

24 November 2021

Department of Justice  
Office of the Secretary  
GPO Box 825  
HOBART TAS 7001

Via email: [haveyoursay@justice.tas.gov.au](mailto:haveyoursay@justice.tas.gov.au)

Dear Sir/Madam

### Scope of the Draft Tasmanian Planning Policies

Thank you for the opportunity to provide a submission to the Department of Justice's Scope of the Draft Tasmanian Planning Policies (TPPs).

This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of the local government sector. LGAT is incorporated under the *Local Government Act 1993* and is the representative body, and advocate, for local government in Tasmania.

We have consulted our member councils and make the following broad observations:

1. **A solid basis** – there is a general level of support with the draft suite of topics and issues. This indicates that the Tasmanian Government has done a good job of broadly capturing a significant proportion of the issues necessary for a successful set of policies. Our submission makes suggestions on how this base can be extended.
2. **Effectiveness remains a concern** – without explicit, direct links to development regulation there is a concern among councils, and in the planning profession, that the TPPs may become an aspirational 'wishlist', and do not make a tangible difference to development outcomes. Rather than 'standing the test of time', the TPPs must help Tasmania address our challenges and seize the opportunities. Careful attention is needed to ensure they are drafted to be effective and successful.
3. **A valuable opportunity to modernise** – it is close to 30 years since the inception of the Resource Management and Planning System of Tasmania (RMPS). While the framework has served us adequately and the themes still relevant, it is difficult to determine the extent to which the objectives have been successfully met in development. The revised TPPs are an opportunity to bring the objectives to better

effect through updating our strategic framework with modern planning, development knowledge and best practice.

4. **Climate change is the greatest test** – whatever the final form of the TPPs, climate change will be the greatest test to the development our towns, cities and communities, and our planning system. The drafting of the TPPs is a major opportunity to set the framework for adapting to the 21st century’s most significant challenge.
5. **Success depends on consultation** – local government will be largely responsible for implementing the TPPs through their planning schemes and have extensive planning and development expertise. It is critical that this resource be drawn upon, to avoid undermining the effectiveness of the TPPs. The current consultation is an adequate start, the success of the TPPs will hinge upon the quality of engagement with professions involved in development.

We urge the Tasmanian Government to be ambitious in developing the Tasmanian Planning Policies and fully draw upon the expertise that exists in the local government sector and beyond. This needs meaningful cross-sector engagement that includes industry, academia, and especially the daily implementors of the planning system, local government.

### **An effective strategic framework**

Tasmanian councils are pleased that work on the Tasmanian Planning Policies has begun. However, there is a level of concern amongst councils and in the broader planning profession that strategic documents that have limited links to development assessment may have limited effectiveness. We outline strategies below to avoid this.

#### ***Efficient and relevant***

Strategic documents can easily be overburdened with aspirational statements that are outside the document’s primary purpose or ability to affect. We recommend that the TPPs are drafted to be efficient and concise. The TPPs should be drafted to be focused on what they can do and their purpose in the planning system. That is to inform the drafting of two statutory planning components: the Tasmanian Planning Scheme and the regional land use strategies.

Councils want the TPPs to provide ambitious aims for our communities, but they must also be meaningful and inform planning practice. To keep the TPPs sharp and focused it may be useful to apply this criterion.

### ***Based on principles and contemporary best practice***

Local government wants planning policies that are based on up-to-date and contemporary principles and good practice. Drafting the TPPs is an opportunity to progressively modernise our 30-year old planning framework, using the lessons learn from other jurisdictions. The sector supports the Tasmanian Government to be ambitious on this aspect.

Drawing on principles applied in other states, specifically Queensland and South Australia, the following set of guiding principles drafted by a member council provide a sound basis:

#### ***Example Principles***

***Efficient*** – regulation is the minimum necessary to address impacts and the level of assessment and public engagement is proportional to the potential impacts and scale of development. External impacts to environment or infrastructure are considered.

***Integrated*** – well considered and expressed policy, coordinated systems that are efficient and effective, coupled up deliver mechanisms and upgrading of infrastructure or public spaces.

***Outcome focused (effective)*** – performance outcomes are clearly expressed and supported by placed-based objectives, focus on sustainable development and support of employment and economic growth.

***Accountable*** – reflect balanced community views and aspirations, clear and transparent regulation, access to information is simple and direct.

***Positive*** – wellbeing and resilience are promoted, contemporary challenges are addressed, high quality design and urban renewal is required, plans use clear, concise and positive language to describes outcomes to be sought.

The existence of the current State Planning Provisions should not prejudice or constrain the construction of the TPPs. The TPPs are intended to inform and guide the development of the SPPs (which now refers to their update), not the other way around.

### ***Meaningful cross-sector engagement***

To modernise our strategic planning framework and achieve an effective and relevant set of policies will require meaningful engagement across sectors. Individual council submissions have provided finer detail that requires consideration by the Tasmanian Government, in particular issues around urban form and design, and climate change.

Councils have considerable expertise in implementing planning development regulation, so are a valuable resource for how effectively principles might translate into practice. Industry can provide an important reference for the effect of these principles on

development. The University of Tasmania provides an ideal source of the latest academic knowledge to modernise Tasmania's planning principles and practice and need to be actively engaged.

Consultation must be deep and genuine, rather than basic 'informing' or 'consulting'. The Tasmanian Government needs to build an internal sense of the experience across different sectors, in engaging with, and implementing the Tasmanian planning system. We urge the Tasmanian Government to increase its focus on engagement as the TPPs are being drafted, and before the statutory consultation phase of the Tasmanian Planning Commission. We recommend targeted workshops and would be very happy to assist in informing high quality engagement with local government to draw on the sector's expertise.

## Content

The Tasmanian Planning Policies should be drafted to ready our state, through the planning system, for 21st century challenges. In LGAT's view, the top three issues are: climate change, Tasmania's growth and housing.

### ***Lead with climate change, embed action***

The Tasmanian Government has taken a bold approach with climate change through the revised, draft Climate Change (State Action) Action Bill, that seizes opportunities and adapts to its challenges. The TPPs should do the same and lead on addressing climate change. Leading with climate change will enhance the relevance of the TPPs and move toward embedding climate action in the planning system.

Tasmanian councils have a resolved position in support of urgent and coordinated action on climate change. At the July 2019 LGAT General Meeting, Tasmanian councils resolved the following:

*That the LGAT call upon the Federal and Tasmanian State Governments and Parliaments urging them to:*

- a) Acknowledge the urgency created by climate change that requires immediate and collaborative action across all tiers of government;*
- b) Acknowledge that the world climate crisis is an issue of social and environmental injustice and, to a great extent, the burden of the frontline impacts of climate change fall on low income communities, vulnerable groups and future generations; and*
- c) Facilitate emergency action to address the climate crisis, reduce greenhouse gas emissions and meet or exceed targets in the Paris Agreement.*

Bold action on climate change within the TPPs, in collaboration with councils, is consistent with this motion. LGAT recommends that the Tasmanian Government conduct a workshop with local government planning and climate change professionals to delve into what this should look like.

There is also an important nuance in how we the TPPs should approach this issue. Climate change has a long history of being approached ineffectually, promising some and delivering far less. In our experience, this often occurs when climate change is treated as its own standalone problem requiring specific and separate treatment. We believe that to take proper and effective steps to addressing climate change, actions must be embedded in everyday tasks and operations.

For the TPPs, this means that climate change must be embedded within other policies, rather than a standalone policy that may be ineffective as a result of its disconnect from the functional areas. All the effective actions related to climate change should be embedded in other policies, such as those to do with hazards, or transport planning, or settlement planning. Any planning operation or task with implications for climate change adaptation or mitigation should contain a provision relating to climate change.

A separate, standalone policy on climate change may still be needed to communicate to Tasmanians that it is being treated seriously and addressed. However, that policy should link to and communicate the provisions embedded across other policies.

### ***Ready for growth***

Tasmania's growth and economy continue to boom, and this is not expected to relent as borders closures during the COVID-19 pandemic begin to ease. This growth is good for Tasmania, but comes with pressures and challenges that we must plan for and address. The TPPs should adopt policy settings that ready Tasmania for growth.

Most of the pressures will be on, and addressed by, infrastructure. Managing this growth requires infrastructure planning and delivery to cater for it, and this requires adequate financing. Developer contributions, or infrastructure charges, are an effective way to finance infrastructure delivery. They reduce the pressure that growth imposes on council rates, as they are directly linked to the rate and scale of growth. As a growth-ready policy setting, the TPPs should be constructed to support the implementation of infrastructure charging.

### ***Address housing, acknowledge limitations***

Access to secure, affordable housing is a critical issue across Australia, but particularly acute in the smaller housing and construction markets of Tasmania. As we ready ourselves for continued growth in Tasmania, this problem will not dissolve on its own and planning

must take up its role to ensure supply-side issues are dealt with. This means strategic planning that reflects supply constraints and timely amendments to statutory planning instruments, including Local Provisions Schedules and the regional land use strategies.

However, the TPPs should make it clear that planning is part of addressing the housing affordability issues we are experiencing, not the panacea, and that there are limits to what it can do. This is increasingly being recognised across Australia<sup>1</sup>. Indeed, local planning can do nothing about the demand-side factors of the housing crisis with these almost entirely the result of national policy settings within the hands of the Australian Government. Planning can also not change private market factors, such as land banking or reluctance to sell in a rapidly escalating market. Without effective national action on demand-side factors or measures to reduce sale reluctance, state and local planning will continue to come under pressure to simply supply more land, at any cost.

Acknowledging the limits to planning will avoid overpromising to the community and help achieve the right policy settings across all levels of government.

### ***Planning techniques, urban form, design, and standards***

Tasmania is booming now, yet this has not always been the case, with many of our planning and development practices, techniques and standards developed in a low-growth environment. There is a need to ensure these components and their supporting resources are up to the task of managing today's growth.

Therefore, the TPPs need to address the planning and urban design practices needed to plan for growth and harmoniously integrate new development into existing settlements. Issues that should be covered include:

1. Structure planning – as an evidentiary requirement for rezoning applications.
2. Urban design and standards – streetscape and landscaping principles and objectives.
3. Urban form – particularly hierarchies of urban components, such as:
  - settlement hierarchies
  - road hierarchies and transport nodes
  - commercial/activity centre hierarchies
  - park and open space hierarchies.

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<sup>1</sup> For example: <https://www.smh.com.au/national/nsw/planning-alone-will-not-fix-sydney-s-housing-affordability-crisis-20210914-p58rhv.html>

This area is detailed and complex. We urge the Tasmanian Government to pay particular attention to engaging with councils on this matter. Again, workshops would be ideal, and we would be happy to assist in engaging with the sector.

## Structure

Consistent with our call to be ambitious with the TPPs, we suggest that the Tasmanian Government consider innovative approaches to how the TPPs are grouped and structured.

We offer the following structure, grouped into themes that connect with the points in our submission, as an indicator of how the TPPs might be constructed to provide a planning narrative for Tasmania. In addition to climate change being embedded, liveability and health must also be embedded across policy themes. Other issues from the Scoping Paper not included below would fit into the identified themes.

| Policy Theme (or Topic)            | Topics (or Issues)   | Comments   |
|------------------------------------|--|--|
| <b>1. Ready for climate change</b> | <ul style="list-style-type: none"> <li>Climate change</li> </ul>   | Leading policy<br>Sets up framework for action in other policies<br>Communication only – reference action under other areas<br>Avoids standalone, unintegrated actions   |
| <b>2. Ready for growth</b>         | <ul style="list-style-type: none"> <li>Settlement planning</li> <li>Infrastructure planning</li> <li>Housing affordability and security</li> <li>Urban design and standards</li> <li>Planning for healthy communities</li> </ul> | Climate change mitigation embedded, e.g. in efficient land use and transport<br>Integrated land use and transport planning<br>All forms of infrastructure<br>Support for charging schemes<br>Hierarchies<br>Health and wellbeing |
| <b>3. Maintaining our values</b>   | <ul style="list-style-type: none"> <li>Environmental values</li> <li>Environmental amenity</li> <li>Coastal access and development</li> <li>Heritage values</li> </ul>   | This policy theme area combined Environmental and Heritage protection<br>Climate change adaptation embedded<br>Indigenous and non-indigenous cultural heritage   |
| <b>4. Resilient to threats</b>     | <ul style="list-style-type: none"> <li>Bushfire hazard</li> <li>Flood hazard</li> <li>Coastal hazards and sea level rise</li> <li>Landslide hazard</li> </ul>  | Climate change adaptation embedded across all topics   |

| Policy Theme (or Topic)           | Topics (or Issues)   | Comments                        |
|-----------------------------------|--|---------------------------------|
| <b>5. Realising opportunities</b> | <ul style="list-style-type: none"> <li>• Economic development</li> <li>• Energy</li> <li>• Tourism</li> <li>• Agriculture</li> <li>• Resources</li> <li>• Industry and productivity</li> </ul>             | Climate change actions embedded |
| <b>6. Best practice planning</b>  | <ul style="list-style-type: none"> <li>• Principles</li> <li>• Consultation and engagement</li> <li>• Strategic planning</li> <li>• Plan review and maintenance</li> <li>• Evidence in planning</li> </ul> |                                 |

## Overall

Thank you for the opportunity to comment on the scope of the draft Tasmanian Planning Policies. We believe the Tasmanian Government has made a solid start that provides the basis for more ambition. There is a need to address concerns around relevance and the effectiveness of the end product. We urge that the Government lift the level of engagement during the drafting phase and before the statutory consultation phase to ensure the best outcome. This is particularly important for local government, who will be the authors of future Local Provisions Schedules and implementors of the TPPs outcomes through development assessment.

If you have any questions or would like further information, please contact Michael Edrich at [michael.edrich@lgat.tas.gov.au](mailto:michael.edrich@lgat.tas.gov.au) or on (03) 6146 3740.

Yours sincerely



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