directly to the devastation of Hurricane Katrina. It did that by increasing the amount of development possible in low-lying, flood-prone areas such as New Orleans East; and, some contend, by providing levee protection and new drainage works to that area of suburban growth, the Corps and city diverted resources that could have been used to improve drainage, pumping capacity..., a (p.6)

...Flood control and hurricane protection measures have serious limitations,...These limitations include (1) design limits that can lead to levees being overtopped by flood and hurricane events that are larger than they were designed for and {2} design flaws and construction and maintenance shortcomings that lead to protective works being breached when they cannot stand up to the forces exerted by large flood and hurricane events...

From Burby pp. 6-7:

Noted geographer Gilbert White observed in 1975 that flood control works will be of little value if the reduction in damages that they accomplish is more than offset by new damage potential resulting from additional development in floodplains" (p. xviii). This potential was demonstrated by Burby and French (1985), who studied more than twelve hundred communities with flood hazards and found a positive correlation between the degree to which communities used flood control works to limit their vulnerability to flooding and the amount of new development taking place in their flood hazard areas after the flood control works were completed...

From Burby p. 7

...Furthermore, the basic standard of protection used by the NFIP - the one hundred-year flood event - may be ill-advised, since most flood losses in the United States stem from less frequent flood events...In recognition of the limitation of the one hundred- year flood standard,

the Association of State Floodplain Managers (2000) recommends that the five hundred year flood be used in regulating the elevation of new urban development....(p.7)

On the topic of the second paradox, his **Local Government Paradox**, Burby notes:

Given that the incidence of disaster losses is primarily borne by local residents and businesses, one would expect that avoidance of losses would be a high priority for local officials. The paradox is that this is typically not the case...

Although thousands of governments subsequently adopted the minimum building standards (ie the floodplain management regulations established by the National Insurance Act 1968) ...many did not enforce them seriously or take other actions to deal with flood and hurricane risks (Burby p.8)

Similarly, Launceston City Council has not enforced provisions of the Flood Inundation Code for development across Invermay-Inveresk. Burby (p. 9) explains that there are many reasons for the local government paradox, and points to the work of Mileti (1999,)

In observing that 'there are many reason for the local government paradox, Burby (p, 10) also notes that Mileti (1999, 160) in his assessment of natural hazards in the US touched on several of them:

Few local governments are willing to reduce natural hazards by managing development. It is not so much that they oppose land use measures (although some do), but rather that, like Individuals, they tend to view natural hazards as a minor problem that can take a back seat to more pressing local concerns such as unemployment, crime, housing, and education. Also, the costs of mitigation are immediate while the benefits are uncertain, may not occur during the tenure of current elected officials, and are not visible like roads or a new library.

Avoiding the Two Paradoxes: Burby points out that

the paradoxes that contributed to the flooding of New Orleans are coming to be widely recognized. An October 2005 analysis by the Brookings Institution Metropolitan Program noted,

Federal policies and investments in flood protection facilitated development in dangerous locations ... and failed to discourage floodplain development... The traditional federal deference to

state and local land-use planning has meant that federal spending on levees and other protections has been unaccompanied by sensible restrictions on subsequent construction.

He continues (p. 11)

Having noted this, it seems to me unlikely that the pork barrel politics that sustain federal investments in flood and hurricane protection, federal disaster relief, and federal insurance subsidies are unlikely to change even though policy analysts increasingly recognize their adverse effects. What can change is how local governments manage the development and redevelopment of areas at risk. A series of studies supported by the National Science Foundation has shown that through appropriate land-use planning and oversight of development, risk and damages from hazards can be significantly reduced (see Burby, French, and Nelson 1998; Olshansky 2001; Nelson and French 2002; Burby 2005):'

Although Burby laments that, "The difficulty, given the safe government paradox, is how to bring this about", he points to an approach that is relevant to, and, given the original serious planning directives of the Tasmanian state Treasury, should have remained in place for the Invermay-Inveresk flood inundation zone.

One approach (US) state governments have used is to formulate state building codes and planning policies and to mandate that local governments enforce the codes and prepare comprehensive plans that are consistent with the policies. (p.11)

As Burby stated on 2006, "the paradoxes...are coming to be widely recognised"

Other US example of this recognition comes from the National Oceanic and Atmospheric Administration:

A new study by the US National Oceanic and Atmospheric Administration (NOAA), reinforces the idea that natural infrastructure such as marshes, reefs, mangroves and beaches can help protect coastal areas from floods, storms and erosion.

Not only can natural infrastructure offer better protection, but it can also cost less, require less maintenance and, in some cases, even keep pace with sea level rise.

NOAA's report says that natural systems can help improve water quality, provide habitat for many important species, and mitigate carbon going into our atmosphere.²⁰

The Australian floodplain paradox, avoiding the paradox and natural mitigation

In Grantham after the 2011 flooding, “sensible land-use planning” was included in new master planning, which included a land swap for flooded residents and the relocation of approximately 70-80 per cent of homes “from the floodplain to higher ground outside the flood zone for flood-impacted residents from five local townships. The authors noted that, “Nowhere else in Australia are we aware of a Local Government authority assisting a disaster-struck community in this way.”²¹

More recently, Australian Institute for Disaster Resilience researchers have written about the levee paradox in the Australian context, for example in their paper of 2018, “Flood levee influences on community preparedness: a paradox?” According to the Abstract

Flood levees are a commonly used method of flood protection. Previous research has proposed the concept of the ‘levee paradox’ to describe the situation whereby the construction of levees leads to a lowered community awareness of the risks of flooding and increased development in the ‘protected’ area. The consequences of this are the risks of larger losses in less frequent but deeper floods when levees overtop or fail. This paper uses the recent history of flooding and levee construction to investigate the ‘levee paradox’ through a study of flood preparedness and floodplain development in Lismore, NSW.²²

8. APPROACHES TO FLOOD RISK REDUCTION & NATURAL MITIGATION

The European Union Approach

²⁰ <http://floodlist.com/protection/noaa-report-natural-infrastructure-coastal-flood-management>)

US National Oceanic and Atmospheric Administration (NOAA)

²¹ Van den Honert & McAneney, 2011, p.1167-1168

²² Gissing, A, Van Leenwen, J, Tofa MHH, Australian Institute for Disaster Resilience, 2018
[https://oxfordre.com/naturalhazardscience/oso/viewentry/10.1093\\$002facrefore\\$002f9780199389407.001.001\\$002facrefore-9780199389407-e-258;sessionid=6DF001BEDC0D28F39C5E4A5AB4F79188](https://oxfordre.com/naturalhazardscience/oso/viewentry/10.1093$002facrefore$002f9780199389407.001.001$002facrefore-9780199389407-e-258;sessionid=6DF001BEDC0D28F39C5E4A5AB4F79188)

Between January 2006 and November 2007, the European Commission put together the EU Floods Directive. According to the Directive,

Its aim is to reduce and manage the risks that floods pose to human health, the environment, cultural heritage and economic activity.

Member States shall in take into consideration long term developments, including climate change, as well as sustainable land use practices in the flood risk management cycle addressed in this Directive.²³

The Directive pointed out that Europe had over 213 major floods between 1998-2009, causing some 1126 deaths, the displacement of half a million people and at least €52 billion in insured economic losses. (There is no mention of the cost of uninsured losses). It warned of greater future risk:

Catastrophic floods endanger lives and cause human tragedy as well as heavy economic losses. Floods are natural phenomena but through the right measures we can reduce their likelihood and limit their impacts. In addition to economic and social damage, floods can have severe environmental consequences, for example when installations holding large quantities of toxic chemicals are inundated or wetland areas destroyed. The coming decades are likely to see a higher flood risk in Europe and greater economic damage.

Since the EU Flood Directive came into being, the ‘likelihood’ of the coming decades seeing “a higher flood risk in Europe and greater economic damage”, became a reality within thirteen years, just over one decade to 2020, with over seventy damaging floods including emergency rescues and loss of life in at least 27 European countries in 2019.²⁴ On 14 November 2019, the effects of increasing sea level rise saw the highest tide in Venice in 50 years. One observer described the tidal flooding:

The city’s pedestrian streets became rushing rivers of brackish water, boats were thrown onto walkways and the crypt of the basilica of San Marco was submerged. The damage is still being tallied, but the mayor currently estimates restoration costs at more than 1 billion euros.²⁵

A research reporter for Floodlist, Richard Davis summed up the extent of flooding in Europe for a two months period in late 2019.

October-November 2019 were the worst months in terms of number of notifications issued since the beginning of EFAS in 2012. There were in total 54 formal, 39 informal and 587 flash flood notifications issued

²³ https://ec.europa.eu/environment/water/flood_risk/Directive, 26 November 2007.

²⁴ Numbers compiled from FloodList reports.

²⁵ Floods in Venice, 14 November 2019. <http://floodlist.com/europe/venice-floods-historical-myths-may-attract-the-aid-city-needsk>

during the period, most of them in November. This article focuses on southern Europe, which were hit by a series of storms and floods during the period October to November 2019, with Italy, southern Spain and southern France particularly badly affected.²⁶

The EU Directive also notes the range of benefits of natural flood management:

typical benefits such as avoided costs of damage to society, human health, economic activities, infrastructure, cultural heritage and the environment

It is also pointed out that it is not only these benefits that are achieved, that the same piece of land can “deliver multiple benefits and measures typically have additional benefits...

Although such additional benefits may not always be quantified or monetised, their advantages are important and compare favourably against traditional measures.

In March 2011, at around the time LCC GM was making moves to start dismantling the Flood Deed and the Flood Inundation Code, the EU published a document, "Towards Better Environmental Options in Flood Risk Management", developed by DG Environment

to assist in raising the issue of the need to increase the use of natural water retention measures in flood risk management.²⁷

This is now the practice with the dike (levee) systems in the Netherlands and Northern Germany, for example along the River Elbe between Hamburg and the North Sea, whereby land between two sets of dikes – an inner and an outer, with the land between being left to flood in the case of over-topping of the dikes.

The 2011 EU document points to

best practice examples which have been implemented for natural flood risk management in Europe, and gives relevant background on methodologies which have been used to put the principles of ecosystem-based approaches and Green Infrastructure for flood risk management into practice.²⁸

²⁶ R Davis, Floodlist, 17 December 2019

²⁷ https://ec.europa.eu/environment/water/flood_risk/better_options.htm

²⁸ <https://www.eea.europa.eu/data-and-maps/indicators/river-floods-3/assessment>
<http://floodlist.com/>
<http://floodlist.com/europe/report-floods-europe-increase-fivefold-2050>
<http://floodlist.com/dealing-with-floods/flood-disaster-figures-1995-2015>

The following extracts from the EU Directive also apply to the Launceston situation in that such measures and mitigation concepts were understood in the 2006-2007 establishment of the Invermay Flood Inundation Code, but were lost with the systematic dismantling of the Code from 2011-2020.

Traditional measures to reduce negative impacts of floods include constructing new or reinforcing existing flood defence infrastructure such as dykes and dams. There are, however, other and potentially very cost-effective ways of achieving flood protection which profit from nature's own capacity to absorb excess waters. Such green infrastructure measures can play a major role in sustainable flood risk management in Europe. Win-win solutions need to be the focus of flood risk management.

....

Why do we need natural flood management?

..., effective solutions which work with nature, rather than against it, are becoming more important than ever. Flood risk management can go hand in hand with nature protection and restoration, and deliver benefits for both people and nature. ...

What is natural flood management?

...Examples of such measures are:...restoration of wetlands which can store flood water and help “slow the flow” of flood waters...(and) urban Green Infrastructure such as green spaces, sustainable urban drainage and green roofs.

What are the multiple benefits of such measures?

Flood prevention measures entailing a more natural flood management approach achieve typical benefits such as avoided costs of damage to society, human health, economic activities, infrastructure, cultural heritage and the environment.

The UK Approach

In April 2010 the UK introduced the *Flood and Water Management Act 2010*, for England and Wales, with the aim of bringing in uniform building regulations. This *Act* legislated natural or green mitigation measures to reduce and deal with flash flooding caused by urban stormwater runoff. This was in addition to the EU Directives (until Brexit). It was stated that the *Act*

obliges builders to landscape developments so that water from roofs and driveways seeps into open ground rather than rushing into the water system.

Sustainable drainage guidelines suggest that impermeable surfaces should be replaced with permeable material, allowing rainwater to drain into the ground - a process known as infiltration.

Large "detention basins" can also be built to collect rainwater and hold it, managing the volume of water entering urban rivers, while ponds offer further water-holding capacity

The background, rationale, aims and extent of the *Act* were also described:

It was intended to implement Sir Michael Pitt's recommendations following the widespread flooding of 2007 when more than 55,000 homes and businesses were flooded (see Pitt Review). The flooding was largely caused by surface water run off overloading drainage systems. The Act was also a response to the need to develop better resilience to climate change.

The Act requires better management of flood risk, it creates safeguards against rises in surface water drainage charges and protects water supplies for consumers. It gives a new responsibility to the Environment Agency for developing a National Flood and Coastal Risk Management Strategy, and gives a new responsibility to local authorities, as Lead Local Flood Authorities (LLFA's), to co-ordinate flood risk management in their area.

Duties include investigating significant flooding incidents (typically defined as five or more properties), maintaining a register of designated flood assets and provision of information.²⁹

In April 2013 the UK government produced further guidance and information on flood risk management and surface water management, and updated on 3 June 2014: "Guidance – Flood risk management: information for flood risk management authorities, asset owners and local authorities."³⁰ Sections in the Guidance included "Sustainable development" and "Cooperation and sharing of information guidance".

Sustainable development

²⁹ <https://www.legislation.gov.uk/ukpga/2010/29/contents>; The Act is at https://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga_20100029_en.pdf

³⁰ <https://www.gov.uk/guidance/flood-risk-management-information-for-flood-risk-management-authorities-asset-owners-and-local-authorities> ; <https://www.gov.uk/guidance/flood-risk-management-information-for-flood-risk-management-authorities-asset-owners-and-local-authorities#local-flood-risk-management-strategies-tools-for-support>

The Flood and Water Management Act 2010 requires flood and coastal erosion risk management authorities (that did not previously have such a duty) to aim to contribute towards the achievement of sustainable development when exercising their flood and coastal erosion risk management functions. The act also requires the Secretary of State to issue guidance on how those authorities are to discharge their duty, including guidance about the meaning of sustainable development. The guidance for England has now been published (and the Welsh Assembly government is in the process of preparing one for Wales).³¹

Co-operation and sharing of information guidance

The Flood and Water Management Act places a duty on all flood risk management authorities to co-operate with each other. The act also provides lead local flood authorities and the Environment Agency with a power to request information required in connection with their flood risk management functions.³²

In February 2020, following severe flooding in the UK, BBC Science published an article, "How can flooding be stopped?" The article addressed several issues including flash flooding caused by stormwater. It pointed to the well-known effects of large areas of impermeable surfaces on stormwater runoff and the problems it causes:

Sustainable Drainage

Sustainable drainage is a concept often applied to towns and cities, which are especially prone to flash flooding after sudden heavy rain.

In urban areas, large areas of concrete and tarmac, as well as the roofs of buildings, are impermeable to water. Rain is channelled straight into drainage systems which can quickly become overwhelmed.³³

[[NB Sustainable drainage! Local combined stormwater-sewerage issues.]

9. DISASTER RISK REDUCIION The International Approach

The United Nations

³¹ [Guidance for risk management authorities on sustainable development in relation to their flood and coastal erosion risk management functions.](#)

³² [Guidance setting out the high level principles of co-operation and sharing of information](#)

³³ BBC Science, 17 February 2020, <https://www.bbc.com/news/uk25929644#:~:text=Natural%20flood%20defence%20features%20include,the%20power%20of%20the%20floodwaters;Konrad,CP,`Effects of Urban Development on Floods`,US Geological Survey Fact Sheet 076-03.>

Between 14-18 March 2015, the United Nations member states adopted an international document, the ***Sendai Framework for Disaster Risk Reduction*** (2015-2030). It was endorsed by the UN General Assembly in June 2015. The Sendai Framework set four specific priorities for action. Three of the four are relevant to the Launceston situation:

1. Understanding disaster risk
2. Strengthening disaster risk governance to manage disaster risk
3. Investing in disaster risk reduction for resilience

The Sendai Framework also set out seven global targets to support the assessment of progress towards achieving the aims of the Framework. Of the seven, number four applies to the Launceston situation:

4. Substantially reduce disaster damage to critical infrastructure and disruption of basic services, among them health and educational facilities, including through developing their resilience by 2030.

On 18 September 2015, the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development, which includes seventeen Sustainable Development Goals (SDGs), and building on the principle of “leaving no one behind”, the 2030 Agenda “emphasizes a holistic approach to achieving sustainable development for all.” Goal 13 and one of its several targets are relevant for Launceston’s floodplain and wetlands.

Goal 13: Take urgent action to combat climate change and its impacts

Targets

- Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries.³⁴

(18 September 2020 was the UN 5th anniversary of the adoption of the Sustainable Development Goals program, with special broadcasts.)

UN Disaster Risk Reduction - Floods

A report and analysis on the “The Human Cost of Weather Related Disasters” was compiled by the UN Office for Disaster Risk Reduction (UNISDR) and the Belgian-based Centre for Research on the Epidemiology of Disasters (CRED). The report states that between 1995 and 2015, there were 3,062 flood

³⁴ <https://www.un.org/sustainabledevelopment/sustainable-development-goals/> ;
<https://www.un.org/sustainabledevelopment/blog/2020/09/united-nations-releases-special-2020-broadcast-calling-for-collective-action/>

disasters, which accounted for 47% of all weather-related disasters and 43% of all natural disasters combined.³⁵

Among the solutions for flood protection, two in particular are relevant to Launceston – “floodplain zoning” and “restoration of wetlands”. The report says that effective low-cost solutions exist for flood protection, such as afforestation, reforestation, floodplain zoning, embankments, better warnings and restoration of wetlands.

Sections of the UN report “The Human Cost of Weather Related Disasters” that should be relevant for Launceston.

Increasing Frequency and Severity of Floods The report points to an alarming trend of flood disasters affecting ever wider areas, while at the same time becoming more severe...

Floods Increasing Across the World According to the report, floods strike in Asia and Africa more than other continents, but pose an increasing danger elsewhere...

Flood Events Becoming More Severe The nature of disastrous floods has also changed in recent years, with flash floods, acute riverine and coastal flooding increasingly frequent. In addition, urbanization has significantly increased flood run-offs.

The Ramsar Convention on Wetlands - “the wise use of wetlands”

The Convention on Wetlands was established in Ramsar, Iran, in 1971. It is an intergovernmental treaty whose mission is

the conservation and wise use of all wetlands through local, regional and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world.

January 2016, Since January 2016, 169 nations have joined the Convention as Contracting Parties. The Convention defines wetlands:

wetlands include a wide variety of inland habitats such as marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as saltmarshes, mangroves, intertidal mudflats and seagrass beds, and also coral reefs and other marine areas no deeper than six metres at low tide.³⁶

³⁵ <http://floodlist.com/dealing-with-floods/flood-disaster-figures-1995-2015> Richard Davies in “Flood Recovery” 11 January 2016.

³⁶ The Fourth Ramsar Strategic Plan 2016-2024, Subseries 1: International cooperation on Wetlands Ramsar Handbooks 5th Edition 2016. (Ramsar Convention Secretariat, 2016. The Fourth Ramsar Strategic Plan 2016–2024. Ramsar handbooks for the wise use of wetlands, 5th edition, vol. 2. Ramsar Convention Secretariat, Gland, Switzerland.)

The Ramsar Strategic Plan 2016–24 Vision:

Wetlands are conserved, wisely used, restored and their benefits are recognized and valued by all.

The Fourth Ramsar Strategic plan lays out a new vision under the Convention mission, four overall goals and 19 specific targets which are designed to support the efforts of Parties, partners and other stakeholders in preventing, stopping and reversing the global decline of wetlands. Strategic goals that relate to the Launceston situation are:

Strategic Goal 1: Addressing the Drivers of Wetland Loss and Degradation Human impacts on wetlands are growing. Influencing the drivers of wetland degradation and loss and the integration of the role of wetland values (monetary and non-monetary) into planning and decision making

Strategic Goal 3: Wisely using wetlands: no.12. Restoration is in progress in degraded wetlands, with priority to wetlands that are relevant for biodiversity conservation, disaster risk reduction, livelihoods and/or climate change mitigation and adaptation.

Under the Ramsar Convention, wetlands are separated into various categories. The relevant category for Launceston is

B. Inland wetlands

1. Permanent rivers and streams; includes waterfalls.
2. Seasonal and irregular rivers and streams.
3. Inland deltas (permanent).
4. Riverine floodplains; includes river flats, flooded river basins, seasonally flooded grassland, savanna and palm savanna.

A Canadian example of restoring and protecting wetlands in Alberta addressed the concerns around “What wetlands do and why they should be protected and rehabilitated...” Among the reasons for protection and restoration - and relevant for Launceston - were “flood abatement” and “carbon sequestration”.

Over the past two decades, urban planners have increasingly looked to incorporate natural water and resources and applying water-sensitive design into urban planning. Water Sensitive Urban Design (WSUD) is now recognised as the long-term sustainable approach

Urban planning Water-sensitive urban design is a land planning and engineering design approach which integrates the urban water cycle, including stormwater, groundwater and wastewater management and

water supply, into urban design to minimise environmental degradation and improve aesthetic and recreational appeal.³⁷

Although WSUD is “a recent planning and design philosophy in Australia primarily used to minimise the hydrological impacts of urban development on the surrounding environment...”³⁸ While the concept of “improving urban liveability through WSUD”³⁹ has been a concern for many municipalities across Victoria for example, and while five Australian states have examples of WUSB listed under “Water Sensitive Cities” there are no cases listed for Tasmania.⁴⁰

Australia's Ramsar Wetlands Australia currently has [66 Wetlands of International Importance](#) listed under the Ramsar Convention, covering approximately 8.3 million hectares, an area greater than Scotland or Tasmania.⁴¹

An Issues Paper, “The Role of Wetlands in the Carbon Cycle” was developed by the Australian federal Department of Sustainability, Environment, Water, Population and Communication in 2012 in consultation with the Wetlands and Waterbirds Taskforce, a COAG working group addressing issues relating to wetland management in Australia. The intention was to promote greater consideration of the roles of wetlands as carbon sources, sinks and stores. According to the authors,

Wetlands play an important role in landscape function, including cycling of carbon, water and nutrients, food and fibre production, water purification, regulation of flows, provision of habitats, and tourism and recreation services. The role of wetlands in carbon sequestration and storage has generally been under-estimated.⁴²

Wetlands cover approximately six to nine per cent of the Earth's surface and contain about thirty-five per cent of global terrestrial carbon. Clearing or drainage of wetlands can lead to large losses of stored organic carbon to atmospheric carbon dioxide.

³⁷ Wikipedia: https://en.wikipedia.org/wiki/Water-sensitive_urban_design

³⁸ Morrison, PJ, Brown, RR, “Understanding the nature of publics (sic) and policy commitment to WSUD”, Melbourne, Feb 2011. <https://www.sciencedirect.com/journal/landscape-and-urban-planning>

³⁹ Jennings A “Improving Urban Liveability Through WSUD”, 2012 https://www.clearwatervic.com.au/user-data/resource-files/Improving_Urban_Liveability_through_WSUD_Anna_Jennings_Clearwater.pdf

⁴⁰ <https://watersensitivecities.org.au/case-studies-by-location/>;
https://scholar.google.com.au/scholar?q=water+sensitive+urban+design+case+studies&hl=en&as_sdt=0&as_vis=1&oi=scholar

⁴¹ <https://www.environment.gov.au/water/wetlands/ramsar> Australian Dept of Water, Agriculture and Environment.

⁴² Foster, J. et al, Issues paper: “The role of wetlands in the carbon cycle”, 2012

The Australian Directory of Important Wetlands includes a Tasmania data base of references, and Tasmania has a small list of Ramsar wetlands. Although the Launceston floodplain is not listed as being of Ramsar importance, the principles and vision of Ramsar should apply to the treatment and use of the floodplain.⁴³ This should be of particular relevance to a council that has declared a climate emergency, as LCC has done.

A report, submitted as part of and in support of a UTas DA for a pedestrian bridge from Inveresk across the North Esk estuary, did not fully address the environmental flora-fauna issues of the estuary, even though UTas' own scientists have researched flora and fauna of estuaries in Tasmania and have found for example that:

Macrophytes, aquatic plants that grow in estuaries and tidal wetlands (such as in Derwent river estuary) play a vital role in the transport of nutrients from sediments into the food chain...Macrophytes are also a major food for plant eating fish, and a range of herbivorous waterbirds such as black swans and Eurasian coots.⁴⁴

The Derwent Estuary Program (DEP) is a regional partnership between local governments, the Tasmanian state government, commercial and industrial enterprises, and community-based groups to restore and promote our estuary. The DEP was established in 1999 and “has been nationally recognised for excellence in coordinating initiatives to reduce water pollution, conserve habitats and species, monitor river health and promote greater use and enjoyment of the foreshore”.

During the past decade, over 20 stormwater projects have been constructed in the Derwent estuary region, including biofiltration systems, rain gardens, vegetated swales and wetland systems. The rain gardens at the Royal Tasmanian Botanical Gardens and University of Tasmania, the Kingston stormwater wetlands, and the passive stormwater treatment wetlands at Windermere Bay and Whitewater Creek are excellent examples of WSUD in action and its benefits.

The Derwent Estuary Program promotes the uptake of water sensitive urban design to improve stormwater management by providing

⁴³ <https://www.environment.gov.au/water/wetlands/australian-wetlands-database/directory-important-wetlands/tas-data>; Tasmania has a small list of Ramsar wetlands: <https://dpipwe.tas.gov.au/conservation/flora-of-tasmania/tasmanias-wetlands/ramsar-wetlands>

⁴⁴ Kirkpatrick, J.B. & Tyler, P.A. (1988). Tasmanian wetlands and the conservation of wetlands. In: McComb, A.J. & Lake, P.S. (Eds.), *The conservation of Australian wetlands*, pp 1-16. Surrey Beatty & Sons Pty. Ltd., Sydney; For Tasmania, see Derwent Estuary Program.

resources to assist in the planning, design and construction of WSUD elements.⁴⁵

Improvements to the environment help prevent pollutants entering our waterways, and the use of green areas, such as swales and biofiltration systems to treat stormwater, reduce excess stormwater flow.

The Tamar-North Esk Estuary, including the eleven kilometre section from Inveresk to floodplains beyond Newstead, is zoned 'coastal' for its entire length and for one kilometre inland from the estuary banks. As such the subtidal floodplains of Inveresk, and the tidal freshwater wetlands further upstream, as far as twelve kilometres from the Tamar Basin, are subject to the conditions of Coastal zone under Tasmanian state planning.

As one UTas academic writes, tidal marshes serve as buffer zones for low-lying areas:

Coastal buffer: Tidal marshes provide buffer by soaking up floodwater and regulating water flow. This helps protect low lying human assets from flooding events and sea level rise.⁴⁶

Such sustainable land use planning has been discarded by LCC and UTas and they continue on with the relocation project and the intensification of Inveresk and the Willis St site.

The Launceston Approach

In 2006, at the time of Burby's study, the above approach was already being put in place for Launceston through the Invermay Flood Inundation Code and the Interim Launceston Planning Scheme.

In circa 2006-2007 in Launceston there were discussions in conjunction with the levee renewal, on natural water retention measures and on setting up such a double levee system along some sections. However, since 2011, all that has been calculatingly reversed. The LCC GMs and senior planners objected to the natural sustainable ideas, arguing that it would take away the 'valuable' (development) land. They also argued against renewing the southern section

⁴⁵ www.derwentestuary.org.au Established in 1999, DEP major sponsors Include: Brighton, Clarence, Derwent Valley, Glenorchy, Hobart and Kingborough councils, the Tasmanian state government, Southern Water, TasPorts, Hydro Tas, Norske Skog Boyer and Nyrstar Hobart Smelter. For section on macrophytes see <http://www.derwentestuary.org.au/species/macrophytes>

⁴⁶ Prahalad, V. *Tasmanian Geographici*, October 2018, <https://tasmaniangeographic.com/author/vishnu-prahalad/>

of the Inveresk Precinct levee as a dirt levee, a 'best practice' more reliable and also more cost-effective method of levee construction. They wanted to retain the land for development and therefore wanted the original dirt levee design and method changed to the more expensive, but narrower concrete levee.

The wilfulness and the personal agendas of the GMs, some LCC planners and a number of aldermen/councillors from circa 2011, have so reduced the Flood Inundation Code and Planning Scheme provisions to the point of rendering them worthless.

LCC general manager, senior planners and aldermen/councillors since 2011 have referred to the undeveloped parts of the Inveresk Flood Inundation Zone as 'valuable' land, ie for development and intensification beyond the permitted land uses under the Invermay Flood Inundation Code and the Launceston Planning Scheme.

Despite all the evidenced-based findings, nationally and internationally, and because of their failure to carry out serious due diligence, LCC persists in its outdated and unsustainable direction. International research has found that natural flood management brings environmental, social and economic long-term advantage, but that seems irrelevant to LCC.

It is well recognised that the impermeable surfaces of increasing urbanisation, also increase the stormwater runoff from those surfaces, causing flash flooding, possibly with sewerage overflow. As mentioned elsewhere in this complaint, this is a common occurrence in Inveresk and parts of Invermay. Despite the problems, and with no remedial action in sight as LCC continues with its unsustainable development intensification such as big box retailers, all of which include large expanses of impervious surfaces – roofs, car parks and additional roads

Invermay-Inveresk is apparently the only suburb in Australia that is subtidal, ie the only suburb that sits below high tide level. As discussed in Part Three B above, the pre-existing indicators for risk for Invermay-Inveresk – traffic, parking and flood - are current, ongoing and increasing. They have been unnecessarily exacerbated by LCC's actions 2011-2020.

In relation to international floodplain land use management, flood resilience measures and sustainability, this group of people have not served the interests of the Launceston community. Through their worrying approach to the three indicators for risk and their support for unfettered intensification of the subtidal floodplain, they have taken Launceston from being at the forefront of international floodplain management and sustainability to being in last place. They should hang their heads in shame.

The Launceston Approach continued

Climate emergency, floodplain and carbon sequestration

8 August 2019 LCC passed a motion declaring a Climate Emergency. The sponsor and mover of the motion, Cr Nick Daking, he said, “Our strong actions and decision-making around flood mitigation and adaption for the city over the years are clear for all so to see” But when the LCC passed its new Climate Emergency declaration and call to action on its four resolutions, it unfortunately made no connection between or mention of, its “Water, Sewerage and Stormwater” section,⁴⁷ its explanation of AEP, and its “mapping is based on the 1% AEP Flood Event, the event that has a 1% chance of happening each year,” and flood hazard ratings and floodwater velocity its new Climate emergency declaration its “Sustainability Strategy” and flood plain management, urban development and carbon sinks which explains AEP (And council officers should keep this in mind when assessing development applications for Inveresk-Invermay)

The glaringly obvious contradiction in Launceston is the deliberate development intensification and increasing expansion of areas of hard impermeable surfaces of the Flood Inundation zone and its recent Climate Emergency declaration (August 2019). An important part of climate change emergency measures and carbon neutrality is carbon sequestration. In order to achieve net zero emissions, greenhouse gas emissions also have to be counterbalanced by **carbon** sequestration.

European Union on climate emergency and Carbon Neutrality;

November 2019 EU Parliament declared a climate and environmental emergency....the pledge to become climate neutral by 2050, with even more ambitious targets along the way, or with enhanced goals by 2030 ...”we must build a sustainable...from transport to industry to agriculture not just from power/energy emissions but from industry to agriculture ...supporting green technology, jobs and infrastructure The Green Deal Investment plan to invest trillions public and private investment supporting green technology ,jobs and infrastructure

December 2019 In December 2019, the European Commission presented the [European Green Deal](#), its flagship plan that aims to make Europe climate neutral by 2050. This target will be reached through the European Climate Law that sets climate neutrality into binding EU legislation.⁴⁸.

⁴⁷ <https://www.launceston.tas.gov.au/Business-and-Development/Plumbing/Water-Sewerage-and-Stormwater#section-3> LCC’s website information section on “Water, Sewerage and Stormwater

⁴⁸ What is carbon neutrality and how can it be achieved by 2050 ...

www.europarl.europa.eu › news › headlines › society › w

Forster et al (2012) emphasise the importance of wetlands and floodplains in the sequestration of carbon:

3. Wetlands and the carbon cycle Wetlands play an important role in regulating exchanges of greenhouse gases to and from the atmosphere, including water vapour, carbon dioxide, methane, nitrous oxide and sulfur dioxide...

4. Carbon sequestration in wetlands globally Wetlands are critical to mitigating climate change through capture and storage of carbon. They have an important and underestimated role in both carbon storage and the regulation of greenhouse gas emissions. The Expert Meeting on Water, Wetlands, Biodiversity and Climate Change, involving the Ramsar Secretariat, the Ramsar Scientific and Technical Review Panel (STRP) and the Secretariat of the Convention on Biological Diversity (CBD), concluded that it is time for the international community to recognise that wetlands are more important as carbon stores than many other biomes and that efforts to protect them should be expanded...

Carbon sequestration in various types of wetlands at a global scale Coastal and estuarine wetlands have one of the highest primary productivities on earth but are small in their total global area...

Degradation of wetlands Degradation and disturbance of naturally occurring wetlands can be (and already is) a major cause of increased carbon emissions

Clearing or drainage of wetlands can lead to large losses of stored organic carbon to atmospheric carbon dioxide. Greater consideration needs to be given to the roles of wetlands as carbon sources, sinks and storages, when designing climate protection and natural resource programs. Information on the functions of specific types of Australian wetlands is required, to enable better evaluation of their contribution to climate change mitigation and adaptation and to assist in design of programs for their protection, enhancement and restoration for multiple benefits.

...Floodplain areas are often the most productive in the landscape, and consequently the capacity for carbon storage is high.⁴⁹

Trees are a vital part of carbon sequestration. Planting trees helps to sequester carbon. Because trees use carbon dioxide to build their trunks, branches,

⁴⁹ Foster, J et al, Issues paper, "The role of wetlands in the carbon cycle" July 2012, pp. 3-5; <https://www.environment.gov.au/system/files/resources/b55b1fe4-7d09-47af-96c4-6cbb5f106d4f/files/wetlands-role-carbon-cycle.pdf>

roots, and leaves, they are natural carbon absorbers and help to [clean the air](#). In fact, one mature tree can absorb up to 48lbs per year, regulate temperatures, (unlike urban concrete development) slow the flow of water through landscapes.⁵⁰

Despite protests, LCC recently felled trees in an area on the flood inundation zone and has permitted the felling of mature trees in various parts of Inveresk-Invermay.

The UTas Management Approach: maladministration, evidence-denial and manipulation

The UTas relocation in Launceston has never been an evidence-based project. In developing and intending to relocate the campus, claiming for over two years that it was to hold over 16,000 people and all the associated infrastructure, including laboratories, on a subtidal flood inundation zone, UTas management has ignored, and continues to ignore, all international and academic research, including that of respected academics of its own institution. It has ignored its own academic and administration staff and student majorities. TAFE, one of the signatories to the initial MOU of 18 May 2015, has isolated itself from the actual relocation project to follow its own plans to move to, and consolidate at, its existing campus at Alanvale-Newnham just a short distance from the current UTas Mowbray-Newnham campus and away from flood inundation risk.⁵¹

Had UTas management been offered a site of their own choosing, they could not have chosen a worse possible site. The overall location - with its patchwork of smaller sites chosen for UTas buildings – is one of the worst possible sites in Launceston for a campus: subtidal, known flood inundation zone, as close as they can get to the river, next to the levee with a levee gate and change of levee construction and material, no parking without taking from public recreation land, saturation traffic levels, poor traffic access, extremely limited shopping/service precinct, no room for growth or expansion and an addition to the city's carbon footprint.⁵²

Tasmanian academics and environmental scientists have produced scholarly papers on tidal wetlands and estuaries for a wide range of publications. In a level of wilful blindness and denial usually associated with, and worthy of

⁵⁰ <https://onetreepanted.org/blogs/stories/planting-trees-carbon-offset>

⁵¹ *The Examiner*, 29 October 2020, p. 9; For the original MOU - Media Release, http://www.premier.tas.gov.au/releases/landmark_utas_mou ; <https://www.facebook.com/CityOfLauncestonOfficial/posts/media-release-mou-with-utas-to-pave-way-for-cbd-campusthe-premier-the-university/741581325941044/> Note: TasTafe will continue its current joint creative arts presence with UTas in the existing Academy of the Arts heritage building at Inveresk.

⁵² Koshin, J & Maskell, A., Extracts from *Contextual Review & Analysis of UTas-City of Launceston Northern Suburbs Campus relocation Project*, Draft - Version 1, Tas/Sth Aust, 2019.

Donald Trump, UTas management chooses to ignore the science and the research.

UTas DAs for Inveresk include the removal of several mature trees. These actions are not in keeping with **a)** LCC's Climate Emergency declaration nor with **b)** the very recent UTas management announcement of "a commitment to support the creation of a zero-carbon economy" and the plan to "divest from fossil fuel-exposed investment funds by the end of 2021."⁵³ The divestment action was not UTas management-initiated, but came only after pressure, from "the uni students who fought so hard for this through Fossil Free UTas". The Vice-Chancellor's words in the media release ring hollow. His words do not fit with his persistence in proceeding with the relocation project.⁵⁴ Similarly, while UTas academics continue to work on environmental and climate change research, UTas management continues with their intensification of the Launceston flood inundation zone, making a mockery of their claims that UTas "is leading Global Climate Change Week" or that UTas "leads the way to divesting from fossil fuel-exposed investment funds".⁵⁵

10. INSURANCE, LOCATION, SERVICES & ACCESS

International Insurance Industry, Flood Research, Poor Land Use Practice, Planning & Advice, Hazard Rating, Risk & Chance

⁵³UTas Media release, https://www.media.utas.edu.au/data/assets/pdf_file/0004/1408864/Fossil-fuel-divestment.pdf 19 October 2020. The VC's media release starts with reference to "Global Climate Change Week" (19-25 October) For information of the week's nineteen events (mainly webinar/zoom sessions) including the three UTas webinar/zoom online events, see <http://globalclimatechangeweek.com/events/> Global Climate Change Week aims to encourage academic communities – academics, students, professional & non-academic staff at universities – in all disciplines and countries to engage with each other, their communities, and policy makers on climate change action and solutions.

⁵⁴ **NB** This content of this media release demonstrates the duplicitous nature of the VC's attitude. Given VC Rufus Black's determined stance on the Inveresk project, and after attending two meetings with the him, his thinly disguised, dismissive attitude to UTas' own staff and to the public view on the Inveresk project is reprehensible. I was disgusted when I read the media release. I am pleased to say that I wrote the sections on the work of UTas academic researchers and scientists long before this media release. The VC has consistently ignored, and continues to ignore, the evidenced-based work of UTas researchers and others on wetlands, flooding etc. As a former long-time staff member and partner at McKinsey and Company, this VC knows the right things to say, even when, or especially when, the words do not match with the reality, as this media release shows. And those words nearly always include the word "global", as if it is meant to impress the reader.

⁵⁵ <https://www.utas.edu.au/latest-news/utas-homepage-news/week-of-events-unite-communities-towards-climate-action>

Earlier in this complaint I referred to issues of liability and warnings by the legal profession about the increasing risk of climate change related litigation in Australia and internationally.⁵⁶

Similarly, the international insurance industry is unequivocal in its warnings on matters of climate change, flood mapping, flood risk and hazard rating, safety, the location of buildings and services in relation to flood inundation zones, human and economic costs, and the responsibilities of company directors, chief executive officers and risk managers in relation to these matters.

One of the main principles of risk management is “Accept no unnecessary risk”. Risk is defined as “a combination of the consequences of a flood event and its occurrence probability.” (Ale 2002 p.109). The consequences of a flood event “may arise in a social, economic and environmental dimension and may therefore affect individuals or the society.”⁵⁷

Following the 2011 Brisbane floods, academic researchers, van den Honert and McAneney at Risk Frontiers (Macquarie University) noted in relation to insurance:

Questions have also been raised about the availability of insurance cover for riverine flood, and the Queensland government’s decision not to insure its infrastructure...

We argue that insurance is a form of risk transfer for the residual risk flowing risk management efforts and cannot in itself be a solution for poor land-use planning.⁵⁸

They argue that the “fundamental question that needs addressing” is not the insurability of flood risk, but how best to deal with the legacy of poor land-use planning decisions...

They are of the view that the legacy of poor land-use planning needs to be addressed:

Development in the low-lying areas along the lower Brisbane River... despite the history of severe flooding and has resulted in large concentrations of properties exposed.

How to reduce this exposure to flooding should be the key policy objective...Flood risk management should aim to reduce a community’s flood risk...by reducing exposure to flooding by prudent land-use

⁵⁶ corrs.com.au › insights › a-new-era-of-climate-change-litigation 8 April 2019

⁵⁷ Fabor, Rudolf “Flood Risk Analysis: Residual Risks and Uncertainties in an Austrian Context”, PhD Dissertation, University of Natural Resources and Applied Life Sciences, Vienna, Date ?

⁵⁸ van den Honert, RC & McAneney, J. “The 2011 Brisbane Floods: Causes, Impacts and Implications”, in *Water* 2011, 3, p. 1149.

planning...The legacy issues are an issue that governments and the insurance sector are grappling with.

And

That nothing will change until local councils are held for bad land-use planning decisions.

They also noted that;

Insurance is not an alternative to risk management: it is a means of transferring the residual risk once risk management measures have been put in place. To actively contribute to flood risk management, insurance must act to reduce the number of homes at risk

Considerable discussion on insurance and its role in reducing exposure to flood risk was included in the paper. In their Conclusion the authors stated that

Many insurers do not provide riverine flood insurance due to lack of information on which to determine and price the risk...

The authors reiterated in their Conclusion, that while the role of insurance was important in attitudes to flood risk, more important was location or physical proximity to known flood zones.

We argue that the real issue is how to deal with the legacy of past poor land use planning,..in locations now designated as high risk. ... insurers should have access to the best flood studies available on which to determine the cost of this risk.⁵⁹

The **Sendai Framework for Disaster Risk Reduction (2015–2030)** is an international document that was adopted by the United Nations member states between 14 and 18 March 2015

The Sendai Framework sets “four specific priorities for action”:^[5] two of which two are relevant to LCC

1. Understanding disaster risk;
2. Strengthening disaster risk governance to manage disaster risk;

Under these specific priorities are seven global targets intended “To support the assessment of global progress in achieving the outcome and goal of the

⁵⁹ Van den Honert & McAneney, 2011, p. 1170.

Sendai Framework, seven global targets have been agreed.”⁶⁰ Of the seven global targets number four is relevant to LCC:

no. 4. Substantially reduce disaster damage to critical infrastructure and disruption of basic services, among them health and educational facilities, including through developing their resilience by 2030

The **World Conference on Disaster Risk Reduction** is a series of United Nations conferences focusing on disaster and climate risk management in the context of sustainable development. Residual risk is

the remaining part of the risk after implementing a protection system. The residual risk covers the accepted risk, the unknown risk and the risk due to false judgement or inadequate countermeasures and decisions.⁶¹

Operational risk management (ORM), together with ‘legal risk’, ‘political risk’, ‘reputational risk’ and ‘valuation risk’ forms part of the Operational Risk category under Financial Risk and Financial Risk Management. ORM is a ‘continual cyclic process’, which

includes risk assessment, risk decision making, and implementation of risk controls, which results in acceptance, mitigation, or avoidance of risk.

ORM is the oversight of operational risk, including the risk of loss resulting from inadequate or failed internal processes and systems, human factors or external events...

Unlike other types of risk (market risk, credit risk, etc) Operation Risk had rarely been considered strategically significant by senior management.⁶²

It appears that Launceston City Council takes an undiscerning ORM approach to the various types of risk in relation to the Flood Inundation Zone. Rather than considering risk management using alternative strategies and “opportunities” provided by the floodplain, LCC has charged headlong into

⁶⁰ “Sendai Framework for Disaster Risk Reduction” UNISDR, 18 March 2015, retrieved 31 Aug 2020>

⁶¹ Fabor, R. “Flood Risk Analysis: Residual Risks and Uncertainties in an Austrian Context” PhD Dissertation University of Natural Resources and Applied Life Sciences, Vienna, 2006. BMLFUW is the Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft. (Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management)

⁶² Wikipedia, https://en.wikipedia.org/wiki/Operational_risk_management#cite_note-1

defying the threats and the negative consequences of floodplain intensification.

Strategies to manage threats (uncertainties with negative consequences) typically include avoiding the threat, reducing the negative effect or probability of the threat, transferring all or part of the threat to another party, and even retaining some or all of the potential or actual consequences of a particular threat. The opposite of these strategies can be used to respond to opportunities.⁶³

Other studies on risk management state, that “In spite of protection measures on planning and operational level risk cannot be banned totally”, leaving “residual risk”.

This **remaining risk is called residual risk** and describes the amount of risk **after structural or non-structural flood management measures** have been applied. For example:

- **Residual risks** of flooding are those which arise after the construction of flood defences or control systems, when the defences or systems are subjected to unquantifiable or extreme events. The events may exceed the design parameters and cause **overtopping of the defences** or they may subject the defences to large forces which cause structural failure and subsequent collapse of sections of the defences.
- **Other types of residual risk** events which can lead to flooding include **breakdown or failure of pumps and water control structures** and major blockages within drainage systems.

By their very nature, **residual risks have a low probability of occurrence.**

However, the consequences arising from a breach of tidal or fluvial flood defences can be very significant and, in some instances, dangerous to life.⁶⁴

Launceston City Council, Risk and Residual Risk

An additional dimension to the “levee paradox” in Launceston is that city councillors and UTas management, in their belief that the levees reduce the probability of flood events, do not seem to accept or understand the reality of risk or the levels and types of risk. Worse, they state they are “comfortable” with the risk and continue to allow intensification of development in the flood zone. Not only have they ignored the principle of “accept no unnecessary risk”, they have actually created unnecessary risk, and exacerbated the previously existing risk. Launceston City Council with its negligent attitude to

⁶³ Wikipedia, https://en.wikipedia.org/wiki/Operational_risk_management#cite_note-1

⁶⁴ <http://daad.wb.tu-harburg.de/?id=1356> (The bold highlighting is as per the original document.)

development intensification in the Flood Inundation Zone, wilfully ignores residual risk and what it could mean might mean for the council. Although it is uncommon for residual risk costs to be higher than inherent risk, it can occur. With the ongoing intensification of the flood zone and the investment in the associated public infrastructure, it is becoming increasingly possible that the intensification will result in the residual risk being higher than the inherent risk.

Liability/Negligence and Due Diligence Questions:

1. Did the LCC make full disclosure and fully inform the UTas VC and UTas Council of the flood risk (including risk assessment incorporating the latest modelling which incorporates climate change factors), of the history of flooding and the research leading to the Flood Inundation Code, of the Code itself and State Treasury's rationale behind the formation and establishment of the Code and its incorporation into the Launceston Interim Planning Scheme?
2. If not, why not?
3. Did UTas make full disclosure of the flood risk, (including risk assessment incorporating the latest modelling which incorporates climate change factors), of the history of flooding and the research leading to the Flood Inundation Code, of the Code itself and State Treasury's rationale behind the formation and establishment of the Code and its incorporation into the Launceston Interim Planning Scheme in its submissions to Infrastructure Australia.
4. If not, why not?
5. If so, exactly what material did they provide to Infrastructure Australia?
6. What considerations did IA give to the flood risk (including risk assessment incorporating the latest modelling which incorporates climate change factors), to the history of flooding and the research leading to the Flood Inundation Code, to the Code itself and to State Treasury's rationale behind the formation and establishment of the Code and to the incorporation of the Code into the Launceston Interim Planning Scheme?

Other questions: In relation to insurance: Is moral hazard an issue for either UTas or LCC by one or the other (or both, unbeknown to the other)? And what is the position of LCC in relation to insurance, flood on the flood inundation zone and Subrogation and litigation?

11. INTERNATIONAL INSURANCE SECTOR - RESEARCH AND ADVICE

The insurance industry frequently emphasises the reality that “floods are the leading cause of damage in the insurance industry”.⁶⁵

By ignoring the latest research and widely recognised problems and wilfully continuing with environmentally and economically unsustainable policies such as the UTas campus relocation, LCC and the state government could be potentially opening them up to insurance issues of moral hazard and/or subrogation.⁶⁶

Burby included the issues of insurance subrogation and moral hazard in relation to flood events:

In the early 1980s the Federal Insurance Administration (FIA) launched a subrogation suit for more than \$100 million against Jefferson, Orleans, and St. Bernard parishes (subrogation occurs when an insurance entity that pays US insured client for losses then sues the party it contends caused the damages).

The FIA contended the parishes caused it to pay excessive flood insurance claims by failing to maintain levees and failing to enforce elevation requirements for new construction, which then led to buildings being flooded and their owners to seek compensation from the federal flood insurance program. The courts ruled in the FIA's favour and ordered the parishes to improve their levee maintenance and enforcement practices (see Malone 1990).⁶⁷

Note: The situation in Launceston differs somewhat to that of the US, in that there is a high level of community/public understanding in Launceston of the risk and associated economic costs – particularly among residents and businesses of Inveresk-Invermay. For a range of reasons, from stormwater-sewerage, traffic congestion, emergency

⁶⁵ For example <https://www.claimsjournal.com/news/national/2017/11/21/281694.htm>, and FM Global.

⁶⁶ Moral hazard can be defined as a situation in which one party gets involved in a risky event knowing that it is protected against the risk and the other party will incur the cost. An example: a person has not insured their house from any future damages. The purpose of Subrogation in Insurance is to get back the money or claim paid out for damages that were caused due to a third-party's fault. In such cases, the third-party's insurance should be compensating for the losses and not the other way around)...then makes its own claim against others who may have caused the loss, insured the loss, or contributed to it. The construction of a basement restaurant for Britt Inns, was completed in 2006, but the restaurant was flooded as a result of the negligence of Thames Water (It flooded again in 2007)fault of the contractor, and also had other setbacks) It was eventually closed by Brit Inns in 2008) A subrogated claim was brought against the construction contractor by the insurer

⁶⁷ Burby, 2006, p. 9.

evacuations, levee weaknesses, insurance costs and more, the public has been opposed to the intensification of development on the floodplain since that intensification began in 2012. LCC and the state government, on the other hand, have shown a complete disregard for any of the above issues, and pushed on regardless of the consequences. Their complacency and/or a lack of understanding of the residual risk and economic costs associated with their intensification of development floodplain means the insurance industry would more than likely search for any chance of launching a subrogation suit or a moral hazard suit against LCC and the state government.

As mentioned above there are many reasons for the “local government paradox” and Burby has observed that

Few local governments are willing to reduce natural hazards by managing development...they tend to view natural hazards as a minor problem”, they are uncertain about the economic benefits of limiting development as a mitigation measure, which is not visible like roads or parking lots. Local governments are uncertain about the economic benefits of natural flood mitigation measures.

This appears to be the case with LCC and its failure to understand the economic benefits of limiting floodplain development as a flood mitigation measure, instead tending towards ridiculing the suggestion of limiting development, rather than taking notice of the high level of public awareness and understanding of the flood risk on the subtidal floodplain.

Although Burby’s discussion on “moral hazard” is in relation to the US situation, is it also relative to the Launceston situation. Burby (p. 10) writes

In addition, other scholars believe federal encouragement of the intensive use of areas exposed to natural hazards has created a form of "moral hazard" that discourages local governments (and individuals) from taking actions to reduce the risk of loss.

Moral hazard is an insurance term that refers to cases where the availability of insurance protection lowers an insured party's incentive to avoid risk. Insurance companies try to counter this through the use of deductibles and the threat of cancelling (sic) policies if claims are too frequent. The potential for moral hazard in the federal approach to natural hazards was first noted by the Interagency Floodplain Management Review Committee (1994,

180) following disastrous floods in the upper Midwest in 1993. In commenting on the potential for federal programs to create a form of moral hazard, the committee observed, "Through provision of disaster assistance and, in some cases, enhanced flood protection, the government may in fact be reducing incentives for local governments and individuals to be more prudent in their actions.

According to an article by Denise Johnson in an insurance industry online journal, *Claims Journal*, an associate of one law firm's Subrogate and Recovery Practice Group,

a catastrophe loss can be defined as being caused by a severe event, resulting in a significant amount of damage and affecting a wide range and number of people.

From a subrogation point of view they recommended reviewing local building codes and building practices with two questions in mind: 'Was the structure designed properly?' "Did it meet building codes?"

Another associate repeated the frequent statement from the insurance industry

Floods are the leading cause of damage in the insurance industry, (and that) "the rise in [flood claims](#) is due to many reasons, including global warming and a greater utilization of flood plains...

In relation to floods in subrogation cases, they suggested

that focus should be on whether there was any government action relating to the flooded area and analysis of the design and construction of the area.

Potential targets include governmental entities, engineers, contractors, adjacent landowners and developers. Potential theories of liability, according to Rossi, include lack of stream or watershed maintenance, improper land development or dam release and stream obstructions...

Rossi added that

YouTube videos are a fertile area to gather information on floods...We've developed significant recovery on cases based on videos found on the internet.⁶⁸

While subrogation associated with structural deficiencies might or might not arise in case of flood damage of UTas buildings at Inveresk, other questions applicable to both the Launceston City Council and UTas would arise in any subrogate suit. Such questions would include: Was it necessary to build campus in that sub-tidal location? Was there an alternative site? Did it meet the Flood Inundation Code? Did it fully meet the Planning Scheme? Why did UTas relocate from the safety of the Newnham site to a high risk site? LCC was in the position to refuse permissions, so why did why did LCC support relocation from a safe site to a high risk site?

Former president and Insurance Information Institute chief economist, Robert Hartwig, currently director of the Risk and Uncertainty Management Center (sic) at the University of South Carolina, said in January 2019 when commenting about accountability for damages and losses in natural disasters, that he expects natural disasters to "get lots of ink in future financial filings because I don't think they're currently getting the attention they're due."⁶⁹

Reports and studies commissioned as recently as July 2020 by FM Global have issued repeated warnings on flood risk, choice of location, damage, costs, recovery and the long-term effect on companies' long-term value and share prices as the result of flooding. The main recommendation relates to location, such as 'locating well outside a flood zone, or building on higher ground is always the best solution.'⁷⁰ Moreover, the industry recommends that building in areas where the services and access are within flood zones is also to be avoided.

According to the senior vice president and manager, engineering and research at FM Global:

Flood is one of the costliest commercial property risks, and it's only getting worse with climate change, globalization and urbanization. Companies with properties anywhere in the world can now quickly identify the base flood risk for all of their facilities

⁶⁸ Johnson, Denise, "Early Consideration Key to Successful Subrogation After Catastrophe Losses", 21 November 2017, quoting Chicago Law firm associates of the firm's Subrogate and Recovery Practice Group, T Baria and P Ross. <https://www.claimsjournal.com/news/national/2017/11/21/281694.htm>

⁶⁹ <https://newsroom.fmglobal.com/releases/cfos-beware-you-may-be-held-accountable-for-natural-catastrophe-losses-in-the-year-ahead>

⁷⁰ https://www.fmglobal.com/insights-and-impacts/2020/mitigate-flood-riskhttps://newsroom.fmglobal.com/releases/study-flood-damage-erodes-companies-long-term-value?utm_source=news_alerts&utm_medium=email&utm_campaign=202007_news_alerts&utm_content=202007_study_flood_damage_erodes_companies_long_term_value

As with the insurance industry claims on floods, the Flood Directive of the European Commission states,

Floods are the most common and most costly natural disasters in Europe which has severe floods with devastating effects happen every year, and such flood events are likely to become more frequent with climate change.

...Integrated flood risk management must focus on sustainable water management and measures which work with nature are becoming more important, as they contribute to the strengthening of the resilience of nature and society to extreme weather events⁷¹

Timeline 2007-2020: Research Extracts, Location Advice, Flood Mapping

18 January 2006 The European Commission proposed an EU Floods Directive with the intention of reducing and managing flood risk to human health, the environment, cultural heritage and economic activity.

6 November 2007-2015 Publication of the EU Floods Directive, which applied to “inland waters as well as all coastal waters across the whole territory of the EU.” The EU intended to have completed by **2011** identification of the river basins and coastal areas at risk of flooding. This would be followed by flood risk mapping.

Member states... would then need to draw up flood risk maps by **2013** and establish flood risk management plans focused on prevention, protection and preparedness by **2015**.⁷²

4 April 2017 Global Flood Mapping was produced by FM Global to show worldwide natural hazard risk of flooding, with particular attention to designating areas of ‘High hazards’.

The map can help users determine whether their business locations reside in a potential flood zone by simply typing in physical addresses. The map identifies potential 100-year flood zones—highlighted in pink—and potential 500-year flood zones highlighted in yellow. The term 100-year flood exposure can be misleading. Over the 30-year life of a facility (or a risk manager's career), there is a one in four chance your facility

⁷¹ https://ec.europa.eu/environment/water/flood_risk/better_options.htm

⁷² https://ec.europa.eu/environment/water/flood_risk/

will flood if it is located in a 100-year flood zone, and a one in six chance if it is located in a 500-year zone.⁷³

Available at no cost to the public and businesses, the purpose of the “interactive Global Flood Map” is to give business executives “a powerful new strategic planning tool”, and to present risk managers ‘with a way to address natural hazard exposure around the planet’. It provides

a worldwide view of high- and moderate-hazard flood zones across the globe, even in areas where previously available information was unreliable, inconsistent or non-existent.

The mapping is “meant to help accurately answer the question *Are your locations in or out of potential flood zones?*”

According to the insurance industry, of all natural disasters, “flooding was the costliest overall peril in 2016 for the fourth consecutive year in terms of global economic losses.” The Hazard ratings, the ‘scientific basis’ and ‘consistency’ of the mapping are as follows:

High hazards – If a location is in a 100-year flood zone, meaning it has a 1-percent chance per year of experiencing a flood, it will be highlighted in pink.

Scientific basis – The Global Flood Map is a comprehensive, physically based flood map employing hydrologic and hydraulic models, and reflecting data on rainfall, evaporation, snowmelt and terrain.

Consistency – The Global Flood Map provides a worldwide view of high- and moderate- hazard flood zones around the globe one 90-meter-by-90-meter tile at a time...⁷⁴

[To further raise awareness of the nature of flooding, FM Global also produced a pamphlet, “Understanding the Hazard – Flood”](#)⁷⁵

The low-lying, subtidal and flood inundation areas of Launceston are located in the pink zone, the ‘high hazard’ zone. This is a point that seems to be lost on the campus relocation proponents and/or has been wilfully ignored by them.

June-August 2017 and beyond Insurance industry repeatedly emphasises the warnings on flood risk and choice of location:

⁷³ FM Global 22 June 2017, Risk & Insurance. The importance of the need for information, beyond just local areas, such as hazard mapping beyond just local areas for decision-making and insurance calculations was described by Robert Burby. Global mapping work by FM Global has done this for flood risk.

⁷⁴ <https://newsroom.fmglobal.com/releases/new-global-flood-map-tackles-top-worldwide-natural-hazard-risk> 4 April 2017; <https://www.insurancejournal.com/news/international/2017/04/05/446906.htm>

⁷⁵ <https://www.fmglobal.com/research-and-resources/nathaz-toolkit/flood>

Of all natural disaster losses, flood loss can be both the most predictable and the most preventable...The most obvious action is to locate far from low-lying river, coastal or other flood-prone areas⁷⁶

The insurance industry also issued repeated warnings on the inevitability of major floods in high hazard areas:

Inevitable

Facilities located within high-hazard flood zones will experience a major flood. In fact, they are five to seven times more likely to experience a flood causing US\$100,000 or more in damage than to suffer a fire or explosion of a similar

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The warnings of the inevitability of flooding for such areas as the Inveresk-Willis Street areas of Launceston are constantly ignored by the Launceston City Council and the University of Tasmania campus relocation proponents. They also wilfully ignore the clearly-stated obvious by flood experts and members of the general public on how to avoid the inevitable interruption, risk and damage and costs caused by flooding. International insurance flood risk checklists include the following items as the first and main considerations:

If you are building a new facility:

☐ Don't build near a flood zone

☐ Avoid locations that rely upon access/transportation routes that are in a flood zone

☐ Avoid relying on utilities in a flood zone

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The warnings about not constructing new facilities on or near flood inundations zones are consistent and growing louder.

Preventable

When planning a new facility, the simple solution to the flood hazard is to build outside known flood zones, including levee-protected areas, and design the site to ensure all storm-water drainage systems are adequate.

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⁷⁶ Hall, JW, Chief Operating Officer, FM Global, feature article, "A Rising Tide" in *Risk & Insurance*, , 22 June 2017, 10 August 2017

⁷⁷ 'Understanding the Hazard – Flood' FM Global UTH publication, 2017, p.1

⁷⁸ From Insurance Industry flood preparedness checklist.

⁷⁹ FM Global UTH Flood Publication 2017, p. 1

Existing facilities in floodprone locations

For facilities already located in known inundation areas or in areas at risk of inundation, the warnings remain dire, and should act as further disincentive against locating any new buildings within the inundation area, irrespective of levees or not. Again, the international insurance industry warns about the effects of floods and damage on existing facilities:

Science of the Hazard

The key to preventing flood loss at your facility is to fully understand the exposure to your site. It is critical to be aware of how much warning time you may have, how deep the flood water is likely to get, what the possible impact of fast-moving water might be, and how long it might take the flood water to recede. In addition, bear in mind flood water contains various contaminants, including mud, sand, chemicals (such as gasoline and oil) and even raw sewage, all of which add to the damage potential. Also, waves of little more than 3 ft. (1 m) in height can cause structural damage, and can demolish lightweight buildings.

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Looking solely at flood maps sometimes leads people to think locations outside flood zones are immune to flooding. This is simply not true. The main reason is urbanization, where changes in the landscape have altered the flood path since the map was created. In addition, a site's design and layout itself can create a localized flood hazard if the storm-water management system is overtaxed.

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12. MISCONCEPTIONS: AEP, CHANCE, HIGH HAZARD

It is a major concern for the public, that Launceston City Councillors and members of the UTas relocation team either disregard, or do not understand, chance and probability in relation to floods for the flood inundation zone in Launceston. They appear to operate under the misconception of levees as protection against a “one in one hundred year” flood event or a “one in two hundred year” event. (See more on chance and probability ratings in Part Four B under the 2016 Launceston Flood emergency). LCC's own website information section on “Water, Sewerage and Stormwater” explains AEP and “mapping is based on the 1% AEP Flood Event, the event that has a 1% chance

⁸⁰ Fm Global UTH Flood Publication 2017, p. 2

⁸¹ FM Global UTH Flood Publication 2017, p. 2

of happening each year.”⁸² LCC disregard this when assessing development applications for Inveresk-Invermay.

Full discussion on Annual Exceedence Probability (AEP) for Launceston is present in the ninety page “Invermay Floodplain: A Social, Economic, Infrastructure and Risk Evaluation Study” by GHD and Risk Frontiers (2006), and in Launceston City Council’s own commissioned 2018 BMT report.⁸³

The international insurance industry also discusses in clear detail, the chances of flooding especially in relation to ‘high hazard’ areas - such as Inveresk. The following paragraph “What are the Chances” and table explain ‘chance’ and ‘probability’ as they relate to AEP and flood risk.⁸⁴ By using the term ‘a one in a two hundred year flood’, LCC Mayor and some councillors and council officers, have lulled themselves and other UTas relocation proponents, into a misplaced sense of security that such an event will not happen in their lifetime, as if it is always 200 years hence in the future. That is, in their attempts to justify their approval of the UTas relocation, the “200 years” in their minds is a constant that does not reduce over time. This raises the point of whether use of the term ‘one in 200/100/500 year flood’ instead of the correct AEP qualifies individual councillors to claim having carried out due diligence on flood risk for Inveresk-Invermay and Willis St sites.

As the planning authority overseeing land use on a sub-tidal flood inundation zone, LCC needs to get some understanding on ‘chance’, ‘probability’ and importantly, AEP. Councillors and UTas relocation proponents should be aware of and understand “Hazard Code”, definitions of “Flood Hazard Area”, “High Hazard Area” and the particular features of floods in “High Hazard Areas”. Under the Hazard Code and what it means for development, ‘High Hazard’ areas, the first recommendation is always, “New development within these areas should be avoided”⁸⁵

In his study of Flood Risk Analysis, residual and uncertainty, R. Fabor notes that

“even phenomena like the estimated probable maximum flood and the probable maximum precipitation have been exceeded (Merz 2006 p.104)”

For that reason, Fabor suggests that two even larger event scenarios should be considered:

⁸² <https://www.launceston.tas.gov.au/Business-and-Development/Plumbing/Water-Sewerage-and-Stormwater#section-3>

⁸³ GHD & Risk Frontiers, “Invermay Floodplain: A Social, Economic, Infrastructure and Risk Evaluation Study”, 2006;

⁸⁴ FM Global UTH Flood Publication 2017, p. 2

⁸⁵ Gissing, A. RiskFrontiers, Briefing Note 388, February 2019, p.5

1,000-year or larger events and the associated occurrence of structural and operational failures. Considerations on the return periods of flood scenarios should account for longer time horizons than the one-year period, which is related to the well-known probability estimates. In a 50-year period, the probability of experiencing at least one 300-year event amounts to 15 percent, which may be regarded as considerably high. Analysing flood risks by 300-year events was suggested by the Austrian BMLFUW” (Federal Ministry of Agriculture, Forestry, Environment and Water Management) in 2006.⁸⁶

What Are the Chances?

The following table lists the probability of a flood occurring *at least* once in a high-hazard flood zone during a given period of time. For example, if your building is in a high-hazard flood zone, there is a 26% chance it will experience the 50-year flood level, and a 14% chance it will experience the 100-year flood level, *at least* once within a 15-year period. Buildings located in flood zones may have floor elevations below the 100-year flood level, and significant flooding will occur at much shallower flood levels.

Probability of a Flood Occurring at Least Once in a High-Hazard Flood Zone		
PERIOD OF TIME	50-YEAR FLOOD	100-YEAR FLOOD
10 years	18%	10%
15 years	26%	14%
20 years	33%	18%
25 years	39%	22%
30 years	45%	26%

Noting that “In 2011, the flooding of important commercial and industrial areas all over the world clearly demonstrated that severe floods are not one-time occurrences”,⁸⁷ the inadvisability of naïve or uninformed assumptions

⁸⁶ Fabor, Rudolf “Flood Risk Analysis: Residual Risks and Uncertainties in an Austrian Context”, PhD Dissertation, University of Natural Resources and Applied Life Sciences, Vienna, Date?

⁸⁷ FM Global, UTH Flood, publication 2017 p. 3

about location and levees is also highlighted in insurance industry warnings.⁸⁸

But What About...

...the fact my facility is located in a flood zone, but has never flooded?

If located in a high-hazard flood zone, there is a 45-percent chance your facility will experience a significant flood at least once within a 30-year period. The likelihood of less severe but more frequent flooding is far greater. Remember, it is always a question of *when* (and how often) rather than *if* a flood will occur.

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...the fact our facility is protected by a levee? That means there is no flood risk, right?

Flood-control works, such as levees and dikes, do reduce the likelihood of a flood. However, they are complex systems and the level of protection afforded by them at any given time is a function of the design and maintenance of the system. If your site is protected by a levee or dike, your entire flood risk management program is in the hands of the levee management authority. For more detailed

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In Launceston and within UTas, the warnings and advice of emergency personnel, such as the SES in New South Wales and Tasmania, are consistently ignored.

While the NSW SES points out the myths of flood protection in relation to levees, the Launceston City Council ignored the advice of the SES of the need to inform residents of Inveresk of a slump in the bank under the Inveresk levee in 2016. Instead LCC kept the matter quiet for over a year. There was also an attempt within Launceston, (including an approach to the state government) to have a senior northern SES staff member removed from the job, because SES 'frank and fearless' advice regarding levees, breaches and slumps did not suit the campus relocation agenda.

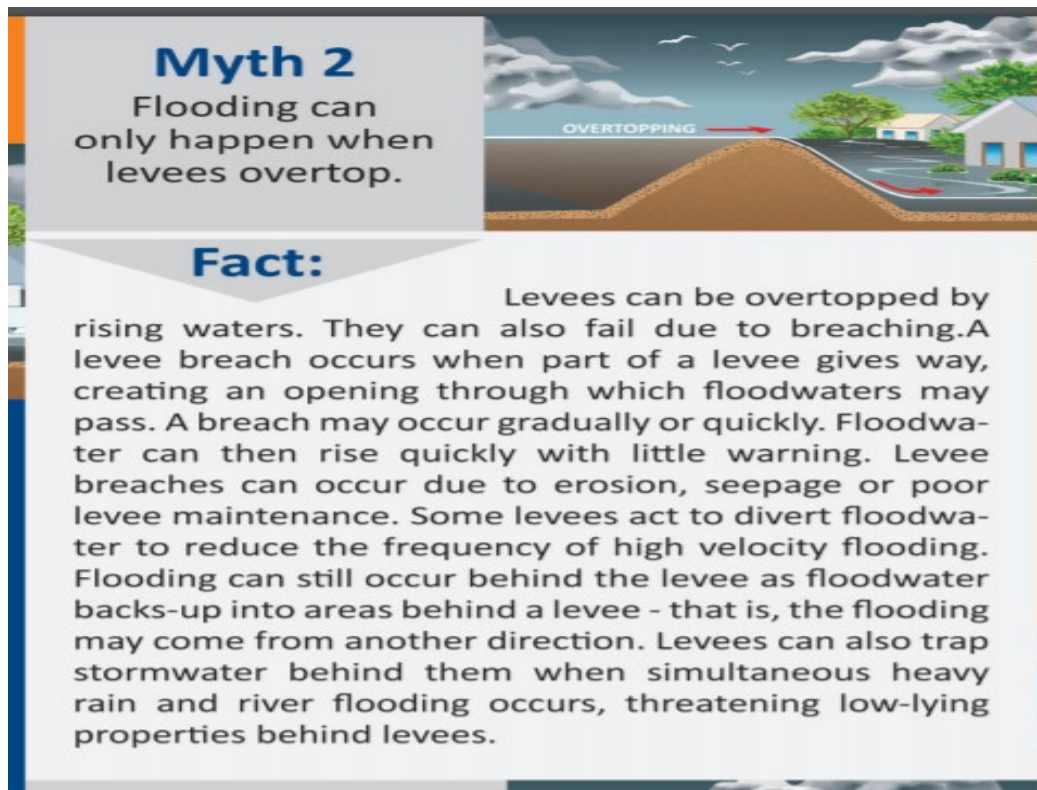
2018 A 'myths and facts' sheet, published by the New South Wales SES, points out the misconceptions that exist in relation to the flood protection of levees.⁹¹

⁸⁸ FM Global, UTH Flood, publication 2017 p. 3

⁸⁹ Fm Global, UTH Flood, 2017, p. 3

⁹⁰ FM Global, UTH Flood, publication 2017 pp. 3-4

⁹¹ NSW SES Brochure – Levee Myths and Facts Sheet. 2018. https://www.ses.nsw.gov.au/media/2918/levee-myths-and-facts-sheet_hi-res.pdf



February 2016 – June 2016

Wilfully ignoring the clear evidence on facilities in flood inundation zones: Flooding by Stormwater and Sewerage systems, Inveresk

In relation to the risk of localised flooding, the suburb of Inveresk has a long history of combined stormwater and sewerage overflow and associated flooding problems within local homes, businesses and streets.

On all flood risk matters, the Launceston City Council and the UTas relocation team have ignored the local, national and international research and evidence on levees, flooding and flood risk. (See also C Penna and the BMT Report). Not only have they ignored flooding issues in relation to levees, they also ignore flooding associated with sewerage and storm water in low-lying areas. As the NSW SES Fact sheet notes, “levees can also trap stormwater” behind them, “threatening low-lying properties behind levees”.

This is a particular ongoing matter across Inveresk due to the ageing combined storm water-sewerage system, with anecdotal evidence of frequent localised flooding and damage provided by affected residents and businesses across Inveresk. Furthermore, the main Launceston sewerage treatment plant sits within the Invermay Flood Inundation Zone.

END OF APPENDIX 3

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

12 August 2022

To Whom It May Concern,

RE: State Planning Provisions (SPPs) Review - Scoping Issues

Thank you very much for the opportunity to comment on the State Planning Provisions Review.

I fully endorse the submissions of the PMAT and especially of the Heart Foundation (2016)

The new Tasmanian state planning scheme appears to be designed almost solely for those with vested interests, particularly property developers, at the expense of the well-being and mental health of local residents and the general public.

HEALTH AND WELL-BEING AS PART OF PLANNING FOR PEOPLE

The health and well-being, liveability are being sacrificed by the intended Planning Scheme what with increased residential density (which is a completely separate issue from the need for more social and genuinely affordable housing – an issue that must not be used as any sort of rationale for increased density), loss of gardens/back yards and loss of sunlight.

As the Heart Foundation 2016 submission points out - among so many other aspects of the close proven relationship between health and urban planning – from the findings of the Joint Select Committee Inquiry into Preventative Health (JSCPH)

22. The built environment is a significant contributor to improving longer term health and wellbeing outcomes.

23. There is a need to recognise the link between health and the built environment, and this needs to be embodied into State policy and the Tasmanian Planning System.

(<https://static1.squarespace.com/static/590bec1386e6c071a646994b/t/62ec76ac4b23237e9cde7323/1659664048815/SPPs+-+representation+246+-+Heart+Foundation%2C+18+May+2016.pdf> (p. 7)

1. Loss of Sunlight

The Planning Scheme appears to have the aim of increasing residential density, remove the capacity for garden space and access to adequate, if not all-day sunlight. (Adequate being at least 4—6 hours of clear uninterrupted sunlight) as well as adequate areas of sunlight – not limited slivers of sunlight for a limited hours as designated by shadow drawings.

There is a serious contradiction in the sun v. shadow allowances in the current planning schemes relating to Solar Panels and shade. State governments claim to be serious about renewable energy to the extent that they subsidise the cost of solar panel installation or they allow for reduced power costs for solar installations and/or encourage people to ‘go solar’. Yet, at the same time the Planning Scheme allows/promotes sunlight-reducing developments that shade neighbouring rooftops and neighbouring yards/gardens for any amount of time, thereby limiting the capacity for producing renewable solar energy. This contradiction means that government is misusing/wasting public money to promote the developer, to promote unsustainable development to the detriment of renewable energy capacity.

2. Density and Loss of gardens / backyards

From the Heart Foundation’s original submission on the subject of the links between health, well-being and land use planning:

Principal interest of the Heart Foundation The principal interest of the Heart Foundation is to have the SPPs for the Tasmanian

Planning Scheme enhance (and not hinder) physical activity and access to healthy food for community health and wellbeing. Therefore the Heart Foundation seeks to have health and wellbeing a priority outcome from land use planning as regulated through the proposed Tasmanian Planning Scheme. Why focus on health and wellbeing? Healthy communities are central to why we plan. Yet there is considerable evidence that our cities and towns are not assisting in improving population health and wellbeing. Planning schemes primarily concern use and development on land that forms the built environment. The built environment means the structures and places in which we live, work, shop, learn, travel and play, including land uses, transportation systems and design features; all relevant matters for the proposed Tasmanian Planning Scheme to address. The link between the built environment and health and wellbeing is well established. The built environment can be an influential determinant on the rate of death and suffering from chronic disease including heart, stroke and blood vessel disease, along with a range of other chronic diseases prevalent in the Tasmanian community. Planning that delivers thoughtfully designed and built environments can contribute to reduced or deferred incidence of chronic disease and reduce inequities. For instance, provisions in planning schemes relating to density

The value of open green spaces for health and well-being has been proven and is well-known. This applies to green space (gardens, lawns etc) around residential dwellings, whether in Closed Residential or General Residential zones.

The ever-increasing density of development operates against good health and well-being. Gardens and the capacity to grow fresh seasonal food, and the restorative health and therapeutic value of gardens has been shown in academic research.(See Appendices

British researchers studied data involving more than 290 million people and found that time spent in green space, defined as open, undeveloped land with natural vegetation as well as urban greenspaces, **“reduces the risk of type 2 diabetes, heart disease, premature death, preterm birth, stress and high blood pressure.”**

The same research also found that

“**Gardening** can improve your health, with multiple studies showing it reduces stress, may strengthen your immune system and even boost self-esteem.”

The ever-increasing trend of takeover of the ordinary backyard by permitting and encouraging increased density that amounts to overcrowding, unsustainable expansion of impermeable surfaces and heat build-ups, is incompatible with well-being, good health and preventative health measures.

Thank you for the opportunity to submit comments to the SPPs Review

Yours faithfully,

Jillian Koshin PhD.

APPENDICES 1-4. The appendices consists of a series of articles and extracts from academic research papers on the value of private gardens on health and well-being.

1. <https://www.hcf.com.au/health-agenda/work-life/play/gardening-reduce-stress-levels>

CAN GARDENING REDUCE YOUR STRESS LEVELS?

2. Having a green thumb can benefit your mental and physical health.

Health Agenda magazine
October 2018

Jo Morgan credits gardening with saving her life. The 59-year-old, from Ipswich in Queensland, experienced debilitating physical and psychological trauma during her time in Australia's defence forces. As her health deteriorated, she was no longer able to work or manage the 80-acre property where she'd been living, and in 2000 she moved into a housing commission disability unit.

“I was totally lost and very [depressed](#) because I was sitting in this house by myself with nothing to do,” she says. “I don’t think I would be here today if I hadn’t found gardening. I was very close to not going on at one stage.”

After moving into the unit, Morgan, who’s been in a wheelchair for 20 years, immediately got stuck into establishing a garden. “I thought, oh well, it’s a brand-new place [with] no garden, so I started from scratch and went from there.”

Morgan has modified her gardening tools so she can use them from her wheelchair and she uses a handy gadget called a Power Planter to help with digging. She has a small trailer to carry what she needs. Her garden is blooming with a rose garden, cacti and succulents, fruit trees and raised beds for growing vegetables.



Gardening gains

An increasing body of research is reporting on what Morgan has experienced. A report called ‘Gardening is beneficial for health: A meta-analysis’ explored the results from 22 studies into the health effects of gardening. The researchers suggest that daily contact with nature has a deep and lasting impact on health, including on depression and anxiety, obesity, [heart disease](#) and longevity.

So what are some of the physical health benefits of getting out into the fresh air and sunshine to dig, plant, weed and water? Morgan, who has lost an arm as well as the use of her legs, says her upper body is a lot stronger since she started gardening. “The top part of my body is far more stable,” she says. “I can lift a lot more [and] I’m not falling to the right as much as I was.”

Gardening has also helped ease her [arthritis](#) symptoms. “You might start off with a little bit of pain, but it’s well worth putting up with that [than] ending up in no pain at all; and being able to do far more than you thought you ever would.”

Research backs this up, finding that healthy older adults who gardened to a moderate physical level, for 30 minutes at least 5 days a week, had better overall fitness, less pain, and better hand function than those who were also active but did less gardening.

Clearing the air

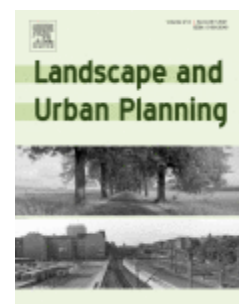
For Morgan, who has [post-traumatic stress disorder](#) (PTSD), the psychological benefits are even more important. She says many of her fellow veterans don't understand her positivity, given what's she's been through.

"I just tell them it's because I keep busy," she says. And being busy indoors doesn't cut it for her. "You need to get out and get physical – the more physical you can become with this PTSD... the better off you are."

Even a few hours in your garden can reduce depression and anxiety symptoms. Two Norwegian studies published in 2011 looked at whether gardening activities affected depression, with measures taken before and after a 12-week gardening program, and at a 3-month follow-up. In both studies, the symptoms of depression decreased during the therapy and remained low at the follow-up. Participants described the gardening as meaningful and influential on their view of life.

3. Landscape and Urban Planning

Volume 112, August 2021, 104108



Self-reported well-being and the importance of green spaces – A comparison of garden owners and non-garden owners in times of COVID-19

Author links open overlay panel [MiraLehberger](#) [Anne-KatrinKleih](#) [KaiSparke](#)

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<https://doi.org/10.1016/j.landurbplan.2021.104108>Get rights and content

Abstract

This study focuses on the effects of the use of green spaces on the self-reported well-being measures of life satisfaction and mental well-being during the COVID-19 pandemic. We compare two distinct groups of people: garden owners and non-garden owners. We collected quantitative data and data from an open-ended question online from 495 people living in all regions of Germany in May 2020. To analyze our quantitative data, we used a combination of descriptive statistics and hierarchical regressions. Here, results indicated that garden owners had substantially greater life satisfaction and mental well-being than non-garden owners. Additionally, the two groups differed statistically significant in many socioeconomic factors (e.g., income, age, fear of job loss), in the context of time spent outside, as well as personality traits. Our analyses suggest that these differences are valuable for understanding differences between the two groups' self-reported well-being. To analyze the open-ended question, we followed the main steps of a qualitative content analysis. Here, we found that the vast majority of participants associated positive meanings (e.g., freedom and joy) with private gardens and public green spaces during the pandemic. Our findings have implications for policies to promote and support the design and use of public green spaces. Overall, our findings support governmental decisions in Germany (as elsewhere) to keep public green spaces open during the first wave of the outbreak of COVID-19, suggesting that green spaces provide valuable support for self-reported well-being in these difficult times of COVID-19 contagion.

...

There is ample scientific evidence on the relationship between green spaces, their use, and self-reported well-being. However, studies focusing on private gardens are relatively sparse (de Bell et al., 2020, Wendelboe-Nelson et al., 2019). In contrast to public gardens such as community gardens, the private (domestic) garden is the private outdoor extension of the dwelling (Coolen and Meesters, 2012). There is some evidence regarding a positive relationship between private gardens and health, which, in turn, correlates to subjective well-being measures (Okun et al., 1984, Steptoe et al., 2015). Dennis and James (2017) aim to quantify the mitigation of local health deprivation (measured by e.g., years of potential life lost, comparative illness and disability ratio) by private gardens. They

found associations between private garden coverage in an area and a reduction of health deprivation. Similarly, Brindley et al. (2018) used a geographical approach and connect general health data with average garden size in the area and measures of deprivation. Their results suggest that residents of areas with small domestic gardens had the highest levels of poor health, as well as health inequality related to income deprivation. De Bell et al. (2020) investigated the relationships between private garden access and well-being and found that having access is positively associated with evaluative and eudemonic well-being in England.

....

4. Urban Forestry & Urban Greening

Volume 16, 2016, Pages 182-187



My garden – my mate? Perceived restorativeness of private gardens and its predictors

Author links open overlay

panel [Renate Cervinka](#)^{ab} [Markus Schwab](#)^{ab} [Regina Schönbauer](#)^a [Isabella Hämmerle](#)^c [Laura Pirgie](#)^a [Jennifer Sudkamp](#)^a

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<https://doi.org/10.1016/j.ufug.2016.01.013> [Get rights and content](#)

Abstract

There is a large body of knowledge on the restorative potential of public green space, but studies on private gardens are rare. This study was aimed at exploring perceived restorativeness of private gardens and its predictors. In an online survey, 856 respondents rated the perceived restorativeness of

private gardens, attached outdoor green spaces and living rooms with green elements. Characteristics of the garden, sociodemographic data, personal characteristics, and the relationship between user and garden were surveyed. Results indicated that the private garden scored highest on perceived restorativeness. A multiple regression analysis explained 52.2% of the variance of the perceived restorativeness of private gardens. The garden–user relationship qualified as the strongest predictor of the restorative potential. We suggest considering the significance of affective bonds in designing restorative private gardens.

Introduction

A growing body of research highlights the restorative potential of green spaces (Bowler et al., 2010, Haluza et al., 2014, Hartig et al., 2014). Beneficial effects on stress reduction were found for forests (Lee et al., 2011, Lee et al., 2009, Meyer and Buerger-Arndt, 2014, Park et al., 2007, Park et al., 2008, Park et al., 2009, Park et al., 2010, Sonntag-Öström et al., 2014, Tsunetsugu et al., 2007, Tyrväinen et al., 2014, Yamaguchi et al., 2006), protected areas like wildlife reserves and national parks (Hartig et al., 2003), urban parks (Orsega-Smith et al., 2004, Peschardt and Stigsdotter, 2013), and green areas adjacent to water (e.g., Purcell et al., 2001, White et al., 2010). Private gardens were mentioned as an important leisure space by their owners in the UK (Bhatti and Church, 2004), New Zealand (Freeman et al., 2012) and the US (Clayton, 2007). Further, having access to a garden had a positive impact on the sensitivity to stress (Stigsdotter and Grahn, 2003). The restorative potential of private gardens however, has not received sufficient attention in prior research. The current study is aimed at investigating the restorative potential of private gardens and predictors of the restorative potential.

Prior research on private gardens highlighted numerous beneficial effects of the garden itself and activities performed in the garden. In their research, Kaplan and Kaplan (1989) stressed the importance of all kinds of gardens for the overall quality of life and well-being. Allotment gardeners reported higher well-being and better general health than people who lived in the same area, but did not own an allotment garden (van den Berg et al., 2010). Spending time in the nursing home's garden improved the cognitive

performance of residents (Ottoosson and Grahn, 2005). In participants from the Netherlands half an hour of gardening in an allotment garden led to more complete stress reduction than half an hour of reading indoors (van den Berg and Custers, 2011). Restoration and escape from every day stressors, the improvement of physiological and psychological health, expression of ownership and identity, the opportunity to socialize as well as relaxation and contact to nature, are motives for spending time in a garden (Clayton, 2007, Freeman et al., 2012, Gross and Lane, 2007). Overall evidence suggests that gardens may provide various opportunities for restoration, and thus being experienced as highly restorative.

... Sociodemographic variables like age, gender and education influenced garden–user interaction (Bhatti and Church, 2004). When investigating the role of gardens across the life-span, different patterns of use and meaning were found for different age groups (Gross and Lane, 2007). Older people preferred an active use, whereas younger people used their garden in a more passive way (van den Berg et al., 2010)....

In psychology, satisfaction with situations, people or relations play an important role in general. Therefore, we considered the user's satisfaction with the garden as an important variable explaining perceived restorativeness.

The present study pursued two targets. The first target was to assess and to compare the perceived restorativeness of private gardens with the perceived restorativeness of other private spaces with green elements, such as greened living rooms, balconies or terraces attached to the house. With respect to prior research on green space we expected the private garden to show a higher restorative potential compared to green indoor spaces (e.g., a greened living room) and attached green outdoor spaces (e.g., a balcony). The second target was to investigate the predictors of the perceived restorativeness of private gardens in detail. Taking together findings from previous research on restorative environments, private gardens, and discussions with garden-experts, we identified four different aspects. Accordingly, we assigned variables to four groups: (1) characteristics of the garden (Anderson et al., 1983, Nordh et al., 2011, Nordh et al., 2009, Tenngart Ivarsson and Hagerhall, 2008), (2) sociodemographic data (Bhatti and Church, 2004, Gross and Lane, 2007, van den Berg et al., 2010), (3) personal characteristics of the garden user (Cervinka et al., 2012, Zelenski and

Nisbet, 2012, Zelenski et al., 2015), and (4) characteristics of the garden–user relationship (Gross and Lane, 2007, Staats, 2012)....

... Conclusion

Altogether, we were able to demonstrate the important role of private gardens for restoration. Private gardens appeared the most restorative private green space compared to attached outdoor green spaces and green indoor spaces. Next to a good garden–user relationship, the ability to detach from work and green design proved to be the most relevant predictors of the restorative potential of the garden.

END OF APPENDICES

From: [Jillian Koshin](#)
To: [State Planning Office Your Say](#)
Subject: Submission Letter on SPPs Review
Date: Friday, 12 August 2022 4:58:50 PM

Dear DPAC Officer,

I would like to comment on the removal of democratic principles from the State Planning Schemes and Overlays. There appears to be the loss of the ability to have input into the nature of a neighbouring development on the full range of issues and provisions, regardless of their effect on neighbouring properties and/or the local neighbourhood.

These issues included density, increased traffic, increased safety risk in the case of known flood area and the consequent pressure on SES/Police work, eg -Kingston Rivulet , Launceston low-lying areas/flood inundation zones, low-lying areas of Sandy Bay – Sandy Bay Rd-Marieville Esplanade area

The term 'red tape' is used as a derogatory term for what are actually public interest provisions. Public interest provisions in planning regulations are not 'red tape' but necessary precautions intended to prevent unsustainable excess, cronyism, mischief and corrupt or unjustifiable development approvals by unelected bureaucrats. The claims of reducing or getting rid of red tape are certainly not in the public interest – quite the opposite. The new Planning Scheme aim of reducing 'red tape' sidelines the general public, removes democratic processes in favour of the corruptible and promotes development at any cost.

The changes to General Residential remove the requirement for Development Applications to be advertised and remove the capacity for local residents to submit representations. The removal of local council capacity to assess 'discretionary uses' provisions for General Residential means open slather for unscrupulous developers, planners and councils.

Instead of making it so easy for developers, their advisors and certain councils to simply give a tick to any development, the ability for the public to comment, as is currently the case, must be maintained.

As the Heart Foundation representation to the final draft State Planning Provisions (18 May 2016) (8.1 p.13)

The reference to 'suburban densities' is not helpful and should be deleted. It is contended that the standards for lot sizes and dwelling densities for the General Residential zone are higher than the community would perceive as being a suburban density.

Further issues under the intended new Planning Scheme are Heritage, loss of amenity, loss of liveability, increased overshadowing, and, importantly, the misrepresentation by developers professional advisors/planners, town planners including several employed by local councils.

Your faithfully,

Jillian Kosin PhD.

REVIEW OF STATE PLANNING PROVISIONS (SPPS) –SCOPING ISSUES

Submission from Tasmanian Planning Information Network (TasPIN)

About TasPIN

The Tasmanian Planning Information Network (TasPIN) with representatives from many areas of Greater Hobart, was established to argue for best practice planning to ensure liveable, healthy and connected communities. Our vision is for a state-wide planning system delivering the best possible sustainable future for Tasmania's social, economic and environmental well-being.

TasPIN is seeking:

- Sound, integrated, outcomes-focused strategic planning to guide the best possible sustainable future for Tasmania; and
- Planning processes that inform, inspire, involve, and are trusted by the community.

More information on TasPIN's platform can be found at <https://taspin.net/>

INTRODUCTION

TasPIN welcomes the opportunity to contribute to the review of State Planning Provisions (SPPs). The focus of this submission is on improving the Residential Development Standards and how they operate as part of the SPPs.

However, it is impossible to consider the SPPs (including Residential Standards) in isolation - without looking at how they relate to the rest of the Tasmanian Planning System (TPS). The fitness for purpose of the new TPS as a whole must be questioned. It was set up under a 'fairer, faster, cheaper, simpler' banner, but it has arguably failed to deliver on any of these elements for most Tasmanians.

TasPIN considers the new System is skewed to favour developers over individuals and communities, so it is clearly not fairer in our view.

TasPIN supports a system which

- addresses the power imbalance between community and developer
- provides meaningful, effective and realistic consultation before a development application is determined; and
- gives appeal rights at all stages

There is little evidence that the new System is faster, cheaper or simpler.

- The increased complexity of the planning framework and ambiguity in many of the provisions mean that planning decisions are often challenged leading to delays and increased costs for developers and communities.
- It is common for applicants rather than working to the Acceptable Solutions provisions (designed to give the 'certainty' industry craves) to design proposals which literally push the envelope, relying on Performance Criteria which by nature are subjective. This results in increased time and costs.
- The Acceptable Solution provisions, especially around building envelopes, have not been accepted by the public, as evidenced by the submissions to the original Scheme Amendment process and the TPC report 9 December 2016. Yet the Planning Authority must approve any planning permit application where the use is a No Permit Required, or Permitted use class and complies with all Acceptable Solution of applicable provisions.
- Important Issues have been stripped out, and are only considered at the Building Stage. For example, the omission of a stormwater code from the SPPs results in additional costs for developers, local government, and end consumers. Stormwater capacity is not considered at the planning stage which often results in development designs needing to be reworked at the building stage to ensure appropriately engineered solutions.
- There are gaps in planning legislation which are not being addressed. The ability to stage subdivision development and request an extension of permit "validity", for up to 6 years from its initial issue, encourages land-banking which can be used to manipulate land supply and housing costs.¹

¹ *'Forget red or green tape, developers squeeze housing supply with gold tape'* [Karl Fitzgerald](#)

The lack of a community consensus about how the planning system should operate accentuates these problems. Not only has community participation in individual planning decisions been constrained, but the opportunities for community input to finalizing Local Provision Schedules has in effect been pre-empted. This is because the Government chose to fast track applying elements of the SPP rules before all areas of the State had their Local Provision Schedules in place. Both the implementation process and the planning system that we now have in place fall short of community expectations.

The SPPs have been introduced without a broader strategic framework, which is leading to poor planning decisions being made at the local level. State Policies were intended to provide this high level guidance, but only a few State Policies have been developed and even these appear to be poorly articulated with the SPPs. It is noted that a set of Tasmanian Planning Policies is now being developed. While these may assist by providing the vision and principles upon which all planning decisions will be made, the process is flawed when implementation of the SPPs occurs before the TPP framework is in place. As many people say, this is truly the cart before the horse. It is vital now that the TPPs are not 'retrofitted' to simply support the existing SPPs.

In summary, TasPIN considers that Tasmania's SPPs fail to deliver the sort of planning process or outcomes that our future needs and that our communities want. There are several key areas where the SPPs do not deliver sound planning and these are discussed in more detail below. In TasPIN's view it is essential that these important areas are addressed in the current review.

Part 1: TASMANIAN PLANNING COMMISSION RECOMMENDATIONS re the SPPs

Based on the 2016 public consultation where representations were received from all over Tasmania, the Tasmanian Planning Commission's report ² into the State Planning Provisions or SPPs recommended a comprehensive review of the residential development standards introduced by PD4.1 as a matter of priority. Specifically, the Commission said [p27]):

4.1.4 Residential development standards review

Given residential development is the most commonly occurring form of development subject to the planning scheme, affecting the construction industry, owner builders and home owners, the Commission recommends that the General Residential and Inner Residential Zones be reviewed as a priority.

Consistent standards were put in place when Planning Directive 4.1 – Standards for Residential Development in the General Residential Zone was issued in 2014. A sufficient period of time has elapsed since their implementation that it is now appropriate to:

- *evaluate the performance of the standards and whether the intended outcomes have been realized, including delivering greater housing choice, providing for infill development and making better use of existing infrastructure;*
- *consider the validity of the claims that the standards are resulting in an unreasonable impact on residential character and amenity; and introduce drafting that is more consistent with the conventions that apply to the SPPs generally.* ¹

Housing choice

TasPIN considers that the SPPs do not provide the greater housing choice on which the TPC recommendations for residential development standards were focused. The SPPs, specifically via the General Residential Zone provisions, are delivering uniform suburbs, sameness across all residential areas, across all regions, in small country and coastal towns.

Tasmanians and visitors to the state enjoy the varied topography and settlement patterns. They are a great comparative advantage with mainland Australia and arguably are an essential part of the Tasmanian Brand.

² https://www.planning.tas.gov.au/data/assets/pdf_file/0005/588965/Report-on-the-draft-State-Planning-Provisions-and-appendices,-9-December-2016.PDF

Amenity

With sameness of housing style, whether green field or brown field sites, the prevailing character of new building is closeness of dwellings, tall fences, lack of separation/privacy, and dark gray roofs which virtually touch. These surely impact on well-being, lifestyle and the special qualities which up till now have differentiated Tasmanian residential areas. This is a real concern.

The SPPs for General Residential and Inner Residential allow smaller block sizes, higher buildings built closer to, or on the site boundary line, and multi-unit developments “as of right” in many urban areas as per the permitted building envelope. As well as lack of protection of rights to sunlight and privacy, the above impact detrimentally on residential character and amenity, as per public comment TasPIN is receiving. Please refer Appendix 2.

Infill

Proper Strategic Planning based on up-to-date data, is essential for any infill in established residential areas. Infill should not be a free for all in any place but part of an urban renewal strategy. Decisions about where units / multiple dwellings should go, could be decided based on agreed density numbers. Good planning would dictate that there should be an obligation to provide soft infrastructure such as parks, open space if density increases.

Greening the greyfields: how to renew our suburbs for more liveable, net-zero cities, is a paper on this aspect of urban renewal. The authors write

A new kind of urban regeneration is needed at the scale of precincts, rather than lot by lot, to transform the greyfields into more liveable and sustainable suburbs. It calls for a collaborative approach by federal, state and local governments.

Piecemeal infill redevelopment often degrades the quality of our suburbs. The loss of trees and increase in hard surfaces worsen urban heat island effects and flood risk. And a lack of convenient transport options for the extra residents reinforces car dependence.

*We need more strategic models of suburban regeneration.*³

Public concerns about Amenity

Tasmanians have been sending their thoughts and concerns to TasPIN reflecting on their community experience of the SPPs.⁴

Recurring strong themes include:

- There is poor consultation and reduced opportunity for public comment in planning and
- There is a marked loss of trees across all areas.

Other comment relates to:

- The need for strategically planned infill with infrastructure; not open slather infill across all residential zones;
- The current planning laws are pro-development for short term gain and maximum profit, meaning neighbourhoods are ignored;
- There are too many poorly designed inappropriately placed subdivisions; and
- There is too much infill in peoples’ gardens/small blocks, with too many units being built on once large blocks.

Early adoption of the SPPs into Interim Planning Schemes hastened this decline in residential amenity and standards. Peoples’ specific concerns are mainly around:

- Separation from neighbours to maintain privacy;
- Winter sunlight into habitable rooms e.g. living rooms;
- Enough private open space for garden beds, lawns and play areas; and

³ *Greening the greyfields: how to renew our suburbs for more liveable, net-zero cities* [Peter Newman, Curtin University](#); [Giles Thomson, Blekinge Institute of Technology](#); [Peter Newton, Swinburne University of Technology](#), and [Stephen Glackin, Swinburne University of Technology](#)

https://thefifthstate.com.au/urbanism/planning/greening-the-greyfields-how-to-renew-our-suburbs-for-more-liveable-net-zero-cities/?ct=t%28tfe-27+July+2022+COPY+01%29&mc_cid=f27d9f19a4&mc_eid=edae32122e

⁴ See appendix 1 for comments from 5 correspondents

- Other important issues are having sunlight onto solar panels, outdoor private open space accessible from living areas and having off-street parking.

When designing liveable towns and suburbs, people are seeking the following:

- Liveable environments and green open space, so important since the impact of Covid and improving social/mental health;
- Quality building design;
- Connectivity across suburbs and improved streetscapes; and
- Other concerns include access to services and public transport, as well as a reduced need for driving and sustainability, especially considering climate change.

In response to the TPC concerns outlined in 2016, TasPIN considers that the SPPs do not provide greater housing choice and appropriately placed infill. They do not protect rights to privacy, sunlight and greenspace, nor do they provide strategic planning for the future.

Part 2. UNACCEPTABLE & EGREGIOUS SPPs IN RESIDENTIAL ZONES

TasPIN contends that many of the SPPs provisions, as they apply to the General, Inner and Low Density Residential zones, require review as they negatively impact our towns and suburbs, significantly reduce amenity and neighbourhood character and do not meet community expectations.

Fundamental matters requiring careful consideration during the review process include:

- Enhanced protection of local character, amenity and streetscape - by amendment of acceptable solutions/performance criteria, e.g. Restore frontage setback for new dwellings in the Inner Residential Zone,
- Reintroduction of Local Area Objectives and Character Statements to guide the Planning Authority, especially with respect to discretionary development decisions
- Avoidance of subjective and vague terms relating to performance criteria assessments ,e.g. "unreasonable loss of amenity", "minimise detrimental impact", "compatible with adjoining dwellings", "having regard to...", etc.

TasPIN urges a review of the development standards relating to the following specific matters.

Solar Access

Adequate protection is required for existing neighbouring dwellings and adjacent vacant building lots with regard to privacy and overshadowing/solar access. TasPIN recommends quantifying requirement for solar access by mandating shadow diagrams

Remove "permitted status" for multiple dwellings

Under Use tables, "permitted" status for multiple dwellings should be removed. Reinstate multiple dwellings as "discretionary" so the Planning Authority can condition the development for quality and good design.

Siting of apartment blocks

The current SPP General Residential Zone settings could turn the GRZ into Inner Residential Zone by stealth if they are within 400m of a public transport route or adjacent to the Inner Residential Zone. TasPIN is concerned it could produce perverse outcomes and asks that it be examined as part of the review.

Public open space

As a general principle any development that increases density must include garden space provisions to reduce stormwater run-off and heat effects of concrete. TasPIN recommends adopting the system where developers make contributions to public open space provisions.

Private open space

There should be direct access from habitable rooms so private space is useable by young children, and a pervious surface requirement to provide for gardens/lawn, play space and some absorption capacity for rainwater. One of the key measures that has been lost in the SPPs is the requirement for

a certain percentage of pervious surface or maximum % of impervious area. Either way it would prevent concreting the whole lot, which the SPPs currently allow.

Orientation of windows

Reinstate requirements for north-facing habitable room windows [which assist with passive solar heating] and significantly enhance liveability, contributing to the health and well-being of inhabitants.

Building envelope

Restore a minimum 4m rear boundary setback as well as increased side boundary setbacks. The current standards have significant negative impacts on neighbouring properties: overshadowing, loss of privacy, sun into habitable rooms and gardens, height, private open space and site coverage/density.

Small lot sizes can erode character

Single minimum lot size for each of General and Low Density Residential zones seriously affects Councils ability to protect local character, especially visual amenity on hillsides and skylines.

Natural Assets and Scenic Protection Codes

These codes should apply to all zones, including the residential zones, in order to enable protection of vegetation on skylines and timbered backdrops, and riparian vegetation within and around urban areas.

Part 3. REQUIREMENTS FOR A NEW APARTMENT CODE or MEDIUM DENSITY ZONE

TasPIN recognises that the need for apartment construction will increase and there can be many benefits. There are pros and cons for both an Apartment Code or for a new Medium Density Zone. Each option should include a set of planning rules which encourage well-designed apartment developments that deliver residential amenity and promote the health and well-being of occupants. Better targeted standards for dwellings can give greater housing choice including social/public housing.

TasPIN seeks clarification around:

- How would a Medium Density Zone be defined?
- What are medium density apartments?
- How might they differ from multiple units in the current residential zones?

TasPIN recommends that with an Apartment Code, all apartments should be built to the standards of the Livable Housing Australia Design Guidelines⁵, which will ensure that apartments are designed to be more versatile to enable them to better meet the changing needs of occupants over their lifetimes. The design features embraced by the guidelines are inexpensive to incorporate into home design at the outset and will deliver huge dividends to future generations.

TasPIN recommends

- that all developers of apartments aspire to the platinum level of the Livable Housing Australia Design Guidelines
- adoption of the platinum level for the dwelling entrance and all internal doors and corridors - a minimum clear opening width of 900 mm and passageways with a minimum width of 1200mm, making it easier to manoeuvre strollers, prams and wheelchairs into and around the dwelling.

TasPIN recommends that the Tasmanian Government bases its planning legislation for apartments on the *Victorian Better Apartments Design Standards and Design Guidelines*,⁶ with appropriate adjustments e.g., for sunlight in living areas.

The standards focus on the external amenity impacts of apartment buildings and aim to create better apartment buildings in neighbourhoods. The benefits of the updated design standards will be that:

⁵ <https://livablehousingaustralia.org.au/>

⁶ <https://www.planning.vic.gov.au/policy-and-strategy/better-apartments/better-apartments-design-standards>

- More apartment buildings will need to provide green open space for residents and contribute to neighbourhood amenity;
- Apartment buildings will better respond to changing population trends, including more families choosing to live in apartments;
- Apartment buildings will be built using high-quality building facades made from durable materials;
- Buildings will have attractive and engaging street frontages that are safe and useable for pedestrians and cyclists; and
- Tall buildings should have an agreed height limit, at a human scale, and will be designed so they do not cause excessive wind and shadowing for pedestrians and users of nearby public spaces.

TasPIN recognises that multiple unit developments in Hobart are required to provide private open space for each unit. However current legislation for residential zones does not require:

- provision of larger areas which could be used by all occupants i.e., common ground.
- nor make provision for access to nearby off-site green spaces, if necessary, by providing additional green spaces.

There are few meaningful green spaces within easy walking distance of units in the Hobart CBD. With changing demographics and lifestyles, units may be occupied by families who need green spaces nearby, say within 500 m. It is critical that unit / apartment occupants be able to maintain a healthy lifestyle which is aided by ready access to suitable open spaces.

TasPIN recommends that the Minister for Planning considers introducing an Apartment Code or a Medium Density Zone:

- **If an Apartment Code, it could be based on the Victorian Apartment Code⁴, with changes to reflect Tasmanian conditions.**
- **Apartments should be built with platinum level dwelling entrances and passageways as set out in the Livable Housing Design guidelines.**
- **Roof-top solar panels should not be overshadowed by any units in the same apartment block.**
- **All new apartment developments should have suitable green spaces or common ground in each development and/or public green spaces within 500 m**

Part 4. PROBLEMS WITH TERMINOLOGY AND EXEMPTIONS in the SPPs

Terminology

There are many words and constructs in the SPPs which are open to legal interpretation and dispute at great cost to developers and appellants. Words like SPPs 8.4.2 “provides reasonably consistent separation between dwellings” and 8.4.4 “separation between multiple dwellings provides reasonable opportunity for sunlight”. Other terms used throughout the SPPs which are highly subjective include “compatible”, “tolerable risk”, and “occasional visitors” where numbers are not specified.

Similarly, the use of constructs such as ‘having regard to’ may mean that sub criteria can be disregarded in decision making.

Alternative wording such as ‘demonstrate compliance with the following’ would provide greater confidence that the intent of such provisions will be realised. These concerns have previously been raised by respondents to the GHD survey as reported in the *Residential Standards Issues Paper* section 4.3.1.⁵

Site Area needs to be revised to exclude the common area in strata titles. Site coverage needs to be revised to include the impervious surface area of driveways and parking areas, the current definition roofed areas (excludes the eaves up to 600mm) underestimates the impact on stormwater run-off and urban heat island impact.

The contents of Table 3.1 Planning Terms and Definitions are helpful in creating clarity as to the meaning of terms within the Scheme's planning context. However, it is considered that some key terms are missing from the table, and that others require alteration to better achieve the Schedule 1 Objectives of LUPAA 1993.

More specific information is provided in the following table.

Term	Suggested Definition	Reason for inclusion
Actively mobile landform	Currently defined as landforms such as frontal dunes; as per 1.4 of the State Coastal Policy, is not particularly helpful and further definition of 'frontal dune' or other landforms, or mapping is required; see also Chris Sharples article ⁷	C10.0 Coastal Erosion Hazard Code Location on such landform is an overarching criterion that would prevent the application of all sub-elements of the Exemption <i>clause C10.4 Use of Development from this Code</i> . But if this is not known – how can any of the exemption be considered. There is no mapping of these features on LIST map; very few coastal councils would have such information. Hence, the situation is problematic as it either result in reports being requested at the planning stage, or incorrectly exempting development that should be assessed at the planning stage.
Apartment Building	A residential building containing multiple dwellings, on a single level or over multiple storeys.	By separating out this multiple dwelling design, more nuanced development standards around density, building envelope, site coverage, private open space and privacy provisions can be developed. The current multiple dwelling site area Acceptable Solution of 325m ² site area per dwelling, forces densification to take an "individual" dwelling buildings approach, and thus limits the type of housing stock being developed. Better outcomes can be achieved with "denser buildings" located more centrally to lots and preserving more green open space on the lot.
Secondary residence	Additional description – can be contained within the same building as the main residence.	This would allow for development of up to 60m ² self-contained quarters either in the lower storey, roof space, or connected via a common entry 'air-lock' connection between buildings. Clarifies that it does not need to be two stand-alone buildings. And is consistent with the definition of dwelling: "means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling." The secondary residence area and shared services constraints are sufficient to differentiate it from being a "multiple dwelling".
Subdivide	Remove the exclusion of (d) the creation of a lot on a strata scheme or staged development scheme under the Strata Titles Act 1998	Infill densification of existing larger lots occurs predominantly via firstly developing single or double storey multiple dwellings, followed by strata titling. This effectively results in additional land lots, with consequential increased demand & pressure on existing public open space. The current definition excludes this form of subdivision from the requirement to contribute to the provision of new or financial contributions for Public Open Space to cater for this increased demand.

		Accordingly, it is not considered to be aligned with the LUPAA objective 1 (b) to provide for fair, orderly and sustainable use and development of air, land and water”.
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TasPIN seeks clarification concerning the substantive difference between a home business and a home occupation? Based on the comparison below, the intent appears to have been to differentiate based on “intensity of non-residential use” as highlighted in yellow below.

However, it is disconcerting that Home Occupation could include storage of hazardous material on site and still be exempt. This is considered an oversight, especially as there is no definition of hazardous material or use in Table 3.1. Definitions. Such definitions are only found in specific Codes, such as Table C13.3 Definition of Terms in the Bushfire-Prone Areas Code.

Home-based Business (in Table 3.1)	Home Occupation (Exemption 4.1.4)
	(a) not more than 40m ² of gross floor area of the dwelling is used for non-residential purposes;
(a) the person conducting the business normally uses the dwelling as their principal place of residence;	(b) the person conducting the home occupation normally uses the dwelling as their principal place of residence;
(b) it does not involve employment of more than 2 workers on-site who do not reside at the dwelling;	(c) it does not involve employment of persons other than a resident;
(c) any load on a utility is no more than for a domestic use;	(d) any load on a utility is no more than for a domestic use;
(d) there is no activity that causes electrical interference to use on other land;	(e) there is no activity that causes electrical interference to other land;
(e) there is no storage of hazardous material on site;	
(f) the display of goods for sale are not visible from any road or public open space adjoining the site;	(f) it does not involve display of goods for sale that are visible from any road or public open space adjoining the site;
(g) there is, on the site, no advertising of the business other than 1 sign (non-illuminated) not exceeding 0.2m ² in area;	(g) it involves no more than 1 advertising sign (that must be non-illuminated) and not more than 0.2m ² in area;
(h) there is, on the site, no refuelling, servicing, detailing or repair of vehicles not owned by a resident;	(h) it does not involve refuelling, servicing, detailing or repair of vehicles not owned by the resident on the site;
(i) no more than 2 commercial vehicles are on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and	(i) no more than 1 commercial vehicle is on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and
(j) all vehicles used by the business are parked on the site.	(j) any vehicle used solely for non-residential purposes must be parked on the site.

TasPIN is of the opinion that this is problematic and would mean that potentially hazardous uses (such as small-scale stills) would be exempt from the scheme but potentially have adverse safety and amenity impacts on adjoining residential properties. Given the scheme definition of dwelling (which includes ‘...any outbuildings...normally forming part of a dwelling’) such uses may occur near boundaries, exacerbating any potential emissions from such activities.

It is noted that several requests/suggestions relating to definitions have previously been submitted as outlined in *State Planning Provisions (SPPs) Review – Summary Of Issues Previously Raised On The SPP*, section 3.1 (pp 3 – 4).⁸ Unless noted above TasPIN supports these definition suggestions.

⁸ https://planningreform.tas.gov.au/_data/assets/pdf_file/0003/660927/State-Planning-Provisions-Review-Summary-of-Issues-Previously-Raised-on-SPPs.pdf

Exemptions

Exemptions are creating problems in the administration of the planning scheme. There is a fundamental problem with the exemptions in Tables 4.2, 4.3, 4.4, 4.5 and 4.6 in that these development exemptions assume the development is for No Permit Required uses; does not involve a change or partial change of existing use(s); and does not involve an intensification of existing uses (conforming or otherwise).

Hence, a key function of the Scheme – to consider both use and development is not undertaken, despite the heading in the exemption tables, referencing use. This can have serious adverse impacts, as consideration of zone or code Use Standards and/or mandatory Parking and Sustainable Transport Code is not triggered.

This is considered particularly problematic as demonstrated by the following exemptions:

Exemption Clause	Use or development	Requirement
4.3.2	Internal building and works	All internal building and works.
4.6.8	Retaining walls	Retaining walls, excluding any land filling, if: <ul style="list-style-type: none"> (a) it has a setback of not less than 1.5m from any boundary; and (b) it retains a difference in ground level of less than 1m, unless the Local Historic Heritage Code or the Landslip Hazard Code applies, and requires a permit for the use or development.
4.6.9	Land filling	Land filling to a depth of not more than 1m above existing ground level from that existing at the effective date, unless the: <ul style="list-style-type: none"> (a) Natural Assets Code; (b) Coastal Erosion Hazard Code; (c) Coastal Inundation Hazard Code; (d) Flood-Prone Areas Hazard Code; or (e) Landslip Hazard Code, applies and requires a permit for the use or development.

Part 5. SPPs and the LAND USE PLANNING AND APPROVALS ACT 1993

TasPIN considers the framework and detail of the SPPs are inadequate to meet the challenges of climate change and the need to increase community resilience. They currently do not work to foster the community cohesion and environment necessary for healthy communities.

There is clear need for the SPP's to be less vague (i.e. subjective) and to be more closely linked to Schedule 1 Objectives of The *Land Use Planning and Approvals Act 1993* (LUPAA) which contains objectives for both the Resource Management and Planning System as a whole.

The SPPs are the statutory planning process standards and must underpin and reflect the objectives outlined in PART 2 - Objectives of the Planning Process Established by this Act [page 88] ⁹

LUPAA objective [d] states *'to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;'*.

TasPIN sees those concepts around sustainability are now being ignored in the name of growth at any cost, or jobs and growth. TasPIN regards this as a fundamental failure of good planning and governance.

Planning controls must ensure new climate responsive planning measures based on the scientific advice around climate change. TasPIN recommends

- establishing requirements for bushland retention and urban vegetation cover, recognising the use of vegetation to reduce carbon pollution, cool urban areas and protect waterways.
- that the SPPs and future TPPs adopt the recommendations of the Planning Institute of Australia for Tasmania as outlined on pages 16 and 17 of *Climate Conscious Planning Systems*. ¹⁰

Urban planning requires zoning and regulation so that densification does not increase the 'heat island' effect nor increase hard surfaces that increase adverse flooding impacts from heavy rain events. Current SPP standards enable developers to make all ground level surfaces impervious. The lack of pervious surfaces results in "up-stream" or earlier peak flows putting more pressure on the stormwater system, exacerbating the effects of climate change. The resultant stormwater peaks can result in flooding of the collecting property as well as other properties.

The removal of stormwater from the planning process and the effects of impervious surfaces detailed above make it difficult for councils to meet their obligations to prevent flooding resulting from stormwater. It places the burden of infrastructure upgrades into the public sphere – which will ultimately increase rates. Hence, the removal of the stormwater code may have made it cheaper for the developer but not for the community, and it has not removed the cost from the system.

How and where we build homes and other assets is one of the most effective ways to reduce disaster risks and increase disaster resilience.

The Report from the Tasmanian Disaster Risk Assessment in March 2022 supports TasPIN's recommendation that a strong, overarching strategic land-use planning policy for climate change risks is required for consistency and to reduce the impact on communities.

- *As to the SPP provisions, these could be significantly strengthened to, for example, prevent vulnerable development and uses in high-risk bushfire prone and coastal erosion and inundation areas, and actively plan for managed retreat from high-risk locations.*
- *Although the Scoping Paper acknowledges the overarching importance of land use planning in Tasmania's response to climate change, it proposes to address climate change across relevant planning policies on different topics. While the implementation of climate change considerations into each of the policies allows for climate-related factors to be considered in a broad range of areas, the failure to provide an overarching planning policy for climate change risks that an inconsistent approach may be taken in some policies to GHG mitigation and climate change adaptation.¹⁷ It also exacerbates the risk that potential synergies and conflicts between mitigation and adaptation goals, or indeed between those goals and other objectives of the TPPs, could be overlooked.¹⁸*
- *Planning controls only consider the risk on the individual site without considering the broader context, so it is difficult to reject developments. This can lead to development in high-risk areas where legacy decisions about development potential did not adequately address hazards. The intention is that higher-level spatial considerations in the new Tasmanian Planning Policies will help avoid new developments in high-risk areas.¹¹*

⁹ <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1993-070#JS1@HS1@EN>

¹⁰ <https://www.planning.org.au/documents/item/11375>

⁹ <https://www.ses.tas.gov.au/about/risk-management/tasdra-2022/>

TasPIN supports inclusion of two areas for improvement suggested in 2016 [*Summary Of Issues Previously Raised On The SPPs*]¹²

- In the Environmental Management Zone Permitted qualifications in the use table avoids public involvement in decisions on public land which is inconsistent with the objectives of LUPAA. [p10]
- The scenic protection code: Improve the ability of the code to comply with strategies identified in the [Regional Land Use Strategies](#) for management of scenic resources and the Objectives of the Resource Management and Planning System and the LUPAA for sustainable development, management of resources and consideration of intergenerational impacts. [p14]

TasPIN recommends that the SPPs should:

- **give effect to, and implement the Schedule 1 Objectives of LUPAA**
- **establish best practice in urban design for a changing climate**
- **require the disclosure of natural hazard risks before the sale of a property**
- **include stormwater and hazard risk in the Development Application assessment by the Planning authority**
- **prevent developments in high risk areas at threat from flooding, inundation, fire etc.**
- **ensure the rights of appeal for the community**

The Schedule 1 objectives of the Act emphasise health and well-being of communities in the definition of sustainable development. The SPPs and other planning documents must make this a priority. Providing a healthy living environment for the community is a cost saving in the long term.

TasPIN supports the recommendations of the Heart Foundation from 2016¹³ and recommends SPPs which support the health needs of the community including:

- Solar Access for private open space, and for living areas in all dwellings, including in apartments built under the new Apartment Code, for at least 3 hours of sunlight in the middle of the shortest day. Sunlight triggers the release of serotonin. Lower levels of serotonin may pose a higher risk of depression and anxiety.
- The need for green space around dwellings to support human health as supported in these studies^{14 15}.
- Infill development and apartments would be enhanced by encouraging developers to make more use of rooftops, as gardens and/or additional outdoor living areas. This may result in some sunlight and privacy issues for neighbours, but it should be considered.
- Adopting the Victorian apartment standards for landscaping, including a landscaping objective that requires a minimum soil area and number of canopy trees relative to the lot size including the retention of existing canopy trees. This will support apartments to respond to the existing or preferred urban context, improve the street interface, contribute to local biodiversity and reduce urban heat.

Attempting to reduce regulation of urban planning is a short-term response that has not achieved its aims. Policy that ignores strategic planning will increase environmental damage, lead to unco-ordinated land and transport development and create major problems for the future. In our view, it is in clear breach of LUPAA 1993.

¹² https://planningreform.tas.gov.au/_data/assets/pdf_file/0003/660927/State-Planning-Provisions-Review-Summary-of-Issues-Previously-Raised-on-SPPs.pdf

¹³ https://mcusercontent.com/de16af086bf9dd3259607f008/files/5fe5e3ec-0fe6-cf30-e173-fb4a810aa989/SPPs_representation_246_Heart_Foundation_18_May_2016.01.pdf

¹⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4690962/>

¹⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1748722/pdf/brmedj02315-0034.pdf>

Part 6. OTHER SIGNIFICANT ISSUES WITH THE SPPS

Other significant concerns for TasPIN include the following:

- The Local Area Objective (LAO) at 6.10.2b should be changed to allow the LAO to guide all discretionary use and development, not just discretionary land use.
- LAOs could usefully be adopted in all zones, given the absence of Desired Future Character Statements under the SPPs.
- All subdivisions should be discretionary as they used to be, so any environmental constraints can be assessed at the subdivision stage.
- Zone purpose statements for Residential Zones could examine criteria such as location, specific figures for desired density, infrastructure and services, green open space and public transport capacity.
- The Planning Authority should be able to consider hazards, like stormwater, and amenity as part of the Development Application
- Protection for apartment buyers should be mandated so that they cannot be left with poor-quality developments and huge financial consequences because of poor construction.
- It is essential that community involvement and education is part of planning processes.
- There is a concern that corporate consultants often engage in community consultation but they appear to be used as proxies to control the narrative rather than facilitating timely, meaningful consultation.
- Legislation should mandate that material facts about risks are disclosed by the seller to the buyer before purchase of land or dwellings (possibly outside the planning remit).

CONCLUSION

TasPIN has concentrated on the Residential Standards but strongly endorses the more extensive coverage of SPP issues in the Planning Matters Alliance Tasmania (PMAT) submission.

It is noted that as the review progresses stakeholder reference/consultative groups will be set up to assist with the amendments. TasPIN would welcome the chance to be part of any such groups.

APPENDIX 1

REFERENCES AND SUPPORTING PAPERS

Draft State Planning Provisions Report : A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993

https://www.planning.tas.gov.au/_data/assets/pdf_file/0005/588965/Report-on-the-draft-State-Planning-Provisions-and-appendices,-9-December-2016.PDF

Greening the greyfields: how to renew our suburbs for more liveable, net-zero cities [Peter Newman, Curtin University](#); [Giles Thomson, Blekinge Institute of Technology](#); [Peter Newton, Swinburne University of Technology](#), and [Stephen Glackin, Swinburne University of Technology](#)

https://thefifthstate.com.au/urbanism/planning/greening-the-greyfields-how-to-renew-our-suburbs-for-more-liveable-net-zero-cities/?ct=t%28tfe-27+July+2022 COPY 01%29&mc_cid=f27d9f19a4&mc_eid=edae32122e

[Liveable Housing Australia](#)

<https://livablehousingaustralia.org.au/>

<https://www.planning.vic.gov.au/policy-and-strategy/better-apartments/better-apartments-design-standards>

The Victorian apartment standards were updated late in 2021 to incorporate the following:

- A revised landscaping objective that requires a minimum soil area and number of canopy trees relative to the lot size including the retention of existing canopy trees. This will support

- apartments to respond to the existing or preferred urban context, improve the street interface, contribute to local biodiversity, respond to climate change and reduce urban heat.
- Revised communal open space objectives to improve the onsite external amenity and exclude smaller developments from the requirements.
 - Street interface improvements including changes to site access and active street frontages to support passive surveillance as well as the safety and amenity of pedestrians and cyclists.
 - Revised private open space requirements to allow for greater flexibility of the highest dwellings of tall apartment buildings and narrow balconies for some apartments. This will provide greater flexibility towards enhanced environmental performance and internal amenity.
 - A new standard for external walls and materials that requires building facades to use materials that are durable, attractive and respond to the existing urban context or preferred future development of the area.
 - A new wind impact development standard that requires apartment buildings of five or more storeys to be designed so they do not cause unsafe or excessive wind conditions within the site or on surrounding land.

Residential Standards Issues Paper

https://planningreform.tas.gov.au/_data/assets/pdf_file/0004/655168/Residential-development-standards-review-Issues-Paper-April-2022.pdf

State Planning Provisions (SPPs) Review – Summary Of Issues Previously Raised on the SPPs
https://planningreform.tas.gov.au/_data/assets/pdf_file/0003/660927/State-Planning-Provisions-Review-Summary-of-Issues-Previously-Raised-on-SPPs.pdf

Land Use Planning and Approvals Act 1993

Version current from 5 November 2021 to date (accessed 29 July 2022 at 11:18)

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

Climate Conscious Planning Systems

<https://www.planning.org.au/documents/item/11375>

Tasmanian Disaster Risk Assessment **TASDRA 2022**

<https://www.ses.tas.gov.au/about/risk-management/tasdra-2022/>

Heart Foundation representation to the final draft State Planning Provisions 18th May 2016

https://mcusercontent.com/de16af086bf9dd3259607f008/files/5fe5e3ec-0fe6-cf30-e173-fb4a810aa989/SPPs_representation_246_Heart_Foundation_18_May_2016.01.pdf

'Autonomic Nervous System Responses to Viewing Green and Built Settings: Differentiating Between Sympathetic and Parasympathetic Activity' Magdalena M.H.E. van den Berg,^{1,*} Jolanda Maas,² Rianne Muller,¹ Anoek Braun,¹ Wendy Kaandorp,¹ René van Lien,³ Mireille N.M. van Poppel,¹ Willem van Mechelen,¹ and Agnes E. van den Berg⁴

Int J Environ Res Public Health. 2015 Dec; 12(12): 15860–15874.

Published online 2015 Dec 14. doi: [10.3390/ijerph121215026](https://doi.org/10.3390/ijerph121215026)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4690962/>

Urbanization, as it is occurring all around the world, has been associated with an increase in stress-related diseases and mental disorders in people living in urban environments [1,2,3]. These developments increase the need for outdoor open spaces where urban residents can find relief from the demands of urban life and urban stressors such as noise and fear of crime and crowding [4,5]. These findings strengthen and deepen the growing evidence-base for health benefits of green space in the living environment [56]. In particular, the present findings point to the importance of visual access to green space in providing readily available micro-restorative opportunities [57]. Overall, the findings of this study point to a predominant role of the parasympathetic nervous system in recovery from stress after exposure to green space.

'Families in Flats' D. M. FANNING,* O.B.E., M.B., B.S., D.P.H.

British Medical Journal, 1967, 4, 382-386 18 November 1967

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1748722/pdf/brmedj02315-0034.pdf>

P382 The morbidity which occurred among the families of some members of the armed Forces living in modern flats and houses in Germany was examined in order to compare the health of those who lived in the flats with those who occupied houses.

P386 It was found that the morbidity of those families who lived in flats was 57% greater than of those who lived in houses, and that the greatest differences were seen in the incidence of respiratory infections in young women and children, and of psychoneurotic disorders in women.

p385 Why, though, should this affect people who live in flats more than those who live in houses ? Perhaps because in houses the children, instead of helping to confine their mothers indoors as they do in a flat, form a link between the women by bringing their mothers together when they play in their gregarious bands around the front doors. Stepping outside the front door or talking over the back-garden fence requires much less effort than climbing the stairs of a block of flats, and the gardens are neutral territory which do not involve the positive social act of going to call on someone in a flat. Thus the initial shyness of a woman who may be susceptible to mental illness may be broken and the illness prevented.

'Forget red or green tape, developers squeeze housing supply with gold tape'

[Karl Fitzgerald](#) is director of advocacy at Prosper Australia. July 26, 2022 — 3.00pm

<https://www.smh.com.au/national/forget-red-or-green-tape-developers-squeeze-housing-supply-with-gold-tape-20220726-p5b4js.html>

That's the key finding from a detailed analysis of what developers do in our new research paper

[*Staged Releases: Peering Behind the Land Supply Curtain.*](#)

With the University of Sydney's Dr Cameron Murray, we looked at 26,000 property purchases in nine master planned communities. We wanted to understand how the size and timing of staged releases influenced price. With 110,000 housing lots approved, we were surprised that developers had only sold 24 per cent of available sites after nearly 10 years.

Our research reveals a "staged release" approach that responds to price growth, but appears to be well managed to avoid creating supply-led price declines.

The Planning Institute of Australia has prepared a number of papers on climate change and planning
The Role of Planning in adapting to climate change

<https://www.planning.org.au/documents/item/11209>

Planning in a Changing climate

<https://www.planning.org.au/documents/item/11208>

Climate Conscious Planning Systems

<https://www.planning.org.au/documents/item/11375>

APPENDIX 2

A sample of remarks sent to TasPIN from residents

Quote 1

As a retired planner who knows the SPPs tells TasPIN:

There is no merit to the SPPs. They are incredibly complex but ineffectual in achieving good planning outcomes. It is planning with no purpose.

Quote 2

As a retired town planner I am dismayed by the potential erosion of our residential amenity in our towns and cities under the Statewide Planning Scheme. Whilst increasing residential density has its benefits in terms of making infrastructure and public transport more efficient and affordable, you don't do it by destroying the existing amenity of established residential areas. Nor do you do it by allowing small scale infill development of peoples' gardens, as many of the new regulations now allow, which results incrementally in the loss of greenery, biodiversity, increased concrete areas, increased stormwater runoff and increased on road parking, on streets not designed for such. Instead, you identify on a council-wide basis, large blocks with infill potential and with suitable access and allow higher densities on such sites, with good design an essential part of such development.

Increased residential density definitely can allow for a wider range of residential accommodation and is very appropriate in the right areas with the right amount of supporting infrastructure, but not as an

open slather policy across all existing residential zones. It will destroy the streetscape and character of many of Tasmania's lovely towns and city streets if applied thus.

Increased density is touted as a way of reducing urban sprawl yet it is clearly evident in the growth around Sorell, New Norfolk, Kingston, Brighton – basically in every direction from Hobart and other larger town around Tasmania that it does not achieve this. Nor, as is also painfully evident does it reduce rising house prices and increase housing affordability. Rather, it increases profits for the development industry.

The Statewide Planning Scheme also concerns me because it creates a lot more permitted uses in the residential zones especially and thus reduces opportunities for neighbors and residents in an area to make submissions on a development that might concern them, or have a direct impact on their property. One of the fundamental objectives of the planning legislation LUPAA 93 is to encourage public participation in the planning process. The Statewide Planning Scheme undermines this basic philosophy of planning and I believe will lead to (indeed is already leading to) an erosion in community trust and respect for our planning system.

Quote 3

There is a problem in that a particular DA is looked at with no relation to the surrounding area. Thus, in many streets multiple separate DAs lead to a majority of blocks becoming overcrowded in a piecemeal fashion. This Planning Scheme is about development not good planning eg 5 units on a blind corner in our street replaces one house and are dangerous and not what this community wants.

Quote 4

There should be a limit on the amount of hard surfaces which impede water penetration and overload the stormwater systems. It is good for the soil to have water enter where it falls and not move it away.

Richmond is experiencing a residential building boom to accommodate demand and fortunately the geography of the new development is out of sight from daily visitors to historic Richmond but future expansion is highlighted to be on quality agricultural land and within a flood plain and this seems bizarre especially with the current impacts of low-level flooding and climate change events.

Quality building designs, livable environments and green open space, important for social/mental health since the impacts of Covid 19, connectivity across suburbs and improved streetscapes, access to services and public transport, reduced need for driving & sustainability, especially considering climate change.

All these are very important and should be to all, but as housing becomes difficult for many, we are accepting low standards and cheap building making life even harder for those with low incomes. Cramped, poor quality housing is being accepted by low income earners just to get into the housing market and peoples' quality of life is jeopardised. This can further impact on social issues such as domestic violence and mental health.

As I go about my daily life working part time and fulfilling family duties, I am saddened to see the impact of smaller lot sizes is having upon our residential areas. Large family lots are being subdivided removing play opportunities for families, places for dogs to run about safely and places for trees to be planted and gardens to bloom. Understandably not all people seek these activities or need them but our neighborhoods are beginning to change and in some areas not for the better. More design mandated rules to ensure quality building materials and useable open spaces must be undertaken to ensure unscrupulous developers do not carve up our neighborhoods to seek short term monetary gains. In the long run it is the community which will end up paying for the increased mental health issues, domestic violence and community disharmony that may result.

With multi dwelling housing under construction Sorell 2022, the street frontage is where services are located and private open space is laughable facing the Main Road into Sorell. The quantity/density and closeness of the living units is of concern. It is like a caravan park model, and where is the quality of life for residents?

Quote 5

The SPPs are a set of tick and flick design rules that set a minimum standard of uniform design for residential buildings. Where zoning is General Residential these rules are applied everywhere in Tasmania, with no ability for the residents or Councils to object on quality of life grounds. The result of the application of these minimum design rules can now be seen in such erstwhile villages as Margate, Campania and Cambridge. What were once a set of beautiful living areas are gradually being turned into an imitation of ugly suburbs sometimes found interstate.

The SPPs are eroding those qualities that make Tasmania special. It is essential that quality statements be returned to the TPS/SPPs so that Councils have the power to demand higher quality standards where they can be justified or where the community requires them. Failure to take this step will mean the gradual decline of such gems as Ross and Richmond Evandale and Stanley. There is absolutely no need for the use of tick and flick design rules in special places like this.

On behalf of TasPIN members

Anne Harrison



Margaret Taylor



From: [Wynne Russell](#)
To: [State Planning Office Your Say](#)
Subject: Review of the State Planning Provisions
Date: Friday, 12 August 2022 4:06:09 PM

To whom it may concern,

I write to support the recommendations to the review of the State Planning Provisions made by the Planning Matters Alliance Tasmania, as outlined in today's (12 August) Mercury. In particular, I endorse PMAT's call for the Tasmanian planning system and provisions to:

- Ensure the community has a right of say and access to planning appeals, especially in residential areas and national parks and reserves
- Address adaptation to climate change by ensuring that Tasmania's risk mapping is based on the best available science.
- Provide greater housing choice, including making provision for social and affordable housing and also by making it easier to establish co-housing.
- Carefully model environmental impact and examine cultural heritage before approving energy developments such as wind farms
- Embed sustainable transport and green design of buildings and subdivisions into planning processes, including protection of solar panels and provision for future solar access
- Include liveable streets and public open spaces codes to promote physical and mental health, in line with the Healthy Tasmania Strategic Plan 2022-26
- Include an Aboriginal Heritage code
- Include a stormwater code
- Include stronger protections for coastlines, including applying the planning system to coastal waters rather than just to the low water mark
- Maintain healthy and scenic landscapes through rigorous application of existing protections and creation of significant tree and geodiversity codes.

Thank you for accepting this submission.

Wynne Russell (Dr/Ms)

[Redacted Signature]

https://www.researchgate.net/profile/Wynne_Russell

<https://independent.academia.edu/WynneRussell>

<https://www.linkedin.com/in/wynne-russell-00540632?trk=hp-identity-photo>

From: [Stephen Cameron](#)
To: [State Planning Office Your Say](#)
Subject: Review of the State Planning Provisions (SPPs)
Date: Friday, 12 August 2022 4:10:38 PM

Dear Sir/Madam,

I wish to make a brief submission to the Review on two subjects.

1. Addition of a Residential Village Zone provision to the SPPs

I am currently investigating ways to improve the availability of low cost rental accommodation and to add more flexibility to the housing market to cater for periods of high demand.

In other mainland states there is a category of land use called a Residential Village and associated legislation. Such villages are sometimes called manufactured home parks. There is currently no such legislation in Tasmania and from what I can determine no statewide legislation covering caravan parks.²

I would like to see such legislation here and a new Residential Park Zone provision added to the SPPs.

2. Addition of a Hamlet Zone to the SPPs

There is currently a Village Zone in the SPPs, I would like to see a Hamlet Zone added. Its main purpose would be to allow small groups of houses to be built in a rural landscape.

I previously wrote the following on the subject of villages

Also at that time, I was involved with a local group seeking to establish an Ecovillage on the Somersby Plateau inland from Gosford. We had no success, largely due to strict planning regulations around agricultural land near to Sydney, but a similar Sydney-based group was eventually able to buy a large block of semi-rural land there, but sited just off the plateau at the urban-fringe of Narara suburb, when an old agricultural research station was put on the market. This is now the Narara Ecovillage.

An 'Eco-village' has a much broader definition, such as "... an intentional, traditional or urban community that is consciously designed through locally owned participatory processes in all four dimensions of sustainability (social, culture, ecology and economy) to regenerate social and natural environments". In this definition both community and sustainability are obviously important. It adds an element of separateness from what is around it via distinctness through conscious design, not just proximity.

Recently I was a little surprised to find that the 'State Planning Provisions' of the Tasmanian Planning Scheme defines a 'Village Zone' (as clause 12, one of 23 different Zones defined). More specifically: "The purpose of the Village Zone is: 12.1.1 To provide for small rural centres with a mix of residential, community services and commercial

activities. 12.1.2 To provide amenity for residents appropriate to the mixed use characteristics of the zone." In this case, both size and location aspects ('small rural centre') are present and probably community aspects too (as a place for 'community services' and to 'provide amenity to residents').

If you go looking for such Village Zones in Tasmania, they are all historical 'villages' of long-standing, such as in the Huon Valley (Cygnet, Franklin). These villages were created when there were many more rural workers needed and who lived in the villages, and automobiles weren't in common use, so movement of people and goods was slower, often by boat or rail.

It is probably fair to say that now such villages have a population of residents that are mostly either retirees, commuters, or dependent on tourists, a kind of gentrification of the village has occurred. Such villages that are close to a city are very desirable places to live, for those that can afford to buy-in, providing community and amenity in a pretty rural area.

I want to ask: What would be the reaction if a group of people were interested in setting up a new Village Zone from scratch these days? Maybe as an EcoVillage project, to create a small community with services that assist in living sustainably and shared amenities. I suspect the reaction would not be a positive one, that the only option possible would be to create such a 'consciously designed' village within an existing Village Zone.

This presents a great problem for people wishing to live very simply within a village type situation that - through cooperation between residents there - provides 'community' and 'amenity'. Currently they are probably being prevented from creating this lifestyle by planning regulations. They cannot purchase some land in a Rural Zone and turn part of it into a small Village Zone to build their houses within. In the current circumstances of climate change there are many people who aspire to live more simple lives on the land.

This situation is simply not fair, for one reason it is blatantly the rich being advantaged over the less well-off. A rich person can buy a title in a rural zone, build a mansion on it and not be forced to make that land particularly productive. In contrast, a group of people, with equivalent combined means, cannot buy the same title, devote 10% of it to a village zone for living and making the remaining 90% exceptionally productive, by working on it for most of their time.

Maybe they can do it another way, they could build a single building on the title and sub-divide it into separate apartments. Is this idea an 'EcoCastle' (rather than an EcoVillage)? There seems to be no limit on the size of sheds that can be built on rural land, so a block of 'EcoApartments' should not be an issue.

Even more, land can be made exceptionally productive by completely covering it in a greenhouse structure, with not a blade of grass to be seen from outside, which makes this restriction on how many houses that can be built on a rural title, to 'preserve the rural character', even more silly.

In fact, by seeking to make sure there is no subdivision of rural land by stealth (by having only one residence per title), we have needlessly precluded a very valid choice of

lifestyle for many. The rural zone criteria should instead be about the productivity of all the productive land, and with a limit on dispersal of residences on a title. A group of residences (in a Village Zone?), say not more than 10% of the overall land area in size, should be fine.

It is also possible to imagine a new village within an urban context (or Residential Zone), by finding a big enough piece of land to (re)develop as an ecovillage.


Another kind of residential development called CoHousing can be considered a village development, as it uses specific design elements to encourage a very strong sense of community. These include shared amenities along with separate family dwellings, and the parking of all vehicles at the perimeter of the site so as to encourage casual interactions between neighbours, and to broaden landscape design options.



I am now of the view that another zone for Hamlets is what is needed, being a small collection of houses and associated communal buildings.

I hope you will consider these suggestions in your review and am more than willing to help develop these suggestions further as part of that review.

Sincerely

Stephen (Steve) Cameron



 <p>Tasmanian Government</p>	<p>Department of Police, Fire and Emergency Management</p> <p>STATE EMERGENCY SERVICE GPO Box 1290 HOBART TAS 7001 Phone (03) 6173 2700 Email ses@ses.tas.gov.au Web www.ses.tas.gov.au</p>	 <p>TAS STATE EMERGENCY SERVICE</p>
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Our Ref: A22/200754

11 August 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 STATE PLANNING PROVISIONS – SCOPING PAPER

Thank you for the opportunity to provide a submission to the State Planning Office's scoping of the five yearly review of the State Planning Provisions.

The State Emergency Service's (SES) participation in the implementation of the Tasmanian Planning Scheme has informed this submission. Some of the matters in this submission relate to SES representations to draft Local Provisions Schedules.

SES raise matters in this submission that relate to:

- The Coastal Inundation Hazard (CIH) Code;
- The Flood-prone Areas Hazard (FPAH) Code;
- Local Provisions Schedule Requirements;
- The adequacy of the existing provisions for stormwater;
- Including better provisions for emergency management;
- How planning and building control provisions are working together;
- How strategic planning and statutory planning are working together to plan for natural hazards now and in the future; and
- The review of the Residential Development Standards.

SES have made some high-level general comments regarding the review process and parts of the SPP's. More specific comments that address some of the key consultation questions provided in the Scoping Paper are included in Attachment 1. Reference is made in Attachment 1 to informal feedback that SES has sought and received from a small number of local government staff regarding the effectiveness of the TPS 'on the ground'.

General Comments

The SES's overarching position with respect to the scope of the review of the SPP's is to provide improvements to the planning provisions that deal with flood risk in a way that:

- is uncomplicated and provides a consistent system that is efficient to implement;
- provides risk-based planning outcomes that address flood risks to private and public property, infrastructure, and to life, and maximises the resilience of the community post flooding; and
- can communicate flood risk clearly to the public and all users of the planning system.

Integration of the planning and building systems

The CIH and FPAH Codes have an important role to play in the management of the risks posed by coastal inundation and flooding to life and property. SES support the ongoing retention and application of the CIH and FPAH Codes in the SPP's. The SPP Codes have direct links out from the planning system to the building control system and these links need to be maintained and examined for adequacy in regular reviews. SES have identified specific parts of the CIH and FPAH Codes linking to the building control system (detailed in Attachment 1 below) in need of review.

SES support the view that an important part of the SPP review process include targeted consultation with planning authorities to see if the Codes and the links between planning and building control are delivering the best possible outcomes 'on the ground'.

In a face-to-face consultation workshop in Westbury hosted by SES in April 2021, with 57 State agency and local government attendees, SES actively sought feedback regarding the effectiveness of the TPS – natural hazards codes in practice. The purpose of this consultation was to collect feedback from planning practitioners on the implementation of the TPS to inform a review of flood planning policy. The links between the planning system and the building control system were identified in the feedback as a part of the TPS that required improvement.

The issue of assessment for matters relevant to planning not being assessed at the planning stage and being pushed out for assessment at the building stage, was identified at the Westbury workshop, as causing problems in the decision-making process with time and cost implications for applicants.

Flood planning policy

The SES is delivering the Tasmanian Flood Mapping Project to produce the Tasmanian Strategic Flood Map (TSFM). The SES intends to work with the State Planning Office, Planning Authorities, Director of Building Control, and other stakeholders to use the TSFM to develop; a flood planning policy framework; a new FPAH Code; and a new statewide Overlay that can be adopted by planning authorities.

When produced, the TSFM will include information not previously included in a FPAH Overlay and will require a new flood planning policy framework to support its implementation in the SPP's. Existing LPS FPAH Overlays typically describe a spatial flood extent for a design flood event (DFE) (usually the 1% AEP for the current climate). The TSFM will adopt

contemporary practice flood risk management guidance¹ and include flood hazard categories derived from flood hazard vulnerability curves for multiple DFE's. This new hazard-based approach to flood risk management will require a new flood-prone areas hazard code to be developed, that will work in a similar way to the Coastal Inundation Hazard Code. This project will likely take up to two years to complete and would be appropriate to identify as a longer-term amendment to the SPP's. SES seek further consultation with the SPO as part of the SPP review, to identify short and medium term opportunities for amendments that may provide interim guidance.

Stormwater Management

Stormwater management systems are managed by municipal councils under the *Urban Drainage Act 2013*, and through the preparation and implementation of a Stormwater Systems Management Plan. SES seek further consultation with the SPO to identify how stormwater management as distinct from overland flow flood risk are currently considered in the planning system and identify opportunities for improvement as part of the SPP review. SES also suggest the SPO carry out targeted consultation with Planning Authorities regarding these matters.

The Derwent Estuary Program 2021 publication – *Tasmanian Stormwater Policy Guidance and Standards for Development*, is currently used by some Planning Authorities in Tasmania to guide development assessment for stormwater considerations. The scope of the SPP review should consider whether to bring this guidance (or other recognised applied guidance) into the statutory planning process as policy, in the absence of a stormwater management code. The ongoing review of the SPP's should trigger a review of the guidance.

Strategic Planning informing statutory planning and consultative process

SES acknowledge that the Tasmanian Planning Policies currently under development, will provide the framework for guiding strategic planning with consideration to natural hazards and other matters. SES take this opportunity to support the policies within the SPP's that limit intensification of development in flood-prone areas.

SES support the consultative approach of the transition from the Interim Planning Schemes to the Tasmanian Planning Scheme that allows for submission of representations and opportunities for speaking at hearings. Through this process SES has taken a consistent position with respect to supporting the use of zones that provide for the management of density in flood-prone and coastal inundation hazardous areas. SES recommend that the SPP review process seeks to maintain this consultative process.

Review of the Residential Development Standards

SES has not contributed to date to the review of the Residential Development Standards.

SES take this opportunity to request that the review include consideration of residential density for multiple dwellings in flood-prone or coastal inundation areas, and of setbacks for residential development located behind coastal or flood protection structures.

SES take the position that coastal and flood protection structures provide important flood mitigation measures that need to be maintained over time. In many circumstances

¹ *Australian Disaster Resilience Handbook 7. Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia and Guideline 7-3 Flood Hazard*

maintenance of protection infrastructure requires access by machinery. Setbacks should provide adequate space for access by machinery to carry out maintenance.

Please contact the [REDACTED]
[REDACTED], if you wish to discuss any of the matters raised in this submission.

[REDACTED]

 **Leon Smith**
Acting Director

Attachment 1: SES responses to relevant key consultation questions

SPP Section	Sub-section	Works well comment	Could be improved comment	SES recommendation
C11.0 Coastal Inundation Hazard Code	<p>C11.1 Code Purpose</p> <p>C11.1.1 to ensure that use or development subject to risk from coastal inundation is appropriately located and managed so that:</p> <p>a) people, property and infrastructure are not exposed to an unacceptable level of risk</p> <p>b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised</p> <p>.....</p>	<p>The intent of the purpose works well as it has application to use and development at risk from current and future climate change in existing settlements.</p>	<p>SES consulted informally with a small number of local government staff to discuss how this aspect of the Code has been working 'on the ground' (Nov 2021). Feedback received included:</p> <p><i>there are a lack of planning tools available to use for future adaptation planning. A Part 5 Planning Agreement has been used by a Planning Authority as a statutory planning tool for adaptation planning response based on future inundation risk at a single property level. This is not considered an adequate tool for locality-based adaptation planning. New and novel tools are needed.</i></p> <p>SES note the current SPP statutory planning tool – Specific Area Plan, may provide appropriate opportunity for</p>	<p>Examination and trial of statutory planning tools appropriate for minimising costs associated with adaptation, protection, retreat or abandonment, be included in the scope of the review.</p> <p>A model case study might be useful as guidance material.</p>

			adaptation planning. However, there may be a need to test the use of this tool, to examine its adequacy for this purpose.	
<p>C11.6 Development Standards for Building Works.</p> <p>C11.6.1 Objective:</p> <p>a) That building and works, excluding coastal protection works, within a coastal inundation hazard area, can achieve and maintain a tolerable risk from coastal inundation</p> <p>....</p>		<p>SES consulted informally with a small number of local government staff to discuss how this aspect of the code has been working 'on the ground' (Nov 2021). Feedback received included:</p> <p><i>minimum finished floor height level plus freeboard dominates as the development control for determining achievement of tolerable risk in a coastal inundation hazard area. Access and emergency management are not generally seen as defensible development controls. An example case includes a coastal shack development approved for upgrade to a 4-bedroom substantial dwelling (FFH plus freeboard was the acceptable solution). Access to the dwelling may not be achievable in 2050 due to inundation risk.</i></p>	<p>The scope of the SPP review include consideration of introducing development standards for building and works that provide for future access, and emergency and critical services in a coastal hazard area in the CIH Code.</p>	

			SES supports the ongoing provision for minimum floor heights in the CIH Code but acknowledge room for improvement in the building and development standards.	
	<p>C11.7 Development Standards for Subdivision P1</p> <p>(b) the level of risk to use or development arising from an increased reliance on public infrastructure.</p>		<p>The intent of this criteria is not well understood by SES. Most use and development will have an increased reliance on public infrastructure, for example for transport by road or footpaths, or for access to services like electricity, stormwater systems, water and/or sewer. However, how this increased reliance creates a risk to the use and development is not immediately obvious. Is it intended that the increased reliance on public infrastructure, relates to, infrastructure that provides a protection service to the use or development, like a seawall? Or does it mean infrastructure that provides access to an emergency management service?</p>	<p>The scope of the SPP review include review of this provision to provide an unambiguous and clear intent.</p>

C12.0 Flood-Prone Areas Hazard Code			<p>SES are seeking a future substantial review of the Flood-Prone Areas Hazard Code based on the outcomes and outputs of the SES Tasmanian Flood Mapping Project and a project to prepare a new Flood Planning Policy framework.</p> <p>There is currently no state-wide flood-prone area hazard map prepared for use in the SPPs, however its preparation is underway. SES are producing a Tasmanian Strategic Flood Map (TSFM) that should inform the SPPs. The TSFM will be prepared in 2022, however it will require a new policy framework to support its implementation.</p> <p>SES proposes that the new TSFM and associated flood planning policy will introduce a new hazard-based system, replacing the binary (in/out) system currently in place in the TPS. The TSFM and associated policy framework would be risk based with hazard bands using</p>	<p>The scope of the SPP review include consideration of the current Flood-Prone Area Hazard Code remaining in place as an interim solution until the new Flood Planning Policy framework has been delivered.</p> <p>It is estimated the framework will take up to two years to prepare.</p>
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			<p>a similar approach to the Coastal Hazards Codes and provide greater guidance on 'tolerable risk' for various classes of use and development.</p> <p>The new Flood Planning Policy framework will be prepared by the SES in consultation with key stakeholders over a two-year period.</p>	
	<p>C12.2.5 This code does not apply to land subject to the Coastal Inundation Hazard Code</p>		<p>SES consulted informally with a small number of local government staff to discuss how this aspect of the code has been working 'on the ground' (Nov 2021). Feedback received included:</p> <p><i>this clause should be removed and allow for assessment of flooding from both the coastal inundation hazard and the flood-prone areas hazard and for both codes to apply.</i></p> <p>To account for any perverse planning outcomes with regard to minimum finished floor heights, the highest flood</p>	<p>The scope of the SPP review include consideration of the current Flood-Prone Area Hazard Code and removal of clause C12.2.5. New provisions may need to be prepared to account for coincident flooding.</p>

LP1.0 Local Provisions Schedule Requirements	LP1.7.9 Coastal Inundation Hazard Code - maps	<p>SES have reviewed the relevant (municipal areas within the coastal zone) draft LPS that have been placed on public exhibition, all of which have included a CIH Overlay that has been based on the map produced by the Department of Premier and Cabinet (DPAC) as required by SPP section LP1.7.9. The provisions for local planning authorities to modify the map should be retained. This section of the SPPs works well.</p>	<p>height should prevail irrespective of whether it is a coastal inundation or catchment flood for the proposed development. Where coincident flooding has been modelled this should be accounted for in one or both of the codes and provisions included in the SPPs.</p>	<p>The scope of the SPP review include seeking an update of the coastal hazard (inundation and erosion) mapping and setting an appropriate ongoing periodic review for the hazard mapping to coincide with the five yearly SPP review.</p>
		<p>The map produced by DPAC to inform coastal inundation and erosion hazard overlays, was prepared based on the best available data and modelling methodology available at the time of production (2015). However, this map is now in need of review.</p> <p>Investment in new data capture (near shore bathymetric data) is required. With a more recent IPCC report published since the map was prepared the climate change science should be reviewed and updated in the model if required.</p>		

			Updated modelling of coastal hazards should be completed incorporating the new data, to inform a revised hazard map for the State.	
	<p>LP1.7.10 Flood-Prone Areas Hazard Code – maps</p> <p>a) If a planning authority has flood-prone areas in its municipal area, the LPS must contain an overlay showing the areas for the application of the Flood-Prone Areas Hazard Code</p>		<p>This section of the SPP is not working well as it is not being enforced as a statutory requirement in draft LPS with consistency.</p> <p>Some examples of where SES has made representations to the planning authority on its draft LPS, making recommendations to include a pre-FPAH Overlay or update a pre-existing FPAH Overlay with information from recent flood studies, include Glamorgan-Spring Bay, Break O'Day, Central Coast, and Huon Valley.</p>	<p>The scope of the review examines why this statutory requirement is not being enforced and the consequences.</p> <p>The scope of the review introduces SPP's to seek amendment to relevant LPSs as a matter of priority.</p>
	<p>LP1.8 Code Lists in Tables</p> <p>LP1.8.1 Each LPS may contain lists in a table for the application of the Road and Railway Assets Code,</p>		Use of Table C11.1 is essential to include in a LPS (where the planning authority has coastal inundation areas in its municipal area) for the	<p>The scope of the review include review of the wording of the SPP's to consider removing the discretionary provision for the use of Table C11.1 in an</p>

	<p>Local Historic Heritage Code, Scenic Protection Code and Coastal Inundation Hazard Code. All information requirements are to be completed in the tables</p>		<p>functional operation of the CIH Code.</p> <p>Table C11.1 also provides essential information out from the planning system into the building system allowing for the building controls contained in the <i>Director's Determination – Coastal Inundation Hazard Areas</i> to come into effect.</p> <p>The CIH Code includes objectives that provide for use and development within coastal inundation areas that can achieve and maintain a tolerable risk from inundation for the life of the use. For a Planning Authority to interpret tolerable risk into the future (out to 2100) the AHD levels provided in Table C11.1 are essential information.</p> <p>The wording of this clause in the SPP's implies that inclusion of Table C11.1 is discretionary not mandatory. This requires amendment.</p>	<p>LPS, (where the planning authority has coastal inundation areas in its municipal area), and make its use mandatory.</p>
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<p>30.0 Future Urban Zone</p>			<p>SES recognise that the TPP's are currently under development. Until the TPP's are prepared and bought into effect, there exists a significant gap in the planning system to provide for the consistent consideration of strategic settlement and structure planning informed by an assessment of 'all hazards'.</p> <p>In the absence of this provision, the Future Urban Zone may be an appropriate interim location to make this happen.</p> <p>SES support the planning principles put forward in the Australian Disaster Resilience Handbook '<i>Land Use Planning for Disaster Resilient Communities</i>' – including principle 5 – Recognise that some land may be unsuitable for certain activities or development: Planning decisions are to recognise that not all land is suitable for intensification of development types and not all development types</p>	<p>The scope of the review consider how the SPP's can provide good strategic planning outcomes that provide for decision making informed by all hazard assessments.</p>
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			<p><i>are viable at a particular location. Decision criteria and mechanisms to support decision making based on hazard information are to be in place to ensure the intensification of development is compatible with the risk profiles of natural hazards to both existing and future development and its users.</i></p>	
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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

12 August 2022

To Whom It May Concern,

RE: State Planning Provisions (SPPs) Review - Scoping Issues

Phase 2 of the State Government's planning reform is underway and includes a [review of the State Planning Provisions \(SPPs\)](#), introduction of the [Tasmanian Planning Policies](#), the creation of a [regional land use planning framework](#), and a review of the three Regional Land Use Strategies.

The SPPs also require review for consistency with State Policies and the Tasmanian Planning Policies once they are finalised.

I thank you for the opportunity to comment on the review of the SPPs, noting that ALL SPPs are up for review. I also welcome the opportunity to recommend new provisions i.e. new codes and/ zones.

My submission covers:

- Who I am and why I care about planning;
- A summary of the SPP Review process;
- An overview of where the SPPs sit in the Tasmanian Planning Scheme;
- My concerns and recommendations regarding the SPPs; and
- Related general comments/concerns regarding the SPPs.

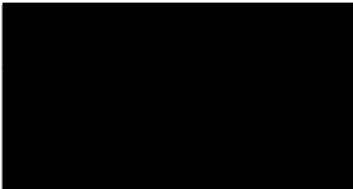
My concerns and recommendations regarding the SPPs cover 22 broad issues. I also endorse the Planning Matters Alliance Tasmania's (PMAT) submission to the review of the State Planning Provisions including which includes detailed submissions compiled by expert planners regarding three key areas: the *Natural Assets Code*, the *Local Historic Heritage Code* and the residential standards. Each of the three detailed submissions, have also been reviewed by a dedicated PMAT review subcommittee involving a total of 15 expert planners, environmental consultants and community advocates with relevant expertise.

I note that the *State Planning Provisions Review Scoping Paper* states that the State Planning Office will establish reference and consultative groups to assist with detailed projects and amendments associated with the SPPs. I request in the strongest possible terms that we should take part in these reference/consultative groups because it is in the practical delivery process involving all stakeholders, government, development and community, where the test of provisions is observed in its absolute. Regardless of any expert involvement during the writing process of the SPP, no one can ever fully predict all possible arising problems. It is vital to have a community voice in these processes.

Overall I am calling for the SPPs to be values-based, fair and equitable, informed by [PMAT's Platform Principles](#), and for the SPPs to deliver the objectives of the *Land Use Planning and Approvals Act 1993*.

Planning affects every inch of Tasmania, on both private and public land, and our well-being: our homes, our neighbour's house, our local shops, work opportunities, schools, parks and transport corridors. Planning shapes our cities, towns and rural landscapes. Well thought through strategic planning can build strong, thriving, healthy and sustainable communities.

Yours sincerely,



Name: Allison Green



CC: michael.ferguson@dpac.tas.gov.au

I acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina Pakana - Tasmania is Aboriginal land.

Who Am I and Why I care about Planning

I am a homeowner who last year, along with my neighbours, found ourselves in the unenviable position of fighting a local developer who proposed an additional dwelling behind a character home (1920's Federation style) in a traditional family area. The discretionary development, to be determined under the Interim Planning Scheme, was outside the building envelope, overshadowed the rear neighbour to the degree that the residence no longer received any solar access, was greater than the prescribed density level for the zone and was out of character in bulk and scale to the general area.

The neighbourhood fought the development. It was at first withdrawn, then re-submitted, recommended for approval, voted on at council (twice, the first vote was drawn), rejected, appealed at Tribunal, rejected at Tribunal and now is before the Supreme Court.

This fight for the preservation of the most basic amenities for the street, those being, privacy, access to an appropriate level of sunlight and safety for the street has taken over twelve months of our personal time without measure of the mental stress we have endured. However, we acknowledge we were lucky. One neighbour had a network of friends who included an architect, two hydraulic engineers, an ex-Tasmanian planning commissioner and a lawyer who gave us expert advice free of charge. Without those wonderful individuals we simply could not have presented a case.

The residents of the street were unable to afford a planning professional or a legal representative. Therefore, another neighbour and I appeared on the street's behalf, opposing the appellant's planning expert, traffic expert, and their lawyer.

We were like most ordinary residents, in that when an undesirable development appears beside or near their home, we had no idea what to do or how to approach the situation. But at least, we had access to some professional advice and were able to build a case utilising the Interim Planning Scheme. While I personally found the scheme frustratingly vague and lacking balance, there were at least a small number of provisions that allowed an ordinary homeowner to attempt to preserve a modest level of basic amenity. Unfortunately, after reading the SPP already in place in other municipalities, it is evident even these small number of provisions is now denied.

In a more recent example in our local area, a proposed modern development, out of character with the general area and the heritage-listed streetscape, built outside of the envelope and reducing four neighbouring properties to almost no solar access (one of those properties to no solar access at all), was to be evaluated under the Interim Planning Scheme. The planning officer's advice to council regarding to the proximity to the boundary, the non-compliance with the building envelope and the resulting lack of solar access to the neighbouring properties was words to the effect that it would comply under the soon to be introduced the SPP.¹ The residents appealed the council's approved permit. However, at the preliminary meeting between the Tribunal Registrar and the opposing parties, the developer conceded it was more straight forward to withdraw the application and resubmit it as the SPP were now in place. The effected residents no longer have of any legal right of reply. This clearly exemplifies the SPP in their current form favouring development over the rights to basic amenity to existing homeowners.

¹ Launceston City Council, Council Agenda, 30th June, 2022: Issue 15: page 27

It is due to my personal experience and the events that I outlined that I now attempt to assist other residents in my area in whatever way I can. I know how difficult a process it is defending the basic liveability of your home and area, and how few tools the general public has at their disposal. And that was prior to the introduction of the SPP! It is with this experience that I am compelled to submit feedback and recommendations to you on the future of the SPP.

SPP Review Process

The Tasmanian Government is currently seeking input to help scope the issues for the [five yearly review of the State Planning Provisions \(SPPs\)](#) in the [Tasmanian Planning Scheme](#), which will be conducted over two stages.

The current review of the SPPs is the best chance the community has now to improve the planning system. The SPPs are not scheduled to be reviewed again until 2027.

As per the State Planning Office website *'The SPPs are the statewide set of consistent planning rules in the Tasmanian Planning Scheme, which are used for the assessment of applications for planning permits. The SPPs contain the planning rules for the 23 zones and 16 codes in the Tasmanian Planning Scheme, along with the administrative, general, and exemption provisions. **Regular review of the SPPs is best practice ensuring we implement constant improvement and keep pace with emerging planning issues and pressures.***

The SPPs are now operational in 14 of Tasmania's 29 local council areas.

The [State Planning Provisions Review Scoping Paper](#) outlines the six steps of the review of the SPPs. Broadly speaking the review will be conducted in two stages as outlined below.

SPP Review - Stage 1 – SPP Scoping Issues

Public consultation is open from 25 May to 12 August 2022. This review or scoping exercise phase is known as Stage 1.

The aim of Stage 1 is to identify the State Planning Provisions that may require review, as well as if there is a need for any new State Planning Provisions. E.g., new Zones and/or Codes.

Stage 1 may include some amendments to the SPPs, before Stage 2 goes on to consider more substantive issues and the consistency of the SPPs with the Tasmanian Planning Policies. The State Planning Office may characterise those amendments to the SPPs which occur in Stage 1 (or step 3 in the Scoping paper diagram) as minor amendments not requiring public consultation. I am interested as to how a "minor amendment" is defined and made.

SPP Review - Stage 2 – SPP Amendments

There is a legislative requirement for the State Planning Provisions to be revised for consistency with the [Tasmanian Planning Policies](#), once approved.

The current Stage 1 scoping exercise, along with the approved Tasmanian Planning Policies, will inform draft amendments to the SPPs, which will be considered through the SPP amendment process prescribed under the *Land Use Planning and Approvals Act 1993*.

This process includes a 42-day period of public exhibition and independent review by the Tasmanian Planning Commission and may also include public hearings. I consider such public hearings facilitated by the Tasmanian Planning Commission are essential if the Tasmanian community is to be involved and understand our planning laws.

See flowchart for the SPP amendment process [here](#). This review phase is known as Stage 2 and is likely to occur in 2023.

An overview of where the SPPs sit in the Tasmanian Planning Scheme

The State Government's new single statewide planning scheme, the Tasmanian Planning Scheme, will replace the planning schemes in each of the 29 local government areas. The Tasmanian Planning Scheme is now operational in 14 of Tasmania's 29 local government areas.

The new Tasmanian Planning Scheme has two parts:

1. A single set of State Planning Provisions (SPPs) that apply to the entire state on private and public land (except Commonwealth controlled land); and
2. Local planning rules, the Local Provisions Schedule (LPS) which apply the SPPs to each municipal area on both private and public land.

1. State Planning Provisions (SPPs)

The SPPs are the core of the Tasmanian Planning Scheme, they set the new planning rules and in my view are blunt planning instruments that will deliver homogenous and bland planning outcomes. The SPPs state how land can be used and developed and outline assessment criteria for new use and development. These rules set out 23 zones and 16 codes that may be applied by Councils under their LPSs. Not all zones or codes will be relevant to all Councils, for example in Hobart there will be no land zoned Agriculture, and in the Midlands there will be no land subject to the Coastal Inundation Hazard Code.

Read the current version of the SPPs [here](#).

- **The Zones:** the 23 zones set the planning rules for use and development that occurs within each zone (i.e. applicable standards, specific exemptions, and tables showing the land uses that are allowed, allowable or prohibited - No Permit Required, Permitted, Discretionary or Prohibited). The zones are: General Residential, Inner Residential, Low Density Residential, Rural Living, Village, Urban Mixed Use, Local Business, General Business, Central Business, Commercial, Light Industrial; General Industrial, Rural, Agriculture, Landscape Conservation, Environmental Management Zone, Major Tourism, Port and Marine, Utilities, Community Purpose, Recreation, Open Space; and the Future Urban Zone.
- **The Codes:** the 16 codes can overlay zones and regulate particular types of development or land constraints that occur across zone boundaries, and include: Signs, Parking and Sustainable Transport, Road and Railway Assets, Electricity Transmission Infrastructure Protection, Telecommunications, Local Historic Heritage, Natural Assets, Scenic Protection, Attenuation, Coastal Erosion Hazard, Coastal Inundation Hazard, Flood-Prone Areas Hazard, Bushfire-Prone Areas, Potentially Contaminated Land, Landslip Hazard and Safeguarding of Airports Code.

In addition to the zone and code provisions, the SPPs contain important information on the operation of the Tasmanian Planning Scheme, including Interpretation (Planning Terms and Definitions), Exemptions, Planning Scheme Operation and Assessment of an Application for Use or Development. These up-front clauses provide important context for the overall planning regime as they form the basis for how planning decisions are made. The terminology is very important, as often planning terms do not directly align with plain English definitions.

2. Local Planning Rules/Local Provisions Schedule (LPS)

The local planning rules, known as the Local Provisions Schedule, are prepared by each Council and determine where zones and codes apply across each municipality. The development of the LPS in each municipality is the last stage in the implementation of the Tasmanian Planning Scheme. Once the LPS for a municipality is signed off by the Tasmanian Planning Commission, the Tasmanian Planning Scheme becomes operational in that municipality.

The LPS comprise:

- maps showing WHERE the SPP zone and codes apply in a local municipal area; and
- any approved departures from the SPP provisions for a local municipal area.

View the Draft LPS approval process [here](#).

If Councils choose to apply a certain zone in their LPS (e.g., Inner Residential, Rural Living or Agriculture Zone), the rules applying to that zone will be the prescriptive rules set out in the SPPs and are already approved by the State Government. **Councils cannot change the SPPs which will be applied. Councils only have control over where they will be applied through their LPS.**

Site Specific Local Planning Rules

If a Council or local community decides that areas within its municipality are not suited to one of the standard 23 zones then they may consider applying one of three site specific local planning rules. These three local planning rules are the only tool the Council/Community has to protect local character. However, from a community point of view, they are disappointingly difficult to have applied (see example outlined under point 8 in the section below entitled '*Related General Comments/Concerns regarding the SPP*').

The three planning tools are:

- **Particular Purpose Zone (PPZ)** – is a zone that can be created in its own right. It is a group of provisions consisting of (i) a zone that is particular to an area of land; and (ii) the provisions that are to apply in relation to that zone. It usually will apply to a particular land use (e.g. UTAS Sandy Bay campus or a hospital, Reedy Marsh, Dolphin Sands, The Fisheries).
- **Specific Area Plan (SAP)** - being a plan consisting of (i) a map or overlay that delineates a particular area of land; and (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs. SAPs are specific to that site and sit over the top of a zone. For example, a proposed Coles Bay SAP would have sat over the underlying Low Density Residential Zone and the SAP rules would have allowed for a broader scope of new non-residential uses across the whole of Coles Bay. SAPs can be used for greenfield residential subdivision to allow higher density housing, to plan for roads and to protect areas of vegetation and open space (e.g., SAPs are also proposed for Cambria Green, Huntingfield, Jackeys Marsh, Blackmans Bay Bluff).
- **Site Specific Qualification (SSQ)** is used to facilitate particular types of activities at certain sites (e.g., New Town Plaza Shopping Centre) and sit over the top of a zone.

My concerns and recommendations regarding the SPPs

In PMAT's view the State Government's Tasmanian Planning Scheme fails to adequately address a range of [issues](#), which will likely result in poor planning outcomes. A planning system that deals effectively with these issues is essential for Tasmania's future and for the well-being of communities across the state.

The SPP review is thus critically important and is a particular priority for me as it is the best chance we have to improve planning outcomes until 2027.

My/our key concerns and recommendations cover the following topics:

1. Ensuring the community has the right to have a say;
2. Climate Change Adaptation and Mitigation;
3. Planning, Insurance and climate risks;
4. Community connectivity, health and well-being;
5. Aboriginal cultural heritage;
6. Heritage buildings and landscapes (Local Historic Heritage Code);
7. Tasmania's brand and economy;
8. Housing;
9. Residential issues;
10. Stormwater;
11. Onsite wastewater;
12. Rural/Agricultural issues;
13. Coastal land issues;
14. Coastal waters;
15. National Parks and Reserves (Environmental Management Zone);
16. Healthy Landscapes (Landscape Conservation Zone);
17. Healthy Landscapes (Natural Assets Code);
18. Healthy Landscapes (Scenic Protection Code);
19. Geodiversity;
20. Integration of land uses;
21. Planning, Loss of Character Statements and Good Design;
22. Other various issues with the SPPs.

1. Ensuring the community has the right to have a say

Land use planning is the process through which governments, businesses, and residents come together to shape their communities. Having a right of say is critical to this.

The current SPPs however, with fewer discretionary developments, and more exemptions, significantly reduce the community's right to have a say and in many instances also removes appeal rights, weakening democracy. More uses and development can occur without public consultation or appeal rights. Without adequate community involvement in the planning process, there is a risk of more contested projects, delays, and ultimately less efficient decision-making on development proposals.

The reduction in community involvement is clearly demonstrated by how developments are dealt with in our National Parks and Reserves and residential areas.

National Parks and Reserves and right of say

Commercial tourism development can be approved in most National Parks and Reserves without guarantee of public consultation, and with no rights to appeal. This means that the public has no certainty of being able to comment and no appeal rights over public land covering almost 50% of Tasmania. The State Government has repeatedly stated that that this issue will be dealt with through the review of the Reserve Activity Assessment (RAA) process.

The RAA process is the internal government process by which developments in national parks and reserves are assessed. However, the review has stalled with no apparent progress for at least five years².

Community stakeholders are unable to obtain clear information on the review progress, timelines, and the formal process regarding consultation. It appears that the State Government has abandoned this critically important review of the Reserve Activity Assessment. I am concerned that proposed developments can be approved under the existing deeply flawed process without any opportunity for public comment and involvement. This is inconsistent with three of the most fundamental of the objectives of the *Land Use Planning and Approvals Act 1993*: "(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity... (c) to encourage public involvement in resource management and planning; 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."

There is a current Petition (closing 4 August 2022) before the Tasmanian Parliament: '[Inadequate processes for assessing and approving private tourism developments in Tasmania's national parks](#)' which has already attracted 2609 signatures and demonstrates the level of community concern. Amongst other concerns, the petition draws to the attention of the Tasmanian Parliament that '*The Reserve Activity Assessment (RAA) process is flawed, opaque and lacks genuine public consultation*' and calls on the '*Government to abandon the Expressions of Interest process and halt all proposals currently being considered under the Reserve Activity Assessment process until a statutory*

²Page 11 of the *Minister's Statement of Reasons for modifications to the draft State Planning Provisions* [here](#) which states '...in response to matters raised during the hearings [of the draft SPPs] the Government agrees that a review of the RAA (Reserve Activity Assessment) be undertaken'.

assessment and approval process for private tourism developments in Tasmania's national parks is implemented'.

In 2016, the Tasmanian Planning Commission via its report, [*Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*](#), identified the level of public concern regarding the Reserve Activity Assessment process.

In 2017, the then Planning Minister Peter Gutwein acknowledged that the RAA process “needs review”, but made no amendments to the SPPs in relation to developments in national parks.

In 2019 eleven community groups were so frustrated they could not obtain clarity on the RAA review they resorted to lodging a Right to Information (RTI) request to seek transparency. See [*PMAT Media Release: Has Hodgman abandoned the review of RAA process for developments in national parks and reserves?*](#)

Recommendation: That the State Government move quickly to **1.** finalise the RAA Review, including the exemptions and applicable standards for proposed use and development in the Environmental Management Zone **2.** To implement changes for a more open, transparent and robust process that is consistent with the Tasmanian Planning System *Land Use Planning and Approvals Act 1993* objectives. **3.** The Environmental Management Zone should be amended to ensure the public has a meaningful right of response and access to appeal rights - in particular by amending what are “permitted” and “discretionary” uses and developments in the Environmental Management Zone.

Residential areas and right of say

PMAT commissioned an architectural planning study (Figures 1 and 2) to demonstrate what is permitted in the General Residential Zone to visually demonstrate what can be built without public comment, appeal rights and notification to your adjoining neighbour.



Figure 1 – PMAT’s planning study demonstrates what is *Permitted* in the General Residential Zone. This is what is allowed to be built with no notification to your adjoining neighbour, no ability to comment, and no appeal rights.

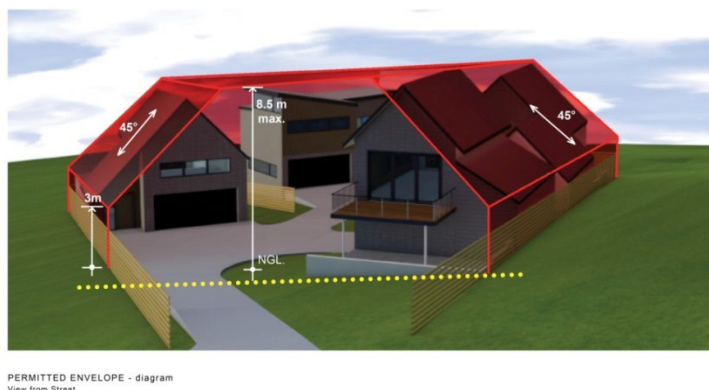


Figure 2 – PMAT’s planning study demonstrates what is *Permitted* in the General Residential Zone. This is what is allowed to be built with no notification to your adjoining neighbour, no ability to comment and no appeal rights.

PMAT’s planning study helps highlight issues that have led to confusion and anxiety in our communities including lack of say about the construction of multiple and single dwellings (especially by adjoining neighbours), bulk, height, overshadowing, loss of privacy, loss of sunlight/solar access, loss of future solar access for Solar PV arrays and Solar Hot Water panels on, north-east, north, and north-west -facing roofs, lack of private open space and inappropriate site coverage, overlooking private open space and blocking existing views

Recommendation: The SPPs should be amended to ensure the public has a meaningful right of response and access to appeal rights across the residential zones, in particular by amending what is “permitted” and “discretionary” use and development. Our planning system must include meaningful public consultation that is timely effective, open and transparent.

2. Climate Change Adaptation and Mitigation

Adaptation

Given the likely increased severity and frequency of floods, wildfire, coastal erosion and inundation, drought and heat extremes, I am seeking amendments to the SPPs which better address adaptation to climate change. We need planning which ensures people build out of harm’s way.

Mitigation

Climate Change Mitigation refers to efforts to reduce or prevent emissions of greenhouse gases. I would like to see increased opportunity for mitigation by for example embedding sustainable transport, ‘green’ (i.e. regenerative) design of buildings and subdivisions in planning processes. One current concern is that across residential zones solar panels on adjoining properties are not adequately protected nor the foresight to enable future rooftop solar panel installations with unencumbered solar access.

On the subject of renewable energy, which will become increasingly important as the world moves to Net Zero, we are concerned that there appears to be no strategically planned Wind Farm designated area. I do not want open slather wind farms right across the state industrialising our scenic landscapes but would like to see appropriately placed wind farms, decided after careful modelling of all environmental data. This is especially important as based on the [200% Tasmanian](#)

[Renewable Energy Target](#), I understand that this could equate to approximately 89 wind farms and over 3000 wind turbines. The new target aims to double Tasmania's renewable energy production and reach 200 per cent of our current electricity needs by 2040.

Recommendation: 1. The SPPs be amended to better address adaptation to climate change, by ensuring Tasmania's risk mapping is based on the best available science and up to date data. 2. The SPPs be amended to better embed sustainable transport, green design of buildings and subdivisions into planning processes, including better protection of solar panels and provision for future solar access. 3. Strategic thinking and modelling to decide where best to allow wind farms. The SPPs could include a new *No Go Wind Farm Code*.

3. Planning, Insurance and Climate Risks

This year, the Climate Council, an independent, crowd-funded organisation providing quality information on climate change to the Australian public, released a report entitled [Uninsurable Nation: Australia's Most Climate-Vulnerable Places](#) and a [climate risk map](#).

Key findings of the Report concluded climate change is creating an insurability crisis in Australia due to worsening extreme weather and sky-rocketing insurance premiums. It is my understanding that the modelling found that approximately 2% of homes in Tasmania would be effectively uninsurable by 2030 due to the effects of climate change. The major risk to the areas of the state are the north east and the east - in Bass, 3.7% of homes and in Lyons, 2.8% of homes.

Risks include flooding, storm surges and wildfires. The SPPs deal with these risks under the following Codes:

- Coastal Erosion Hazard Code
- Coastal Inundation Hazard Code
- Flood-Prone Areas Hazard Code
- Bushfire-Prone Areas Code
- Landslip Hazard Code

However, I understand that the code risk mapping is based on conservative climate data. There is also a concern that the State Government's risk mapping and the insurance sector's risk mapping are inconsistent.

Recommendation: the SPPs Codes be reviewed and updated to ensure they reflect the best available science about current and likely bushfire, flood, and coastal inundation risks. The State Government, through its Tasmanian Planning Scheme, has a responsibility to ensure that the planning system does not allow the building of homes in areas that will become uninsurable. Consideration should also be given in the review as to how the SPPs can ensure that developments and uses approved can be retrofitted to better respond to changing climatic conditions.

I would like to know the status of *Tasmania's Climate Change Action Plan 2017-2021* which contained a proposal for: "...**land-use planning reforms** to manage natural hazards and climate impacts. Instruments under development include a Tasmanian Planning Policy on Hazards and Environmental Risks, and State Planning Provisions for natural hazards."

4. Community connectivity, health, and well-being

The SPPs currently have limited provisions to promote better health for all Tasmanians, such as facilitation of walking and cycling opportunities across suburbs, ensuring local access to recreation areas and public open space, and addressing food security.

Recommendation:

Liveable Streets Code – I endorse the Heart Foundation in its *‘Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016’* (attached) which calls for the creation of a new *‘Liveable Streets Code’*. In their representation they stated *‘In addition to, or as alternative, the preferred position is for provisions for streets to be included in a Liveable Streets code. Such a code would add measurable standards to the assessment of permit applications. An outline for a Liveable Streets code is included at Annexure 1 as at this stage such a code requires further development and testing. For this representation the concept of a Liveable Streets code is advocated as a foreshadowed addition to the SPPs.’* Annexure 1 – Draft for a Liveable Streets Code (page 57) of the *‘Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016’* sets out the code purpose, application, definition of terms, street design parameters, Street connectivity and permeability, streets enhance walkability, streets enhance cycle-ability, and streets enhance public transport. Our streets are also corridors for service infrastructure – such as telecommunications, electricity, and water. It is important that placement of these services does not detract from liveable streets design, for example through limiting street trees.

Food security – I also endorse the recommendations *‘Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016’* for amendments to the State Planning Provisions to facilitate food security.

Public Open Space – I recommend we create tighter provisions for the Public Open Space Zone and /or the creation of a Public Open Space Code. The planning system must ensure local access to recreation areas with the provision of public open space. Public open space has aesthetic, environmental, health and economic benefits. The [2021 Australian Liveability Census](#), based on over 30,000 responses, found that the number 1 *‘attribute of an ideal neighbourhood is where ‘elements of the natural environment’ are retained or incorporated into the urban fabric as way to define local character or uniqueness. In the 2021 Australian Liveability Census 73% of respondents selected this as being important to them. That is a significant consensus.’*

I am seeking mandatory provisions and standards for public open space and riparian and littoral reserves as part of the subdivision process. We understand these are not mandated currently and that developers do not have to provide open space as per for example the voluntary [Tasmanian Subdivision Guidelines](#).

It may be that mandated provisions of Public Open Space can be addressed adequately in the Open Space Zone already in the SPPs. Very specifically, I am seeking the inclusion of requirements for the provision of public open space for certain developments like subdivisions or multiple dwellings.

I understand that a developer contribution can be made to the planning authority in lieu of the provision of open space and that those contributions can assist in upgrading available public open space. However, there appears to be no way of evaluating the success of this policy.

Neighbourhood Code – I recommend we create a new *Neighbourhood Code*. This recommendation will be explained in more detail in section 7 *Residential issues* section below as a tool to protect/enhance urban amenity.

5. Aboriginal Cultural Heritage

The current SPPs have no provision for mandatory consideration of impacts on Aboriginal Heritage, including Cultural Landscapes, when assessing a new development or use that will impact on Aboriginal cultural heritage.

This means, for example, that under current laws, there is no formal opportunity for Tasmanian Aboriginal people to comment on or object to a development or use that would adversely impact their cultural heritage, and there is no opportunity to appeal permits that allow for adverse impacts on Aboriginal cultural heritage values.

While I acknowledge that the Tasmanian Government has committed to developing a new Tasmanian Aboriginal Cultural Heritage Protection Act to replace the woefully outdated *Aboriginal Heritage Act 1975* (Tas), it is unclear whether the proposed “light touch” integration of the new legislation with the planning system will provide for adequate protection of Aboriginal Cultural heritage, involvement of Tasmanian Aboriginal people in decisions that concern their cultural heritage, and consideration of these issues in planning assessment processes.

Indeed, it is unclear if the new Act will “*give effect to the Government’s commitment to introducing measures to require early consideration of potential Aboriginal heritage impacts in the highest (State and regional) level of strategic planning, and in all assessments of rezoning proposals under the LUPA Act to ensure major planning decisions take full account of Aboriginal heritage issues.*”³

One way that the planning scheme and SPPs could ensure Aboriginal cultural heritage is better considered in planning decisions, is through the inclusion of an Aboriginal Heritage Code to provide mandatory assessment requirements and prescriptions that explicitly aim to conserve and protect Aboriginal cultural heritage. Assessment under this code could serve as a trigger for assessment under a new Tasmanian Aboriginal Cultural Heritage Protection Act. Until that Review is complete, it will be unclear how the new Act will give effect to the objective of cross reference with the planning scheme. **The planning scheme should therefore set up a mechanism that ensures maximum assessment, consideration and protection of Aboriginal heritage.**

I recognise this is an imperfect approach in that the proposed Aboriginal Heritage Code may not be able to fully give effect to the *United Nations Declaration of the Rights of Indigenous Peoples* by providing Tasmanian Aboriginal people the right to free, prior and informed consent about developments and uses that affect their cultural heritage or give them the right to determining those applications.

However, while the Tasmanian Government is in the process of preparing and implementing the new Aboriginal Cultural Heritage Protection Act, it will at least allow for consideration and protection of Aboriginal cultural heritage in a way that is not presently provided under any Tasmanian law.

³ Jaensch, Roger (2021) *Tabling Report: Government Commitment in Response to the Review Findings, Aboriginal Heritage Act 1975: Review under s.23* – see here: <https://nre.tas.gov.au/Documents/Tabling%20Report%20-%20Review%20of%20the%20Aboriginal%20Heritage%20Act.pdf>

Recommendation: The SPPs must provide better consideration of and protection to Aboriginal cultural heritage such as via the creation of an *Aboriginal Heritage Code* and the cross reference and meaningful connection to a new Aboriginal Cultural Heritage Protection Act that will protect Aboriginal Cultural heritage.

6. Heritage Buildings and Heritage Landscape Issues (Local Historic Heritage Code)

I consider that limited protections for heritage places will compromise Tasmania's important cultural precincts and erode the heritage character of listed buildings. I understand that many Councils have not populated their Local Historic Heritage Codes as they are resource and time limited and there is a lack of data.

PMAT engaged expert planner Danielle Gray of [Gray Planning](#) to draft a detailed submission on the Local Historic Heritage Code. The input from Gray Planning has provided a comprehensive review of the Local Historic Heritage Code and highlights deficiencies with this Code. There is considerable concern that the wording and criteria in the Local Historic Heritage Code will result in poor outcomes for sites in Heritage Precincts as well as Heritage Places that are individually listed. There is also a lack of consistency in terminology used in the Local Historic Heritage Code criteria that promote and easily facilitate the demolition of and unsympathetic work to heritage places, Precinct sites and significant heritage fabric on economic grounds and a failure to provide any clear guidance for application requirements for those wanting to apply for approval under the Local Historic Heritage Code. The Local Historic Heritage Code also fails to provide incentives for property owners in terms of adaptive reuse and subdivision as has previously been available under Interim Planning Schemes. It is considered that the deficiencies in the current Local Historic Heritage Code are significant and will result in poor outcomes for historic and cultural heritage management in Tasmania.

A summary of the concerns and recommendations with respect to the review of the Local Historic Heritage Code by Gray Planning is outlined below.

Gray Planning - Summary of concerns and recommendations with respect to the Local Historic Heritage Code

- The name of the Local Historic Heritage Code should be simplified to 'Heritage Code'. This simplified naming is inclusive of historic heritage and cultural heritage rather than emphasising that heritage is about historic values only.
- Definitions in the Local Historic Heritage Code are currently brief and inexhaustive and do not align with definitions in the Burra Charter.
- There are no clear and easily interpreted definitions for terms repeatedly used such as 'demolition', 'repairs' and 'maintenance'.
- Conservation Processes (Articles 14 to 25) as outlined in the Burra Charter should be reflected in the Local Historic Heritage Code Performance Criteria. Issues covered in the Burra Charter are important to maintaining historic and cultural heritage values such as setting, context and use are not mentioned in the Local Historic Heritage Code at all.
- The Local Historic Heritage Code does not deal with any place listed on the Tasmanian Heritage register and there is a hard line separate of local and state listed places. This fails to recognise the complexity of some sites which have documented state and local values.

- Failure to also consider state and local heritage values as part of the Local Historic Heritage Code will result in important issues such as streetscape and setting and their contribution to heritage values not being considered in planning decisions.
- The SPP Code does not provide a summary of application requirements to assist both Councils and developers. This approach results in a failure to inform developers of information that may be required to achieve compliance.
- The Objectives and Purpose of the Local Historic Heritage Code is too limited and should align with the *Historic Cultural Heritage Act 1995* in terms of purpose.
- The Exemptions as listed in the Local Historic Heritage Code are in some cases ambiguous and would benefit greatly from further clarification and basic terms being defined under a new Definitions section.
- Previously, some Interim Planning Schemes included special provisions that enabled otherwise prohibited uses or subdivision to occur so long as it was linked to good heritage outcomes. Those have been removed.
- Development standards for demolition are concerning and enable the demolition of heritage places and sites for economic reasons.
- Development standards use terminology that is vague and open to misinterpretation.
- The words and phrases 'compatible' and 'have regard to' are repeatedly used throughout the Local Historic Heritage Code and are problematic and may result in unsympathetic and inconsistent outcomes owing to their established legal translation.
- Performance criteria do not make definition between 'contributory' and 'non-contributory' fabric. This may result in poor heritage outcomes where existing unsympathetic development is used as justification for more of the same.
- The Local Historic Heritage Code as currently written will allow for unsympathetic subdivision to occur where front gardens can be subdivided or developed for parking. This will result in loss of front gardens in heritage areas and contemporary development being built in front of and to obstruct view of buildings of heritage value.
- The Local Historic Heritage Code as currently written does not place limits on extensions to heritage places which enables large contemporary extensions that greatly exceed the scale of the heritage building to which they are attached to.
- Significant tree listing criteria are not always heritage related. In fact, most are not related to heritage. Significant trees should have their own separate code.
- Currently there is no requirement for Councils to populate the Local Historic Heritage Code with Heritage Precincts of Places. Failure to do so is resulting in buildings and sites of demonstrated value being routinely destroyed.

Recommendation:

Burra Charter: I recommend that the *Local Historic Heritage Code* in the [Tasmanian Planning Scheme](#) should be consistent with the objectives, terminology and methodology of the [Burra Charter](#). I also endorse Gray Planning's recommendations regarding the *Local Historic Heritage Code* as outlined above.

Significant trees: Consistent with the Tasmanian Planning Commission's 2016 recommendations on the draft SPP's outlined on page 63⁴ *'a stand-alone code for significant trees to protect a broader range of values be considered as an addition to the SPPs'*.

7. Tasmania's Brand and Economy

I support the Tasmanian brand noting that a planning system which protects Tasmania's cherished natural and cultural heritage underpins our economy, now and into the future. We consider that the current SPPs threaten Tasmania's brand, as they place our natural and cultural heritage and treasured urban amenity at risk. The current planning system may deliver short-term gain but at the cost of our long-term identity and economic prosperity.

As Michael Buxton, former Professor of Environment and Planning, RMIT University, stated *"The Government argues the new [planning] system is vital to unlock economic potential and create jobs, but the state's greatest economic strengths are the amenity and heritage of its natural and built environments. Destroy these and the state has no future."* Source: Talking Point: Planning reform the Trojan horse, The Mercury, Michael Buxton, December 2016 (attached in Appendix 1).

As per [Brand Tasmania's 2019-2024 Strategic Plan](#), it could be argued that the SPPs are inconsistent with Brand Tasmania's main objectives which are to: *'To develop, maintain, protect and promote a Tasmanian brand that is differentiated and enhances our appeal and competitiveness nationally and internationally; To strengthen Tasmania's image and reputation locally, nationally and internationally; and To nurture, enhance and promote the Tasmanian brand as a shared public asset.'*

Recommendation: A brand lens should be placed over the top of the SPPs to ensure they are consistent with the objectives of Brand Tasmania. This consistency could also be facilitated via the Tasmanian Planning Policies.

8. Housing

I understand the critical need for housing, including social and affordable housing. Disappointingly the Tasmanian Planning Scheme contains no provisions to encourage affordable or social housing.

I believe that good planning, transparent decision making, and the delivery of social and affordable housing need not be mutually exclusive. Indeed, good planning can result in delivery of both more and better housing.

Instead of managing housing through Tasmania's key planning document, the Tasmanian Planning Scheme, in 2018 the Tasmanian Government introduced a fast track land rezone process called the [Housing Land Supply Orders](#) (e.g. Housing Order Land Supply (Huntingfield)). Taking this approach compromises strategic planning and transparent decision making. For example, the State Government is the proponent and the assessor. Fast-tracking planning, such as through Housing Land Supply Orders for large subdivisions, will not assist with community cohesion and/or trust in both the planning system or social/affordable housing projects.

⁴ [Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016 – see page 63.](#)

Taking zoning and planning assessments outside the Tasmanian Planning System risks an ad hoc approach to housing that makes an integrated approach more difficult. This works against delivering quality housing outcomes.

I support policies and SPPs which encourage development of well-planned quality social and affordable housing. As mentioned above there is no provision for affordable or social housing within the SPPs. We understand this is also the case with the Subdivision Standards. I am concerned that there are no requirements in the SPPs which require developers to contribute to the offering of social and affordable housing. For example, in some states, and many other countries, developers of large subdivisions or multiple dwellings in certain inner-city zones, are required to offer a certain percentage of those developments as affordable housing or pay a contribution to the state in lieu of providing those dwellings.

Recommendation:

Need to encourage delivery of social and affordable housing: new developments should contain a proportion of social and/or affordable housing.

Best practice house and neighbourhood design: should be adopted so that housing developments not only provide a place for people to live but result in better amenity, health, and environmental outcomes. Plus, we need to ensure that consideration is given to local values in any large new developments.

Provision of infrastructure to support communities: including transport, schools, medical facilities, emergency services, recreation and jobs should be part of the planning process and not an afterthought.

9. Residential Issues

One of my main concerns is how residential density is being increased with minimal to no consideration of amenity across all urban environments. I understand that the push for increasing urban density is to support the Tasmanian Government's growth plan to grow Tasmania's population to 650,000 by 2050. In our view, we are not doing density or the provision of public open space well.

Currently infill development in our residential zones is not strategically planned but "as of right", and Councils cannot reject Development Applications even though they may fail community expectations. I consider the residential standards are resulting in an unreasonable impact on residential character and amenity. Additionally, they remove a right of say and appeal rights over what happens next door to homeowners, undermining democracy. People's homes are often their biggest asset, but the values of their properties can be unduly impacted due to loss of amenity. This also impacts people's mental health and well-being.

Specifically, the SPPs for General Residential and Inner Residential allow smaller block sizes, higher buildings built closer to, or on-site boundary line, and multi-unit developments "as of right" in many urban areas as per the permitted building envelope. In the Low-Density Residential Zone multiple dwellings are now discretionary (i.e., must be advertised for public comment and can be appealed), whereas in the past they were prohibited by some Councils such as Clarence City Council. The Village

Zone may not be appropriate for purely residential areas, as it allows for commercial uses and does not aim to protect residential amenity.

Neighbourhood amenity and character, privacy and sunlight into backyards, homes and solar panels are not adequately protected, especially in the General and Inner Residential Zones. Rights to challenge inappropriate developments are very limited. Subdivisions can be constructed without the need for connectivity across suburbs or the provision of public open space. Residential standards do not encourage home gardens which are important for food security, connection to nature, biodiversity, places for children to play, mental health/well-being and beauty.

The permitted building envelope, especially in the General Residential Zone, for both single and multiunit developments, for example has led to confusion and anxiety in the community (as seen by examples in the video PMAT commissioned in Clarence Municipality – see [here](#)) with regards to overshadowing, loss of privacy, sun into habitable rooms and gardens, the potential loss of solar access on an adjoining property's solar panels, height, private open space and site coverage/density. Neighbourly relations have also been negatively impacted due to divisive residential standards.

Since the SPPs were created in 2017, PMAT has done a lot of work on the residential standards which reflects the level of community concern and the need for improvement. This work includes:

- PMAT plays an important role as a contact point and referral agent for individuals and community groups regarding planning issues, including residential issues, within the Tasmanian community. PMAT is contacted very regularly regarding residential issues.
- PMAT Launched two TV ads focusing on planning issues during the 2018 State election, including one on the residential issues of the Tasmanian Planning Scheme. Watch [here](#) at the end of the video the TV ad will play.
- PMAT commissioned a video highlighting residential standard planning issues. Watch video [here](#).
- PMAT ran the largest survey of candidates for the 2018 Local Government elections. The survey demonstrated the majority of the candidates surveyed take the planning responsibilities of local government very seriously and believe Councils should have greater capacity to protect local character, amenity and places important to their local communities. There was strong candidate sentiment for local government planning controls that protect local character, sunlight, and privacy for our homes. Candidates also agreed with increased public involvement in planning decisions in national parks and reserves.

I also concur with government agencies that have also raised concerns regarding our residential standards:

- In 2016, the Tasmanian Planning Commission via its report, [*Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*](#), recommended to the State Government that the Residential Provisions should be reviewed as a priority. **The Tasmanian Planning Commission recommended a comprehensive review of development standards in the General Residential and Inner Residential Zones (i.e., the standards introduced by Planning Directive 4.1) to assess whether the provisions deliver greater housing choice, encourage infill development, or unreasonably impact on residential character and**

amenity. The Minister acknowledged the recommendation but deferred any review until the five-year review of the SPPs.

- In 2018 the Local Government Association of Tasmania's pushed for review of the residential standards, which it says *'have led to confusion and anxiety in our communities with overshadowing, loss of privacy, solar access, height, private open space, and site coverage to name a few. A review will highlight these concerns across the State and give the community some expectation of change that can ensure their concerns are heard.'*
- See Appendix 2 which is a story of "Mr Brick Wall" which demonstrates the tragic failing of the residential standards and was submitted as a submission to the draft SPPs in 2016.

Recommendation:

I also endorse PMAT's detailed submission regarding the residential zones and codes which has been prepared by expert planner Heidi Goess of [Plan Place](#). The detailed submission has also been reviewed by PMAT's *Residential Standards Review Sub-Committee* which comprises planning experts, consultants, and community advocates with relevant experience.

I endorse how the detailed PMAT submission advocates for improved residential zones/codes in the [Tasmanian Planning Scheme](#) in order to:

- Adapt to the impacts of climate change in urban and sub-urban settings
- Increase residential amenity/liveability
- Improve subdivision standards including strata title
- Improve quality of densification
- Improve health outcomes including mental health
- Provide greater housing choice/social justice
- Improve public consultation and access to rights of appeal
- Improve definitions and subjective language used in TPS
- Benchmark the above against world's best practice community residential standards (e.g., [The Living Community Challenge](#)).
- Review exemptions to see if they deliver on the above dot points.

Neighbourhood Code – I would also like to see the introduction of a new *Neighbourhood Code*. This recommendation will be explained in more detail in section 7 Residential issues section below as a tool to protect/enhance urban amenity.

10. Stormwater

The current SPPs provide no provision for the management of stormwater.

In 2016, the Tasmanian Planning Commission recommended the planning minister consider developing a stormwater Code, to ensure Councils have the capacity to consider stormwater runoff implications of new developments. That recommendation was not accepted. The Minister considered that Building Regulations adequately deal with that issue, despite Council concerns that stormwater run-off was a planning issue, not just a building development issue.

I consider that stormwater needs to be managed as part of the SPPs. For example, there is a [State Policy on Water Quality Management](#) with which the SPPs need to comply. Relevant clauses include the following:

31.1 - Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material, or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.

31.5 Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised.

Recommendation: The SPPs should include a new *Stormwater Code*.

11. On-site Waste Water

The current SPPs provide no provision for on-site waste water.

Waste water issues are currently dealt with under the Building Act. This is an issue that needs to be addressed in the Tasmanian Planning Scheme to ensure that water quality management issues arising from onsite waste water treatment are properly considered earlier at the planning stage. That is, if a site does not have appropriate space or soils for on-site waste water treatment system, a use or development that relies on this should not be approved by the planning authority.

Recommendation: On-site waste water issues need to be properly addressed in the Tasmanian Planning Scheme.

12. Rural/Agricultural Issues

An unprecedented range of commercial and extractive uses are now permitted in the rural/agricultural zones which I consider will further degrade the countryside and Tasmania's food bowl. Commercial and extractive uses are not always compatible with food production and environmental stewardship. Food security, soil health and environmental and biodiversity issues need to be 'above' short-term commercial and extractive uses of valuable rural/agricultural land resources.

Recommendation: I urge a re-consideration of the rural/agricultural zones with regards to the permitted commercial and extractive uses.

13. Coastal land Issues

I consider that weaker rules for subdivisions and multi-unit development will put our undeveloped beautiful coastlines under greater threat. For example, the same General Residential standards that apply to Hobart and Launceston cities also apply to small coastal towns such as Bicheno, Swansea and Orford. The SPPs are not appropriate for small coastal settlements and will damage their character.

Recommendation: I urge stronger protections from subdivision, multi-unit development and all relevant residential standards that cover Tasmania's undeveloped and beautiful coastlines and small coastal settlements.

14. Coastal Waters

The SPPs only apply to the low water mark and not to coastal waters. The SPPs must be consistent with State Policies including the *State Coastal Policy 1996*. The *State Coastal Policy 1996* states that it applies to the 'Coastal Zone' which 'is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.'⁵ State waters are defined as the waters which extend out to three nautical miles⁶.

Recommendation: The SPPs should again apply to coastal waters e.g., the Environmental Management Zone should be applied again to coastal waters.

15. National Parks and Reserves (Environmental Management Zone)

The purpose of the Environmental Management Zone (EMZ) is to 'provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value', and largely applies to public reserved land. Most of Tasmania's National Parks and Reserves have been Zoned or will be zoned Environmental Management Zone. I/we/community group name main concerns regarding the Environmental Management Zone is what is permitted in this zone plus the lack of set-back provisions that fail to protect the integrity of for example our National Parks.

Permitted Uses

The EMZ allows a range of *Permitted* uses which I/we/ community group name considers are incompatible with protected areas. **Permitted uses include:** Community Meeting and Entertainment, Educational and Occasional Care, Food Services, General Retail and Hire, Pleasure Boat Facility, Research and Development, Residential, Resource Development, Sports and Recreation, Tourist Operation, Utilities and Visitor Accommodation.

These uses are conditionally permitted, for example they are permitted because they have an authority issued under the *National Parks and Reserves Management Regulations 2019*, which does not guarantee good planning outcomes will be achieved and does not allow for an appropriate level of public involvement in important decisions concerning these areas.

Set Backs

There are no setback provisions for the Environmental Management Zone from other Zones as is the case for the Rural and Agricultural Zones. This means that buildings can be built up to the boundary, encroaching on the integrity of our National Parks and/or coastal reserves.

Recommendation: I recommend: **1.** All current Environmental Management Zone Permitted uses should be at minimum *Discretionary*, as this will guarantee public comment and appeal rights on developments on public land such as in our National Parks and Reserves. **2.** There should be setback provisions in the Environmental Management Zone to ensure the integrity of our National Parks and Reserves. Further to my submission, I also endorse the recommendations made by the Tasmanian National Parks Association as outlined in their submission to the 2022 SPP review [here](#).

16. Healthy Landscapes (Landscape Conservation Zone)

⁵ https://www.dpac.tas.gov.au/__data/assets/pdf_file/0010/11521/State_Coastal_Policy_1996.pdf

⁶ <https://www.ga.gov.au/scientific-topics/marine/jurisdiction/maritime-boundary-definitions>

The purpose of the Landscape Conservation Zone (LCZ) is to provide for the protection, conservation, and management of landscape values on private land. However, it does not provide for the protection of *significant natural values* as was the original intent of the LCZ articulated on p 79 of the Draft SPPs Explanatory Document. With a Zone Purpose limited to protecting 'landscape values', LCZ is now effectively a Scenic Protection Zone for private land.

Recommendation: I endorse the recommendations in the 2022 SPP review submission: *'State Planning Provisions Scoping Paper re Landscape Conservation Zone provisions by Conservation Landholders Tasmania'* which calls for a Zone to properly protect natural values on private land.

17. Healthy Landscapes (Natural Assets Code - NAC)

The [Natural Assets Code \(NAC\)](#) fails to meet the objectives and requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA) and does not adequately provide for the protection of important natural values (particularly in certain zones) and requires detailed review.

A key objective of LUPAA is to promote and further the sustainable development of natural and physical resources, and as an integral part of this, maintain ecological processes and conserve biodiversity. More specifically, s15 of LUPAA requires the SPPs, including the NAC, to further this objective.

As currently drafted, the NAC reduces natural values to a procedural consideration and undermines the maintenance of ecological processes and conservation of biodiversity. As a result, the, NAC fails to adequately reflect or implement the objectives of LUPAA and fails to meet the criteria for drafting the SPPs.

There are also significant jurisdictional and technical issues with the NAC, including:

- poor integration with other regulations, particularly the Forest Practices System, resulting in loopholes and the ability for regulations to be played off against each other;
- significant limitations with the scope of natural assets and biodiversity values considered under the NAC, with landscape function and ecosystem services and non-threatened native vegetation, species and habitat largely excluded;
- wide-ranging exemptions which further jurisdictional uncertainty and are inconsistent with maintenance of ecological processes and biodiversity conservation;
- extensive exclusions in the application of the Natural Assets Code through Zone exclusion relating to the Agriculture, Industrial, Commercial and Residential Zones and limiting biodiversity consideration to mapped areas based on inaccurate datasets which are not designed for this purpose. As a consequence, many areas of native vegetation and habitat will not be assessed or protected, impacting biodiversity and losing valuable urban and rural trees;
- poorly defined terms resulting in uncertainty;
- a focus on minimising and justifying impacts rather than avoiding impacts and conserving natural assets and biodiversity
- inadequate buffer distances for waterways, particularly in urban areas; and
- watering down the performance criteria to 'having regard to' a range of considerations rather than meeting these requirements, which enables the significance of impacts to be downplayed and dismissed.

Therefore, the NAC not only fails to promote sustainable development, maintain ecological processes and further biodiversity conservation, it also fails to achieve its stated purpose. The NAC as drafted also fails to provide aspiration to improve biodiversity conservation and can only lead to a reduction in biodiversity and degradation of natural assets.

In 2016, the Tasmanian Planning Commission via its report, [*Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*](#), recommended that the Natural Assets Code be scrapped in its entirety, with a new Code developed after proper consideration of the biodiversity implications of proposed exemptions, the production of adequate, State-wide vegetation mapping, and consideration of including protection of drinking water catchments.

The then Planning Minister Peter Gutwein rejected that recommendation. Some amendments were made to the Code (including allowing vegetation of local significance to be protected), but no review of exemptions was undertaken. I understand that while no state-wide mapping was provided, the Government provided \$100,000 to each of the three regions to implement the SPPs – the southern regional councils pooled resources to engage an expert to prepare biodiversity mapping for the whole region.

Note that despite concerns raised by TasWater, no further amendments were made to protect drinking water catchments.

Recommendation: The NAC does not adequately provide for the protection of important natural values (particularly in certain zones) and requires detailed review.

I support PMAT's detailed submission, that will be attached to the broad submission, regarding the *Natural Assets Code* which has been prepared by expert environmental planner Dr Nikki den Exter. Nikki den Exter completed her PhD thesis investigating the role and relevance of land use planning in biodiversity conservation in Tasmania. Nikki also works as an Environmental Planner with local government and has over 15 years' experience in the fields of biodiversity conservation, natural resource management and land use planning. As both a practitioner and a researcher, Nikki offers a unique perspective on the importance of land use planning in contributing to biodiversity conservation. The detailed submission has also been reviewed by PMAT's *Natural Assets Code Review Sub-Committee* which comprises planning experts, consultants and community advocates with relevant experience and knowledge.

18. Healthy Landscapes (Scenic Protection Code)

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values. The Code can be applied through two overlays: scenic road corridor overlay and the scenic protection area overlay. However, I consider that the Scenic Protection Code fails to protect our highly valued scenic landscapes. There is an inability to deliver the objectives through this Code as there are certain exemptions afforded to use and development that allow for detrimental impact on landscape values. Concerns regarding the Scenic Protection Code have also been provided to the Tasmanian Planning Commission from the Glamorgan Spring Bay Council on the SPPs in accordance with section [35G of LUPAA](#).

It should also be noted, that not only does the Code fail to protect scenic values, I understand that in many instances Councils are not even applying the Code to their municipal areas. Given that

Tasmania's scenic landscapes are one of our greatest assets and point of difference, this is extremely disappointing. Local Councils should be given financial support to undertake the strategic assessment of our scenic landscapes so they can populate the Scenic Protection Code within their municipal area via either their LPS process or via planning scheme amendments.



Figure 3 - Rocky Hills, forms part of the Great Eastern Drive, one of Australia's greatest road trips. The Drive underpins east coast tourism. As per www.eastcoasttasmania.com states '*this journey inspires rave reviews from visitors and fills Instagram feeds with image after image of stunning landscapes and scenery*'. The Rocky Hills section of the road is subject to the Scenic Road corridor overlay but has allowed buildings which undermine the scenic landscape values.

Recommendation: The Scenic Protection Code of the SPPs should be subject to a detailed review, with a view to providing appropriate use and development controls and exemptions to effectively manage and protect all aspects of scenic landscape values.

19. Geodiversity

The current SPPs have no provision for mandatory consideration of impacts on geodiversity when assessing a new development or use that impacts geodiversity. This means, for example, that under current laws, that there is no formal opportunity for the public to comment on or object to a development or use that would adversely impact geodiversity, and there is no opportunity to appeal permits that allow for adverse impacts on geodiversity.

The below section on geodiversity definitions, values, vulnerability and the need to embrace geodiversity in planning has been written by geomorphologist [Kevin Kiernan](#).

'Definitions - *The terms geodiversity and biodiversity describe, respectively, the range of variation within the non-living and living components of overall environmental diversity. Geodiversity comprises the bedrock geology, landforms and soils that give physical shape to the Earth's surface,*

and the physical processes that give rise to them⁷. Action to conserve those elements is termed geodiversity conservation/geoconservation and biodiversity conservation/bioconservation. Such efforts may be focused on the full range of that diversity by ensuring that representative examples of the different geo and bio phenomena are safeguarded. In other cases, efforts may be focused only on those phenomena that are perceived as being outstanding in some way, such as particularly scenic landforms and landscapes or particularly charismatic animals such as lions or tigers. The term *geoheritage* describes those elements we receive from the past, live among in the present, and wish to pass on to those who follow us.

Values - The geodiversity that surrounds us sustains and enriches our lives in much the same ways as does biodiversity, indeed there can be no biodiversity without the varied physical environments that provide the essential stage and diverse habitats upon which it depends. Although many of the world's earliest protected areas were established to safeguard landforms and scenery, over recent decades the emphasis has shifted towards living nature. This probably reflects in part such things as more ready human identification with charismatic animals, but existence of the Linnean classification system that facilitates ready differentiation of the varying types of animals and plants has facilitated rapid recognition of the concept of biodiversity. But just as there are different species of plants and animals, so too are there different types of rocks, minerals, landforms and soils, and indeed the need to safeguard this geodiversity was being promulgated several years prior to adoption of the international convention on biodiversity⁸. These non-living components of the environment are of value in their own right just as living species are – for their inherent intrinsic value; because they sustain natural environmental process (including ecological processes); or because of their instrumental worth to humankind as sources of scientific, educational, aesthetic scenery, spiritual, inspirational, economic and other opportunities.

Vulnerability - Effective management is required if these values are to be safeguarded⁹. As with plant and animal species, some are common and some are rare, some are robust, and some are fragile. There is a common misconception that the prefix “geo” necessarily implies a robust character, but many elements of geodiversity are quite the opposite. For example, stalactites in limestone caves can be accidentally brushed off by passing visitors or seriously damaged by changes to the over-lying land surface that derange the natural patterns or chemistry of infiltrating seepage moisture; various types of sand dunes can readily be eroded away if a binding vegetation cover is removed; artificial derangement of drainage can cause stream channels to choke with debris or be eroded; important fossil or rare mineral sites can be destroyed by excavation, burial or even by increased public to a site where a lack of protective management allows over-zealous commercial or private collection; and larger scale landforms are commonly destroyed by such things as excavation or burial during housing, forestry, quarrying, inundation beneath artificial water storages, or mining.

Damage to geodiversity is not undone simply because vegetation may later re-colonise and camouflage a disturbed ground surface. While some landforms may possess the potential for a degree of self-healing if given sufficient time and appropriate conditions, many landforms are essentially fossil features that have resulted from environmental process that no longer occur, such

⁷ Gray M 2004 *Geodiversity. Valuing and conserving abiotic nature*. Wiley, Chichester UK

⁸ Gray M Geodiversity: the origin and evolution of a paradigm. Pp.31-36 in Burek CV, Prosser CD (eds.) *The history of geoconservation*. Geological Society Special Publication 300, London UK.

⁹ Kirkpatrick JB, Kiernan K 2006 Natural heritage management. Chap 14 in Lockwood M, Worboys GL, Kothari A (eds.) *Managing protected areas: a global guide*. IUCN/Earthscan, London.

as episodes of cold glacial era climate – for example, small glacial meltwater channels less than 1 m deep have survived intact in Tasmania through several glacial cycles (over 300, 000 years or more) so there is no justification for assuming that excavations for roadways or driveways will magically disappear any sooner.

For a soil to form requires the process of pedogenesis, which involves progressive weathering, clay mineral formation, internal redistribution of minerals and other material, horizon development and various other processes that require a very long period of time - even where climatic conditions are warm and moist rock weathering rates may allow no more than 1 m of soil to form in 50,000 years on most rock types¹⁰. The uppermost horizons of a soil are the most productive part of a profile but are usually the first to be lost if there is accelerated erosion, churning and profile mixing by traffic, compaction, nutrient depletion, soil pollution or other modes of degradation. Hence, soil degradation should be avoided in the first place rather than being addressed by remediation attempts such as dumping loose “dirt” onto a disturbed surface, because a soil is not just “dirt”.

The need to embrace geodiversity in planning - Sites of geoconservation significance can be valued at a variety of scales, from the global to the very local. Only those sites recognised as important at a state or national scale are ever likely to be safeguarded as protected areas, but many more are nonetheless significant at regional or local level, or even considered important by just a few adjacent neighbours. **The need for a planning response outside formal protected areas by various levels of government has long been recognised overseas, and also in Tasmania¹¹.**

The Australian Natural Heritage Charter¹² provides one very useful contribution towards better recognition and management of geodiversity by various levels of government. Significant progress has already been made in Tasmania where the state government has established a geoconservation database that can be readily accessed by planners and development proponents. The establishment of a geoconservation code within the Tasmanian planning machinery would facilitate utilisation and development of this important tool for planners and development proponents. No impediment to develop generally exists where geoconservation sites are robust or lacking significance, but important and vulnerable sites require higher levels of planning intervention.’

Further to the above, the [Tasmanian Geoconservation Database](#) is ‘a source of information about geodiversity features, systems and processes of conservation significance in the State of Tasmania. The database is a resource for anyone with an interest in conservation and the environment. However, the principal aim is to make information on sites of geoconservation significance available to land managers, in order to assist them manage these values. **Being aware of a listed site can assist parties involved in works or developments to plan their activities. This may involve measures to avoid, minimise or mitigate impacts to geoconservation values.** More than a thousand sites are

¹⁰ Boyer DG 2004 Soils on carbonate karst. Pp656-658 in Gunn J (ed.) *Encyclopedia of caves and karst science*. Fitzroy Dearborn, New York USA

¹¹ For example see Erikstad L 1984 Registration and conservation of sites and areas with geological significance in Norway. *Norsk Geografisk Tidsskrift* 38: 200-204; Nature Conservancy Council 1989 *Earth Science Conservation. A draft strategy*. NCC, London, UK; Kiernan K 1991 Landform conservation and protection. pp. 112-129 in *Fifth regional seminar on national parks and wildlife management, Tasmania 1991. Resource document*. Tasmanian Parks, Wildlife & Heritage Department, Hobart.

¹² ACIUCN 1996 *Australian natural heritage charter*. Australian Council for the International Union of Conservation, & Australian Heritage Commission, Canberra

currently listed. These range in scale from individual rock outcrops and cuttings that expose important geological sections, to landscape-scale features that illustrate the diversity of Tasmania's geomorphic features and processes. Many of the sites are very robust and unlikely to be affected by human activities; others are highly sensitive to disturbance and require careful management.'

Recommendation: The SPPs must provide better consideration of and protection of geoheritage via the creation of a Geodiversity Code.

20. Integration of Land Uses

Forestry, mine exploration, fish farming and dam construction remain largely exempt from the planning system.

Recommendation: I consider that the planning system should provide an integrated assessment process across all types of developments on all land tenures which includes consistent provision of mediation, public comment and appeal rights.

21. Planning and Good Design

Quality design in the urban setting means “doing density better”. We need quality in our back yards (QIMBY), an idea promoted by [Brent Toderian](#), an internationally recognised City Planner and Urban Designer based in Vancouver.

Liveable towns and suburbs: For most people this means easy access to services and public transport, a reduced need for driving, active transport connections across the suburb, easily accessible green public open spaces, improved streetscapes with street trees continually planted and maintained, with species which can coexist with overhead and underground services. This means well designed subdivisions where roads are wide enough to allow services, traffic, footpaths, and street trees. Cul de sacs should not have continuous roofs. There should be less impervious surfaces, continuous roofs, and concrete.

Dwelling design: Apartment living could allow more surrounding green space, though height and building form and scale which become important considerations due to potential negative impact on nearby buildings. We also need passive solar with sun into habitable rooms.

Individual dwellings: There must be adequate separation from neighbours to maintain privacy, sunlight onto solar panels and into private open space, enough room for garden beds, play and entertaining areas, and this space should be accessible from a living room. The Residential SPPs do not deliver this. *New research confirms, reported here on the 13 August 2021 [‘Poor housing has direct impact on mental health during COVID lockdowns, study finds’](#), that poor housing had a direct impact on mental health during COVID lockdowns: ‘Your mental health in the pandemic “depends on where you live”, new research suggests, with noisy, dark and problem-plagued homes increasing anxiety, depression, and even loneliness during lockdowns.’ Lockdowns are likely to continue through the pandemic and other climate change impacts – thus its critical, our housing policy and standards ‘make it safe for everyone ... to shelter in place without having poor mental health’.*

Building materials: Low-cost development will impact sustainability and increase heating/cooling costs, creating a poor lived experience for future owners. There should be stronger building controls. Consider the heat retention effects of dark roofs. There should be less hard surfaces and increased tree canopy. Too often the effect of a development which changes the existing density of a street is allowed to proceed without any consideration for place. Neighbours have rights not just the developer.

Recommendation: All residential zones in the SPPs should be rethought to **1.** Mandate quality urban design in our subdivisions, suburbs, and towns, **2.** Improve design standards to prescribe environmentally sustainable design requirements including net zero carbon emissions - which is eminently achievable, now **3.** Provide a Zone or mechanism which allows apartment dwellings and/or targeted infill based on strategic planning, **4.** Deliver residential standards in our suburbs which maintain amenity and contribute to quality of life. I recommend that subdivision standards be improved to provide mandatory requirements for provision of public open space for subdivisions and for multiple dwellings.

21 Various Other Concerns

- Application requirements in cl 6.1 and the need for planning authorities to be able to require certain reports to be prepared by suitable persons (for example, Natural Values Assessments), or for these reports to be mandatory where certain codes apply.
- General exemptions in cl 4.0 of the SPPs particularly those relating to vegetation removal and landscaping.
- The need to better plan for renewable energy and infrastructure.
- I name consider that the SPP Acceptable Solutions (i.e., what is permitted as of right) are not generally acceptable to the wider community.
- The system and Tasmanian Planning Scheme language is highly complex and analytical and most of the public are not well informed. More is required in the way of public education, and a user-friendly document should be produced, if our planning system is to be trusted by the wider community.
- It is disappointing also that Local Area Objectives and Character Statements such as Desired Future Character Statements have been removed from the Tasmanian Planning Scheme. *There is nothing to guide Councils when making discretionary decisions.*
- *Whilst I accept that Desired Future Character Statements and Local Area Objectives may be hard to provide in the context of SPPs, which by definition, apply state-wide, we consider that greater latitude could be provided in the SPPs for LPSs to provide these types of statements for each municipality.*

Related General Comments/Concerns regarding the SPPs

I also have a range of concerns relating to the SPPs more broadly:

1. Amendments to SPPs - 35G of LUPAA
2. The Process for making Minor and Urgent Amendments to SPPs
3. The SPPs reliance on outdated Australian Standards
4. The SPPs vague and confusing terminology
5. The SPPs were developed without a full suite of State Policies
6. Increased complexity
7. Tasmanian Spatial Digital Twin
8. Difficult to Protect local Character via the LPS process

1. Amendments to SPPs - 35G of LUPAA

Under Section 35 G of the *Land Use Planning and Approvals Act 1993*, see [here](#), a planning authority may notify the Minister as to whether an amendment of the SPPs is required. However, the Act does not set out a process that deals with the 35G issues.

Recommendation: 1. It is my view that the *Land Use Planning and Approvals Act 1993* should set out a transparent and robust process for dealing with 35G issues. **2.** Consistent with the Objectives of the *Land Use Planning and Approvals Act 1993* communities that are going through their local LPS process, should be allowed and encouraged by their local Council to comment not only on the application of the SPPs but on any issues they may have in regard to the contents of the SPPs. It is logical that this is when communities are thinking about key concerns, rather than only having the opportunity to raise issues regarding the content of the SPPs during the statutory five-year review of the SPPs. I recommend the *Land Use Planning and Approvals Act 1993* should be amended to reflect this.

2. Process for Making Minor and Urgent Amendments to SPPs

In 2021, the Tasmanian Government amended the *Land Use Planning and Approvals Act 1993* to change the process for making minor amendments to the SPPs and introduce a separate process for making urgent amendments to the SPPs. These amendments give more power to the planning minister with no or a very delayed opportunity for public comment. The definition of both a minor and urgent amendment is also unclear. In my view, amendments processes provide the Minister with too much discretion to make changes to the SPPs and fail to adopt appropriate checks and balances on these significant powers.

Also, legal advice is that when the Tasmanian Planning Policies are introduced, the minor amendment process does not allow for changes to bring the SPPs into line with Tasmanian Planning Policies.

Recommendation: 1. Amending the *Land Use Planning and Approvals Act 1993* to provide a clear definition of what constitutes a *minor* and *urgent* SPP amendment. **2.** Ensure that the process for creating a minor or urgent amendment includes meaningful public consultation that is timely effective, open, and transparent.

3. The SPPs Vague and Confusing Terminology

There are many specific words in the SPPs, as well as constructs in the language used, that lead to ambiguity of interpretation. Often this results in sub-optimal planning outcomes for the community and can contribute to delays, unnecessary appeals and increased costs to developers and appellants. Words like SPPs 8.4.2 “provides reasonably consistent separation between dwellings” 8.4.4 “separation between multiple dwellings provides reasonable opportunity for sunlight”. Other terms used throughout the SPPs which are highly subjective include “compatible”, “tolerable risk”, and “occasional visitors” where numbers are not defined.

Similarly, the use of constructs such as ‘having regard to’ may mean that sub-criteria can effectively be disregarded in decision making. Alternative wording such as ‘demonstrate compliance with the following’ would provide greater confidence that the intent of such provisions will be realised.

While this ambiguity leads to delays and costs for all parties, it particularly affects individuals and communities where the high costs involved mean they have reduced capacity to participate in the planning process – contrary to the intent of LUPAA objective 1(c).

Recommendation: That the terminology and construction of the SPPs be reviewed to provide clearer definitions and shift the emphasis under performance criteria towards demonstrated compliance with stated objectives.

4. The SPPs were developed with few State Policies

The SPPs are not about strategic or integrated planning but are more aptly described as development controls. The creation of the SPPs should have been guided by a comprehensive suite of State Policies. This did not happen before the development of the SPPs by the Planning Reform Task Force. Hence the SPPs exist without a vision for Tasmania’s future.

The SPPs are still not supported by a comprehensive suite of State Policies to guide planning outcomes. In 2016, the Tasmanian Planning Commission acknowledged the need to review the State Coastal Policy as a matter of urgency, but no action has been taken. Other areas without a strategic policy basis include integrated transport, population and settlements, biodiversity management, tourism, and climate change.

In 2018, instead of developing a suite of State Policies, the State Government created a new instrument in the planning system – the Tasmanian Planning Policies. As of 2022, the Tasmanian Planning Policies are still being developed. The Tasmanian Planning Policies are expected to be lodged with the Tasmanian Planning Commission by the end of 2022. The Tasmanian Planning Commission will undertake its own independent review, including public exhibition and hearings.

My position is we need State Policies rather than Tasmanian Planning Policies because they are signed off by the Tasmanian Parliament and have a whole of Government approach and a broader effect. The Tasmanian Planning Policies are only signed off by the planning minister and only apply to the Tasmanian Planning Scheme and not to all Government policy and decisions.

5. Increased Complexity

The Tasmanian Planning Scheme is very complex, is only available in a poorly bookmarked pdf and is very difficult for the general public to understand. This creates real difficulties for local communities, governments and developers with the assessment and development process becoming more complex rather than less so. Community members cannot even find the Tasmanian Planning Scheme online because of the naming confusion between the Tasmanian Planning Scheme and the State Planning Provisions. PMAT often fields phone enquiries about how to find the Tasmanian Planning Scheme.

Repeated amendments to Tasmania's planning laws and thus how the Tasmanian Planning Scheme is being rolled out is unbelievably complicated. From a community advocacy point of view, it is almost impossible to communicate the LPS process to the general public. For example, see [PMAT Media Release: Solicitor General's Confusion Highlights Flawed Planning Change Nov 2021](#).

Recommendations: It is recommended that illustrated guidelines are developed to assist people in understanding the Tasmanian Planning Scheme. It would be helpful if the Tasmanian Planning Scheme could also be made available as with previous interim schemes through iPlan (or similar) website. This should also link the List Map so there is a graphical representation of the application of the Tasmanian Planning Scheme (which expands when new LPSs come on board). It should also be noted, that for the average person, iPlan is difficult to use.

Recommendations: Create a user-friendly version of the Tasmania Planning Scheme such as the provision of pdfs for every LPS and associated maps. IPlan is impenetrable for many users.

6. Tasmanian Spatial Digital Twin

Digital Twin, a digital story telling tool, would revolutionise planning data and public consultation in Tasmania. The Spatial Digital Twin could bring together data sources from across government including spatial, natural resources and planning, and integrate it with real time feeds from sensors to provide insights for local communities, planners, designers and decision makers across industry and government.

It enables communities, for example, to gain planning information about their streets, neighbourhoods, and municipalities. It would allow the general public to visualise how the SPPs are being applied to how a development looks digitally before it is physically built, making it easier to plan and predict outcomes of infrastructure projects, right down to viewing how shadows fall, or how much traffic is in an area.

See a NSW Government media release by the Minister for Customer Service and Digital Government: [Digital Twin revolutionises planning data for NSW](#), December 2021.

From a community point of view, it is almost impossible to gain a landscape/municipality scale understanding of the application of the SPPs from two dimensional maps. One of PMAT's alliance member groups, Freycinet Action Network, requested the shape files of Glamorgan Spring Bay Council's draft LPS but was unable to obtain a copy. This would have enabled FAN to better visualise how the LPS is being applied over the landscape.

Recommendation: To introduce a Tasmanian Spatial Digital Twin to aid community consultation with regards to the application of the Tasmanian Planning Scheme via each Council's Local Provisions Schedule process and public consultation more broadly.

7. Difficult to Protect local Character via the LPS process

In 2016, the Tasmanian Planning Commission acknowledged¹³ that the SPPs were designed to limit local variation, but queried whether a "one-size fits all" model will deliver certainty:

"If local character is a point of difference and an attribute of all Tasmanian places, unintended consequences may flow from denying local differences. The 'one size fits all' approach is likely to result in planning authorities seeking more exceptions through the inclusion of particular purpose zones, specific area plans and site-specific qualification."

In my view the SAP/PPZ/SSQ threshold are too high. As the SAP/PPZ/SSQ are the mechanisms to preserve character, possibly the only way to preserve character, in the Tasmanian Planning Scheme, it is essential that they or like mechanisms, are available to maintain local character. Common standards across the Zones whilst being efficient, could destroy the varied and beautiful character of so much of this state.

It is also extremely disappointing that Local Area Objectives and Character Statements such as Desired Future Character Statements have been removed from the Tasmanian Planning Scheme. Currently, there is nothing to guide Councils when making discretionary decisions, (unless in Discretionary Land Use decision as at 6.10.2b).

Recommendation: Amend section 6.10.2 of the SPPs to read:

6.10.2 In determining an application for a permit for a Discretionary use **"and development"** the planning authority must, in addition to the matters referred to in sub-clause 6.10.1 of this planning scheme, **"demonstrate compliance with"**:

- (a) the purpose of the applicable zone;
- (b) any relevant local area objective for the applicable zone;
- (c) the purpose of any applicable code;
- (d) the purpose of any applicable specific area plan;
- (e) any relevant local area objective for any applicable specific area plan; and
- (f) the requirements of any site-specific qualification, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

¹³ See page 17: [Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016.](#)

Appendix 1 - Talking Point: *Planning reform the Trojan horse*, The Mercury, Michael Buxton, December 2016

AUSTRALIAN states have deregulated their planning systems using a national blueprint advanced largely by the development industry. Tasmania is the latest.

Planning system change is always disguised as reform, but the real intent is to advantage the development industry.

In Tasmania, this reform introduces a single statewide planning system. This allows the government to dictate planning provisions regardless of differences in local conditions and needs.

State provisions can easily be changed. In some states, standard statewide provisions have been weakened over time to reduce citizen rights and local planning control.

The Tasmanian planning minister will be able to alter them without reference to Parliament, and potentially gain greater power from the Planning Commission and councils. It is yet to be seen whether the government will permit strong local policy to prevail over state policy.

Some states have allowed a wide range of applications to be assessed without need for permits under codes and by largely eliminating prohibited uses. The Tasmanian system has continued much of the former planning scheme content but introduces easier development pathways.

An application for development or use need not be advertised if allowed without a permit or considered a permitted activity.

Alternative pathways allow public comment and appeal rights, but these often reduce the level of control.

Serious problems are likely to arise from the content of planning provisions.

For example, while the main residential zone, the General Residential Zone, mandates a minimum site area of 325 square metres and height and other controls for multi-dwelling units, no minimum density applies to land within 400m of a public transport stop or a business or commercial zone. This will open large urban areas to inadequately regulated multi-unit development.

The main rural zones allow many urban uses, including bulky goods stores, retailing, manufacturing, and processing, business and professional services and tourist and visitor accommodation complexes.

This deregulation will attract commercial uses to the rural edges of cities and the most scenic landscape areas. Such uses should be in cities or in rural towns to benefit local jobs instead of being placed as isolated enclaves on some of the state's most beautiful landscapes.

Use and development standards will prove to be useless in protecting the agricultural, environmental and landscape values of rural zones from overdevelopment.



Fast tracking inappropriate developments will force the Tasmanian people to pay a high price for the individual enrichment of a favoured few.

Codes are a particular concern. The heritage code is intended to reduce the impact of urban development on heritage values.

However, performance criteria for demolition are vague and development standards criteria do not provide adequate protection.

The nomination of heritage precincts and places is variable, leaving many inadequately protected.

The National Trust and other expert groups have raised similar concerns.

The potential of the Natural Assets and the Scenic Protection codes to lessen the impacts of some urban uses on rural and natural areas also will be compromised by vague language, limitations and omissions.

Interminable legal arguments will erupt over the meaning and application of these codes, with the inevitable result that development proposals will win out.

The State Government can learn from the disastrous consequences of other deregulated planning systems. It should strengthen regulation and listen to the public to ensure a state system does not destroy much that will be vital for a prosperous and liveable future for citizens.

The Government argues the new system is vital to unlock economic potential and create jobs, but the state's greatest economic strengths are the amenity and heritage of its natural and built environments. Destroy these and the state has no future.

While planning for the future is complex, the hidden agendas of planning reform are evident from the massive impacts from unregulated development in other states.

Fast tracking inappropriate developments will force the Tasmanian people to pay a high price for the individual enrichment of a favoured few.

Tasmania's cities, towns, scenic landscapes and biodiversity are a state and national treasure. Lose them and the nation is diminished.

Michael Buxton is Professor Environment and Planning, RMIT University, Melbourne.

Appendix 2 – The Mr Brick Wall Story

This tragic story, which I have edited down, was submitted to the Tasmanian Planning Commission as part of the public exhibition of the draft state wide scheme.

We call it the tragic story of Mr Brick Wall

Mr Brick Wall states:

“We are already victims of the new planning scheme. We challenged and won on our objection to a large over-height proposed dwelling 3 metres from our back boundary on an internal block under the previous planning scheme. We won on the grounds that the amenity to our home and yard would be adversely affected by this proposed dwelling under the previous planning scheme.

However, this all changed under the new interim planning scheme and the dwelling was allowed to be constructed. As a result, we now have an outlook from our outdoor entertaining area, living room, dining room, kitchen, playroom and main bedroom of a brick wall the full length of our back yard on the maximum new height allowed.

We can see a bit of sky but no skyline as such. The dwelling has obscure windows for our so-called privacy, which are absolutely useless as they have been allowed to erect commercial surveillance cameras all around their house, 2 of which are on our back boundary. No problem you think! These cameras can be operated remotely, have 360 degree views at the click of a mouse and we understand they have facial recognition of 4 kilometres distance. So where is our privacy and amenity?

The Council was approached by us and our concerns prior to the new changes proceeding, and we were told that there was nothing we or the Council could do to stop these changes as all changes to the planning scheme have to be accepted by Councils and they have no say in the matter. As a result, we no longer feel comfortable or relaxed when in our own backyard and our young teenage daughters will not use the yard at all. We also have to keep our blinds drawn on the back of our house to ensure some privacy is maintained.

We also had our house listed for sale for almost 6 months, 8 potential buyers no one bought it because everyone of them sighted that the house next door was too close to our boundary. This is our north facing boundary and as such has all our large windows on this side to take advantage of the sun. ‘

Mr Brick Wall ends by saying that, the Government needs to realise what’s on paper doesn’t always work out in the real world and that real people are being adversely affected by their decision making.

State Planning Office
Department of Premier and Cabinet
GPO Box 123
Hobart TAS 7001
yoursay.planning@dpac.tas.gov.au

12 August 2022

To Whom It May Concern,

RE: State Planning Provisions (SPPs) Review

Circular Head Coastal Awareness Network Inc thank you for the opportunity to comment on the process of review, covering the State Planning Provisions.

Our brief submission highlights several areas of concern to our group, and is written brief in the knowledge that other organisations have submitted comprehensive submissions, which cover the issues we raise already, in an excellent manner.

Wind Farm No Go Areas

The most important issue our group would like to raise, is the absence of any specific, zone or code to deal precisely with where Wind Farm/Wind Turbine developments are placed, and where they should not be placed.

We believe that in conjunction with the governments plan for 200% Renewable energy target ,that could see up to 89 Wind Farms with over 300 turbines sprawled across our state, there should be a specific Zone or code included within the SPPs which can be overlaid in areas which are identified as no go areas, for wind farm development, due to their environmental, social and scenic values.

Whether that is in the form of a new zone, or code is a question that should be explored and implemented, in order to preserve these areas and give extra protection from inappropriate Wind Farm development. It would be imperative that the environmental, social and scenic values were measured to create such areas, and this needs to happen now, before our landscapes are inundated with this Wind and transmission infrastructure. Without planning in this area we will be left with these projects sprawled over inappropriate locations, many creating community division and damage to both the environment and scenic values of those places.

Scenic Protection

Our group believe that the Scenic Protection code is a fantastic inclusion within the SPPs, it seeks to recognise and protect landscapes that are identified as important for their scenic values, either in the form of a scenic road corridor or as a general scenic protection overlay.

Our group however, are concerned due to the lack of implementation of the code, within our municipality, Circular Head, and seemingly around the state. Whilst our group did put a submission in to Council at the time of SPPS draft feedback, requesting this code be implemented in several areas, Council at the time were not inclined to do so. This decision was made even though the outstanding scenic values are evident within those areas, and are worthy of extra protection.

Positively they have since acquired a study of the scenic values within our community, and are looking to implement the code in several areas, and they should be applauded for taking on community feedback and the expertise of the report, however it is worth noting that they are still not required to implement any of the findings of that report, nor implement this SPPs code at all.

Areas that have significant scenic values should be afforded an automatic overlay of this code, and this should be a requirement of Council to do so on the values present, not on the opinion of the current day Councillors.

Aboriginal Heritage

Our group is concerned that there is no Aboriginal Heritage code or zone that can be overlaid to guide development and use of areas, whilst protecting Aboriginal Heritage. Many in our group were unaware that this was the case and assumed our State Planning instrument would include this.

We understand that there are other legislative instruments in place to protect Aboriginal heritage, however we would argue that for the SPPs to be comprehensive and meaningful, Aboriginal Heritage needs to be specifically included. Whilst we do not purport to speak for any indigenous groups, we do seek to support them in their fight to recognise and protect areas of significant Aboriginal Heritage within our state.

Whilst that covers our main issues our group would also like to point out that community consultation and the ability to question and challenge decisions made within the SPPs is essential. The avenues existing should be maintained and strengthened so that development within our communities is done in a way that takes all voices into account.

Yours in good faith

Kimberly Brown

Public Officer

Circular Head Coastal Awareness Network Inc

From: [Stephen Pilkington](#)
To: [State Planning Office Shared Mailbox](#)
Subject: Submission on State Planning Provisions
Date: Friday, 12 August 2022 4:55:01 PM

I wish to make a submission on the State Planning Provisions. I am a farmer living at West Montagu. I am concerned about lack of planning guidelines for Windfarms. This leads Energy developers and local residents coming into conflict, causing enormous unrest, and damaging community wellbeing.

My first concern is the affect Windfarms have on scenic values . There have been laws limiting towers to 20 metres.

There definately needs to be laws that don't allow Windturbines to dominate a valuable landscape. I submit that areas should be assessed for landscape protection before any windfarm application can be considered

Secondly turbine noise is a concern. There is evidence that turbine noise can be heard at annoying level,up to 7 kilometres away . I submit that Windfarms should have a 7km buffer from existing residents

My third concern is the standard adopted for Wedge Tailed Eagles. The 1 kilometre circumference exclusion zone was adopted for Forestry operations

It allows a generous barrier from tree felling. However beyond this the eagle can fly comfortably with no danger. higher than the existing tree canopy, and over a landscape they are comfortable with

A cluster of Windturbines towers above the eagles normal environment,and is a very real danger. Overseas research indicates that 3.5 km is the minimum safe distance from an Eagles nest.

I submit that (a) the minimum distance allowed from a WTE nest is 3.5 km. For wind towers and (b) that only half the circumference around a nest have turbines erected,giving extensive clear flying space in the other direction

I also believe the state should be identifying areas around the state of lower environmental importance ,where communities are not detrimentally affected,to place windfarm.

Submitted by
Stephen Pilkington



12 August 2022

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

Review of the State Planning Provisions 2022

To the State Planning Office,

The Northern Tasmanian Natural Resource Management Association Inc., (trading as NRM North) is one of three formally recognised natural resource management organisations in Tasmania. NRM North is a not-for-profit organisation undertaking natural resource management in the northern region of Tasmania. The role of NRMs is to protect, sustainably manage and improve natural resources for the shared environmental, cultural, social and economic benefit of the community. We do this by facilitating and managing investment in on-ground programs and projects; by providing leadership to ensure the sound management of the region's natural resources; and by promoting partnerships with all stakeholders to achieve appropriate investment and cost sharing strategies.

NRM North works effectively and collaboratively with landholders and local councils in the region and has incorporated relevant council feedback related to the management of natural resources through the State Planning Provisions in this submission. We are pleased to provide the following submission through this review.

NRM North considers that planning provisions, and planning objectives more generally, should produce outcomes that:

- enable sustainable use of natural resources;
- protect and improve key environmental values;
- mitigate impacts, and improve resilience to, climate change.

This submission focuses on the extent to which the SPPs are able to deliver on, or create challenges for, achieving these outcomes.

1. Features of an effective planning scheme

The specific observations in this response relate to the following areas that are important for natural resource management:

- Enabling sustainable use of natural resources:
 - Enabling use of natural resources resulting in economic outcomes
 - Promoting sustainable approaches to the use of resources
- Protecting and improving key environmental values:
 - Water quality and flow regime
 - Freshwater aquatic and riparian habitats
 - Coastal and estuarine habitats including the intertidal zone
 - Native vegetation and terrestrial habitats
 - Threatened and important native species and communities
- Mitigating impacts from climate change by promoting decisions that reduce greenhouse gas emissions (or avoid increases) and increase sequestration of carbon. This includes activities related to:
 - Clearing native vegetation
 - Infilling wetlands and intertidal areas
 - Transport such as cycle and walkways
 - Renewable energy such as solar or wind energy
 - Building design and placement which reduces energy requirements for heating and cooling
- Increasing resilience to the impacts of climate change by furthering adaptation including:
 - Reducing the vulnerability of the community to climate change impacts such as urban and riverine flooding, bush fire, storm surge and sea level rise, and urban heat
 - Environmental protection and enhancement of environmental values under a changed climate, for example, by building resilience through habitat protection and creating connected corridors for species movement and retreat, maintenance of natural flow regimes, and reducing other stressors such as poor water quality

2. Outcomes to be achieved by an effective planning scheme

2.1. Enabling sustainable use of natural resources

2.1.1. Enabling use of natural resources resulting in economic outcomes

The planning system is important for managing the effective design and use of land, which affects the natural values and resources associated with that land. Urban land uses and primary production uses can have a significant interaction with the condition and sustainability of natural values and resources, which often occur on a specific site related to a specific activity but can have effects beyond the site itself.

In particular, land that is suitable for agriculture and forestry is important for primary production and industry, supports economic development in the region, and has benefits by producing food, wood, natural fibres, wine and other natural products. The SPPs provide exemptions for landholders to access and use the natural resources associated with the land for the purposes of primary production.

2.1.2. Promoting sustainable approaches to the use of resources

NRM North supports the access to and responsible use of natural resources and is involved in a range of projects to increase the adoption of more sustainable practices. NRM North works closely with landholders to support the adoption of best practices for managing production on their land, including initiatives for carbon storage and biodiversity values through enhancing native vegetation on farms, as well as increasing the adoption of practices that reduce impacts from stock in waterways, improve streamside riparian buffers, reduce erosion, and increase soil health and carbon capture. Other initiatives that support the sustainable use of resources that are a priority for NRM North include working with local government and industry to improve soil and erosion practices during urban development and working with a range of stakeholders to improve water quality.

The way in which the SPPs promote sustainable approaches to the use of resources, as well as areas that could be improved, are summarised in the following sections that relate to protecting key environmental values, and mitigating impacts and increasing resilience to climate change.

2.2. Protect and improve key environmental values

Elements of the SPPs that act to protect and improve key environmental values, as well as challenges with the planning scheme that undermine the capacity of the SPPs to deliver this outcome, are summarized below.

2.2.1. Water quality and flow regime

The capacity of the SPPs to deliver on outcomes that protect and improve water quality and flow regime is mixed. Features of the SPPs that are positive in terms of these values are:

- **Inclusion of wetlands and Ramsar wetlands with significant buffers of 50 m and 100 m respectively in the definition of waterway and coastal protection areas in the Natural Assets Code.** This will provide important protection to these state threatened vegetation communities, many of which are recognized internationally for their significant ecological values. Protections that stop wetland infilling and channelisation are a significant improvement and should be retained in any future versions of the SPPs.
- **Application of the elements of the Natural Assets Code that relate to waterway and coastal protection areas to the agricultural zone.** This provides important protection to these natural assets in this extensive zone. It should be noted that in some areas the level of protection applied to some streams is lower than under some previous schemes (eg. where a 30 m buffer has historically been applied to a Class 4 stream, the buffer has now been reduced to 10 m).

Challenges with the Natural Values Code that will mean inadequate protection of water quality and flow regime are:

- **Classification of all streams in many zones including all types of urban, commercial and industrial zones and the future urban zone as Class 4 streams regardless of their scale, ecological importance or values.** This provides only a 10 m buffer along these streams within which the impact of development is considered. Urban land uses can have very significant impacts on water quality, flow regime and stream health and avoiding impacts in these areas would require a greater rather than smaller degree of protection of the streamside zone. In particular defining the waterway and coastal protection area for named streams, many of which have significant ecological and cultural values and often contribute to sensitive receiving waters, as only a 10 m width from top of stream rather than the 40 m applied in other zones that put lower levels of stress on stream systems, is highly likely to lead to significant degradation of these waterways and their receiving waters over time.
- **The SPPs reduce the capacity of councils to effectively manage stormwater quality and quantity.** This has resulted in local government having to develop separate processes for addressing flow and water quality from urban areas. These processes are being developed and implemented differently by different councils, which undermines the purpose of the statewide scheme to provide a consistent set of standards across the state. It also fails to provide greater clarity around development requirements which would simplify development approval processes. State Planning Provisions would be improved by including specific guidance on stormwater quality and quantity that promote the use of water sensitive urban design for on-property stormwater management.

- **The wording of performance criteria is vague with no advice on how developers should demonstrate achievement of performance criteria.** For example *‘Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to: (a) the need to minimise impacts on water quality; and (b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff’*. It is unclear what an adverse impact constitutes and whether this is linked to the current condition of the receiving water (e.g. does it apply to waters that are already considered degraded?). It could be argued that there is no need to avoid negative impacts in a waterway where water quality is already degraded and there is no impetus in this performance criteria to undertake activities in such a way as to improve water quality or flow regime (eg. by increasing pervious areas or incorporating water sensitive urban design in developments). The vague terminology and lack of guidance on how this and similar performance criteria should be applied will mean a lack of consistency in how this part of the Code is applied. This is likely to result in inconsistent assessments and appeals to argue the case for each application separately, which undermines the purpose of the Code and Statewide Planning Scheme.

2.2.2. Freshwater aquatic and riparian habitats

Freshwater and riparian habitats are impacted by water quality and flow regime, so the positives and challenges identified above also apply to these habitat values. In addition to those challenges, other areas of the SPPs that negatively impact on their capacity to protect and improve freshwater aquatic and riparian habitats are:

- **The performance criteria (C7.6.1, P3) within the Natural Assets Code relating to development within a waterway and coastal protection area of future coastal refugia area which involves a new stormwater point discharge to a watercourse, wetland or lake does not consider any impacts on instream or riparian habitats including changes in flow regime or geomorphology.** It would allow piping of small streams as an acceptable solution and provides no incentive for more natural approaches to conveying stormwater runoff to streams (eg. through constructed wetlands) which would provide better outcomes for these habitats. The SPPs provide no guidance on how more natural options should be assessed.

2.2.3. Coastal and estuarine habitats including the intertidal zone

Coastal and estuarine habitats include areas of foreshore, intertidal zone and subtidal zones adjacent to the coast. They are diverse and important habitats that are impacted by factors such as water quality from surrounding foreshore areas and fed by freshwater riverine

systems. They are subject to pressures from sea level rise, coastal erosion, foreshore development and are also frequently impacted by riverine flooding. Challenges in the SPPs which affect their capacity to protect and improve coastal and estuarine habitats include:

- **The intention of the coastal refugia layer is good but in practice it is unclear what this layer actually means.** The mapping does not appear to account for practicalities such as roads and other infrastructure that effectively cut off retreat pathways in low lying areas. For example, low-lying coastal settlements with road or rail infrastructure adjacent to the beach can be identified as future coastal refugia even though in practice the road or rail would act as a barrier to retreat of coastal processes in this area.

These habitats are also impacted by factors raised previously with regard to water quality and flow regime as well as below with regard to threatened ecological communities and priority vegetation.

2.2.4. Native vegetation and terrestrial habitats

Issues within the current SPPs which limit their capacity to protect and improve native vegetation and terrestrial habitats are:

- **The narrow focus of the Natural Assets Code on ‘priority vegetation’ does not allow consideration of the interconnectedness of environmental values and across different habitats.** For example, vegetation communities may provide corridors or buffers to mapped priority vegetation without which the values associated with priority vegetation are unsustainable. The impacts of fragmentation of habitat, loss of corridors for movement between fragments and the ‘fringe’ effects of clearing around remnants are not able to be considered even where these are known to be catastrophic to values associated with mapped priority vegetation.
- **The phrase ‘unnecessary or unacceptable impact on priority vegetation’ is vague and open to inconsistent interpretations.** There is no clear guideline around an area or proportion of vegetation loss that is reasonable, a requirement to maintain any minimum level of priority vegetation or consideration of the cumulative impacts of clearing priority vegetation, for example as lots on a subdivision are developed. Over time this is likely to lead to significant fragmentation of habitats and loss of threatened species and communities.
- **Assessment of priority vegetation is not required in the agriculture zone, which enable landholder access to the use of the resources associated with their land, but leaves priority vegetation vulnerable to clearing or other impacts.** This can lead to fragmentation and loss of corridors and creates risks that remnants of priority vegetation will not be viable. Incentives to retain priority vegetation on agricultural land should be explored through the review of the SPPs.

- **The SPPs creates gaps between the Forest Practices System and land use planning leaving environmental values vulnerable to impacts of development.** The Forest Practices Act is focused on protecting values associated with woody vegetation and has exemptions for activities on small areas of land (<1 ha). It is not intended to manage values associated with other important vegetation types such as grasslands or saltmarsh. Combined with limitations in the definition of priority vegetation there is significant potential for loss of important natural values, including threatened native vegetation, through projects designed to avoid the need for assessment.
- **The Natural Assets Code is focused on vegetation clearance as the only risk to values associated with priority vegetation and does not consider the long-term risks associated with inappropriate uses in these areas.** While two activities might be associated with the same immediate level of vegetation clearance, long term impacts on environmental values associated with that vegetation will also be affected by use and what, if any, mitigation has been undertaken to mitigate risks associated with these impacts. This means that the Natural Assets Code will not provide adequate protection long-term to priority vegetation areas even where these have been comprehensively captured by mapping.

2.2.5. Threatened and important native species and communities

In addition to the issues above relating to native vegetation and terrestrial habitats, issues impacting the capacity of the SPPs to effectively protect and improve values associated with threatened and important native species and communities are:

- **The definition of priority vegetation does not consider federally listed threatened ecological communities (for example saltmarsh and *Eucalyptus ovata* which are federally listed but not listed in state legislation).** This leaves significant gaps in the protection of native vegetation and terrestrial habitats and means that many threatened species and communities are inadequately protected by the SPPs. It is also likely that not considering these other important areas of vegetation creates confusion about obligations under federal legislation such as the EPBC Act and risks enabling decisions that conflict with this legislation.
- **Application of the Natural Assets Code to areas of priority vegetation is fixed based on mapping of priority vegetation.** This means that even where a threatened species is identified on the ground it is not possible to call in a report if this area is not shown on the overlay. Given the lack of comprehensive surveys to support mapping of priority vegetation this means that significant known environmental values are not able to be protected by the Code. To adequately protect these environmental values, planning authorities need the ability to call in a report where threatened species are found outside mapped priority vegetation areas and have the capacity to call in the Natural Assets Code to protect these values.

- **The Natural Assets Code considers priority vegetation but does not provide any guidance on protection of fauna species that range around this.** For example, the Natural Assets Code may protect vegetation that forms a nesting habitat for wedgetail eagles but provides no guidance on how to adequately limit the impacts of surrounding development and consequent activities on this species. Forest Practices Plans do provide such guidance for forest activities but are not designed for use in urban areas. The SPPs focus on priority vegetation and development standards means that there is inadequate protection for sensitive environments.

2.3. Climate change mitigation and adaptation

2.3.1. Climate change mitigation

Positives of the SPPs that promote mitigation of climate change by encouraging decisions that reduce greenhouse gas emissions (or which sequester carbon) are:

- **Exemptions for renewable energy options such as solar panels and wind turbines.**

Key issues that will negatively impact on climate change mitigation are:

- **There are no limits on removal of vegetation outside mapped priority vegetation areas.** This means that areas may be progressively cleared as part of a subdivision (eg. cleared for roads, then each building at a time) in small steps without triggering a need for a Forest Practices Plan or other assessment. Over time this will have a large cumulative impact on vegetation and consequently carbon sequestration.
- **The SPPs provide no imperative for active transport, such as for bike lanes, footpaths or end of trip facilities.** There is a cumulative impact of this gap resulting in poor design which means that whole areas lack active transport options. This creates challenges and increased costs when retrofitting these options at a later date.
- **The SPPs enable increasing density without considering cumulative impacts of removal of trees and other vegetative landscaping or the increase in impervious surfaces that result.** This reduces carbon sequestration, reduces soil carbon and water holding, increases issues with urban heat, and impacts on water quality and flow regimes, including the risks of urban flooding.

Overall while the SPPs do not appear to create an impediment to people undertaking climate change mitigation activities they do not provide any incentive or motivation for these activities either. The SPPs are an important mechanism for implementing climate change action policies being developed at a state level but currently fall short in encouraging long-term decision making aligned with these policies.

2.3.2. Climate adaption

Climate change adaptation refers to actions and decisions that reduce the vulnerability of the community to the impacts of climate change. These impacts include those resulting from

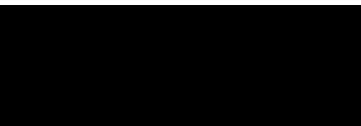
changes in rainfall, temperature, flooding, storm surge and sea level. They are broad ranging and often interdependent.

- Feedback from councils indicate that **the SPPs do not provide adequate power to limit development in areas with current risk let alone areas where climate change is likely to exacerbate those risks.** Overlays for natural hazards rely on state government data which is not regularly updated and which does not incorporate the local knowledge of site specific risks and historic uses. Limiting the application of Codes to mapped overlays creates gaps in limiting development or mitigating risks in unmapped areas where known current or future risks exist at unacceptable levels. Northern councils are already impacted by legacy issues associated with poorly placed and/or poorly designed development and these issues will be further exacerbated in the future by a lack of mechanisms for addressing known risks associated with the impacts of climate change on current development decisions.
- **Flood-prone Hazard Areas Code does not apply to areas that are subject to the Coastal Inundation Hazard Zone.** In some areas both significant flood hazard and hazard of coastal inundation occur. These hazards often interact such that the combined effect (from both high river levels and high tide and storm surge) is much greater than the risk from either hazard considered in isolation. The coastal inundation hazard mapping classifies hazard based on sea level rise and storm surge events in 2050 and 2100 but does not consider any additional or cumulative risk posed by riverine flooding. Requiring only a coastal inundation hazard report for 2100 will not incorporate the additional risks posed by increased peak flood events over the same period that may occur in conjunction with the 1% AEP coastal inundation event. In addition a suitably qualified person who could assess such coastal inundation hazards may have little to no understanding of flooding hazards and how they are likely to interact with coastal hazards. These interactions need to be carefully considered in reviewing both Codes and their overlap to ensure gaps that result in unacceptable levels of risk are not enabled.
- **Coastal inundation hazard bands anticipate climate change but the assessment criteria do not relate back to climate change policy.**
- **The wording of performance criteria around within the Coastal Inundation Hazard Code ‘tolerable level of risk’ is vague.** This phrase is used without any definition or guidance on what it means or how it should be calculated or evaluated. The contribution of the activity to off-site risks is also not clearly considered even though this is an important part of managing coastal inundation hazards.

- **The assessment of hazards for buildings is essentially removed from the planning scheme and placed in the hands of building surveyors.** Private surveyors generally have skills focused on the structure of the building and don't necessarily have sufficient knowledge of hazards such as coastal inundation which would be required for them to play an effective role in mitigating these risks.
- **The SPPs provide no motivation to perform above a 'minimum standard' which does not address climate change adaptation.** For example, standards for green space, trees, walkways and other elements of good urban design are below a standard that would increase resilience to climate change or that would encourage decisions that mitigate climate change. These landscape elements have been identified by the community as important for the liveability of communities and application of the current standards results in inconsistent and often inadequate outcomes for achieving broadscale objectives over the long term.

Thank you for the opportunity to provide a submission on the review of the State Planning Provisions, I look forward to seeing the outcomes of the review and related iterations of the SPPs in due course, with the hope that they will improve the planning outcomes for natural resource management.

Regards,



Rosanna Coombes
Chief Executive Officer – NRM North

From: [Dean](#)
To: [State Planning Office Shared Mailbox](#)
Subject: State Planning Provisions
Date: Friday, 12 August 2022 1:14:26 PM

Hello TPC

I am a resident and business owner in Tasmania and recently have found a wind farm is planed that will effect 3 properties I own and pay rates on, including my place of residence.

I have found it almost impossible to believe the lack of consideration or protection given to residents affected by the proposal.

For example the out dated sound regulation uses something called L90 (10) sound for compliance. Which means any sound not heard for 90% of the time over a 10 minute period is disregarded for compliance. If you have ever heard turbine noise it is a swish noise then another. This means a developer does not have to compensate a resident if the noise of the swish is nonstop in the bedroom (almost all of the swish noise is disregarded from the current regulation being used in Tasmania).

Compliance for the wind farms consider a 5db loss of sound through the house walls, what if you like to sleep with the window open???

The regulation allows in some cases (in my case) more than 800 times the background noise (Decibel is not a linear scale).

Because I as a resident have no protection from this industrial noise, I have been forced to spend thousands of dollars in expert acousticians advice in the hope that I can have what I had before a developer decided to set up in my back yard, I peaceful place to live and sleep.

Please address this in your plans. I believe there will be a lot of noisy media stories and court cases in the near future if Tasmanian residents remain unprotected against industrial sized developments that run 24/7 in rural communities.

Kind regards

Dean Klower
Director, Research and Development
Metal Science Technologies P/L



www.metalscience.com.au



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