

LGAT Opinion Editorial – Red Tape Reduction

Last week saw the introduction of the Building and Construction (Regulatory Reform Amendment) Bill into Parliament under the narrative of removing “unnecessary red tape and over regulation”. Local Government supports a process of continuous improvement in our planning and development system. However, the constant narrative of “reducing red tape” and “removing barriers to growing our economy and jobs” undermines the important role our regulatory approvals systems provides to the Tasmanian economy and risks damaging community confidence in it.

‘Red tape’ is not (nor should it be) the defining characteristic of our planning system and not all regulation is red tape.

Tasmania’s Resource Management and Planning System (RMPS) has been around for many years now, and since it was introduced in the early 1990s it has served us well. At its core it has a set of objectives which have been central to our way of life and the strong economy Tasmania has enjoyed. These objectives include sustainable development of our natural and physical resources, public involvement in resource management and planning, facilitating economic development in accordance with these objectives, and importantly, the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry.

While the changes proposed with the Regulatory Reform Amendment Bill are relatively modest, its rapid introduction with little consultation with Local Government has failed to acknowledge the critical role our sector plays in Tasmania’s regulatory system. Further, it fails to enhance one of the important objectives of our RMPS; the sharing of responsibility for resource management and planning between Local and State Government.

The Government has indicated a series of further reforms to improve the performance of our approvals framework is going to be implemented in coming months. Many of these reforms will involve or impact Local Government and so engagement with the sector is essential. Council representatives and officers have significant technical knowledge of our planning system and we interact with industry and the community on development approvals on a day to day basis. While the laws that govern our planning and approvals framework are made by the State, it is councils that implement them on a daily basis.

Local Government recognises that the Government is eager to progress the measures, particularly to support businesses in recovery post-COVID. However, this should be done in a considered and careful way. Rushed or piecemeal reform risks undermining the very foundations of our approval system.

Perhaps what is the most concerning aspect of the current reform agenda is the obsession with “red tape reduction”, which has come at the expense of sound strategic planning. For many years now Local Government and many in the development industry and community have been calling on the Government to establish the important strategic foundations of our planning system, the Tasmanian Planning Policies. These, and the subsequent updating

of our Regional Land Use Strategies, will provide the missing clarity on what governments and the community desire for their local areas and importantly will help to drive any reforms needed in our regulatory system. Until we know what direction we wish to head in, it is very difficult to craft meaningful changes in the regulatory environment or indeed for our councils to make the day to day decisions they must on development applications. Unfortunately, to date the State Government's planning reform agenda has almost solely been focussed on the wrong end of planning system, involving initiatives such as the new Statewide Planning Scheme and the more recent red tape reduction agenda.

Unless and until we can shift from merely tweaking our regulatory system to a greater focus on making a plan for what we want to achieve with land use and development, then we will continue to see conflict over development applications. Is it acceptable that individual proponents must run the gauntlet of putting up a proposal to test community sentiment in the absence of any guidance on expectations in the form of statewide planning policies or contemporary regional land use strategies?

As a state we need to have a discussion about our aspirations for each of our local areas in a proactive and constructive fashion, and not in the reactive, and often highly emotive fashion we currently experience when specific development proposals loom large. This is good planning.

Our planning approvals system must be a shared responsibility, with any improvements developed in partnership across government, industry and the community for the benefit of us all.

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