

10 March 2023

Mr Brian Risby
Director
State Planning Office
Department of Premier and Cabinet

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

Dear Brian,

**LGAT Submission
Regional Planning Framework and Draft Structure Plan Guidelines**

Thank you for the opportunity to provide a submission on the Regional Planning Framework and Draft Structure Plan Guidelines. This submission has been prepared by the Local Government Association of Tasmania (LGAT) on behalf of the local government sector in collaboration with our members; all 29 Tasmanian councils.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for local government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in this submission should not be viewed as lack of support by the LGAT for that specific issue.

Please contact Michael Edrich if you have any questions, or would like further information, at michael.edrich@lgat.tas.gov.au or 6146 3740.

Yours sincerely,



Dion Lester
Chief Executive Officer

LGAT Submission: *Regional Planning Framework and draft Structure Plan Guidelines*

Introduction - addressing the strategic gap

Local government overwhelmingly supports the Tasmanian Government's efforts to address the longstanding and problematic strategic gaps in Tasmania's planning framework. These gaps have led to opacity and uncertainty in the system, making it harder for development proponents to navigate the system, to achieve their business goals, and for councils to achieve their communities' development goals.

The historical lack of state-level policy and strategy has resulted in councils bearing the full brunt of public criticism on development problems. This is despite their efforts to appropriately manage development pressures and create Tasmania's future communities. This has also meant that councils have not had the strategic backing from the Tasmanian Government in delivering positive, constructive development outcomes for Tasmanians. This is not a healthy situation.

Local government, then, overwhelmingly supports the work to update all three Regional Land Use Strategies (RLUS), beginning with the Regional Planning Framework. The sector acutely understands and appreciates the importance and significance of the strategic-level planning reforms - the Tasmanian Planning Policies (TPPs) and the updating of the Regional Land Use Strategies (RLUSs). With the unprecedented population growth Tasmania has experienced since 2016 – and the growth management task this represents – the strategic reforms of the planning system cannot come soon enough.

Key problems

In developing the Regional Planning Framework, the Tasmanian Government should identify and focus on addressing the problems of the current regional strategies. In our view, the core problems that should be resolved, in priority order, are:

1. The lack of maintenance of the RLUSs and responsiveness to emerging local issues. Key examples of this are housing and meeting development demand.
2. The lack of clear ownership of the RLUSs and the lack of ability for planning authorities to act decisively and responsively on local planning matters bound to the RLUSs.
3. The role and involvement of different state government agencies within the RLUSs, and how these agencies should interface with the RLUSs when they are in operation.

Purpose and Scope

Questions:

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

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

We agree that the general content and purposes of RLUSs can be outlined in legislation or regulations. These should be kept high-level and general.

We see little value in repeating the sections of the *Land Use Planning and Approvals Act 1993* (LUPAA) that relate to TPPs or the Schedule 1 Resource Management and Planning System (RMPS) objectives. Rather, the purpose statements for the RLUS should focus on their function within the framework, as a bridging instrument between the TPPs and Local Provision Schedules (LPSs). For example, this function might be expressed as:

- Enacting Tasmanian Government policies for development planning (the TPPs) that should flow on to local plan making (LPSs).
- Reflecting, or recognising, state government interests through their identification, expression and protection, in local plan making.
- Providing a coordinating framework for LPSs at a regional level.

We recommend keeping any provisions in legislation as general as practical and adding more detail and specificity in subordinate statutory guidelines. These are easier to revise and improve as we learn through implementation.

Consistency

Questions:

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

Should there be a template for RLUSs?

A certain level of consistency between the three RLUSs is supported, but it should not be so prescriptive and locked down that it prevents regions of councils from being able to address local and regional problems and resolve them in the strategy. In other words, councils' local place making ability should be supported and guided by the RLUSs, and not be prevented through over prescription.

A template RLUS is worthwhile, provided it is a flexible framework that adapts to, and enables, local planning. Common themes should be provided for, with regions able to detail their own challenges and opportunities, and address these with their own solutions. Most importantly, they need to be able to express their own development narrative for their region.

Creating a set of common terminology and categorisation of settlements and activity centres is useful. However, the regions should be able to add subcategories or further detail and definition to meet their needs. The aim should be for the RLUSs to be translatable and understandable in use and function, rather than uniform, or suppress diversity.

Consistent planning methodologies should be encouraged, such as a consistent planning horizon. These should be deliberately kept flexible and not prescribed in legislation.

We recommend that any templates and guiding information be placed in subordinate statutory guidelines and not in legislation itself. We note that other states have gone through several iterations of state-level policy and strategy development, learning along the way. We should expect the same for Tasmania and support a continual improvement approach.

Assessment and declaration

Questions:

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

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

Although the process of establishing the RLUSs should be efficient, we agree that there is merit in the Tasmanian Planning Commission (TPC) assessing the RLUSs before they are established. In our view, the value of TPC review is in providing independence and planning expertise to documents that most directly affect personal interests, primarily where leading to land value changes. As the RLUSs will have geographic definition, inform LPSs and have property level implications, TPC review can demonstrate independent endorsement of RLUS decisions.

Having said that, we need to be mindful of TPC and State resourcing capacity – and this is more work for a commission busy with other components of reform. We see the most value of a TPC review with the LPSs, and the least is in policy matters of the State

Government (the TPPs). The RLUSs fall somewhere in the middle between these two ends of the spectrum.

Amendments, review and ongoing maintenance

Questions:

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs? Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

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

The lack of maintenance of the RLUSs has been the number one problem and has led to the very outdated strategies we have today. This must be resolved.

We suggest several options. Firstly, a regular review cycle that synchronises with the TPPs review cycle is useful – but this should be viewed as more of a backup process and not necessarily trigger a major review if it is not necessary. It is more important that RLUS reviews responds to actual needs so there must be some trigger mechanisms to initiate out-of-cycle reviews that may be more significant in nature. For example, review could be initiated by a majority of councils within a region calling for a RLUS update. Another trigger could be for a review to occur after any major update to the TPPs, or if the minister calls for an update.

To be responsive, there needs to be different types of amendment processes. We recommend considering the following:

1. Minor amendments – these should be a simple process, mostly for correcting errors.
2. Targeted reviews – these should be to address a smaller subset of issues affecting several or a majority of councils, but not requiring a major review.
3. Single council amendment – this should be a pathway for a single council to bring amendments for review. It could include accountability measures, such as gaining agreement from a majority of councils in the region, requiring public notification.
4. Major review – these should be for wholesale updates of the strategies and background data.

It is likely that by having better mechanisms for regular reviews, the RLUSs will be able to be kept more up to date and major reviews may only be needed on a 10-year cycle or similar.

Trigger mechanisms for review should be considered and we suggest the following will likely be sufficient:

1. Ministerial direction – this can cover instances of significant updates to the TPPs or major state issues occurring, needing to be reflected in the RLUSs.
2. Majority of a participating councils in an RLUS – this should cover other instances.

Draft Structure Plan Guidelines

Questions:

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

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

Our planning framework lacks the appropriate level of supporting information to help proponents, communities and councils alike effectively engage in, and utilise, our planning system. We strongly support the Structure Plan Guidelines work as an example of filling this information gap.

The Structure Plan Guidelines are very good in their current form. Our only suggestion would be that the guidelines are slightly more weighted on councils being the primary users and being at least a community-level or greater scale. However, proponents can and should also use structure plans to support their development proposals. This would usually be to demonstrate how a proposal will interface well with the surrounding area and allow for future development needs. We suggest considering this audience and purpose some more so that proponents also use this tool to help them design and demonstrate their proposals.

In closing, we strongly support this work to fill some of the information gaps in our planning system and gives councils and proponents, tools to further their development objectives.