

# Draft Tasmanian Planning Policies

## Report on Consultation



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# I. Introduction

This report has been prepared by the Department of Premier and Cabinet's State Planning Office (SPO) to outline the response to submissions received during the consultation on the draft Tasmanian Planning Policies (TPPs) undertaken between 20<sup>th</sup> October to 1<sup>st</sup> November 2022.

Amendments to the *Land Use Planning and Approvals Act 1993* (the Act) were passed in 2018 to establish the provisions under which the TPPs may be prepared, made, amended, implemented and reviewed. Section 12B of the Act sets out the broad range of matters that a TPP may relate, including:

- the sustainable use, development, protection or conservation of land;
- environmental protection;
- liveability, health and wellbeing of the community; and
- any other matter that may be included in a planning scheme or regional land use strategy.

The TPPs establish the strategic planning policy directions that will be delivered through the Regional Land Use Strategies (RLUSs) and the Tasmanian Planning Scheme (TPS). In addition, major projects and Housing Land Supply Orders are required to take into consideration the TPPs.

The Act requires the Minister for planning to undergo two rounds of consultation regarding the development of the draft TPPs. This is specified in section 12C(2) of the Act that states:

*The Minister must consult with –*

- a) the Commission; and*
- b) the planning authorities; and*
- c) the State Service Agencies, and the State Authorities, as the Minister thinks fit –*

*in relation to the intention to prepare a draft of the TPPs and a draft of the TPPs.*

Consultation on the intention to prepare the draft TPPs was undertaken in October and November 2021. This report provides an overview of the submissions received in response to the second round of consultation required under section 12C(2) of the Act where parties were invited to comment on a [draft of the TPPs](#), which included a [Supporting Report](#).

The SPO welcomed 73 submissions from a range of stakeholders including planning authorities, industry groups, community organisations and state agencies. The SPO acknowledges the time and effort taken to make submissions and appreciates and commends the level of understanding required to comment on the complex nature of the planning system and how the TPPs are to be applied within it.

This report discusses the issues raised in submissions, summarises responses to them and outlines modifications made to the draft TPPs. The modified draft TPPs, upon approval by the Minister, will be lodged with the Tasmanian Planning Commission (TPC) for independent review, including a statutory public exhibition period.



## 2. Glossary

The following acronyms and abbreviations are used in this report.

SPO	-	State Planning Office
TPP	–	Tasmanian Planning Policy
Act	–	<i>Land Use Planning and Approvals Act 1993</i>
RLUS	–	Regional Land Use Strategy
TPS	–	Tasmanian Planning Scheme
SPP	–	State Planning Provision
LPS	–	Local Provisions Schedule
TPC	-	Tasmanian Planning Commission
UNSDG	–	United Nations Sustainable Development Goals
PESRAC	–	Premier’s Economic and Social Recovery Advisory Council
SPWQM	-	<i>State Policy on Water Quality Management 1997</i>



### 3. Consultation

Consultation of the intention to prepare a draft of the TPPs was undertaken in October and November 2021 which included a [Scoping Paper](#) being published on the SPO's website. An invitation to comment on the range of issues and topics that the TPPs should address and other matters expressed in the Scoping Paper was extended to the parties listed under section 12C(2) of the Act and to a broad range of relevant stakeholders.

A total of [108 submissions](#) were received during the scoping consultation. A [Report on draft TPP Scoping Consultation](#) was published on the SPO's website in April 2022. The report discussed the issues raised in submissions, summarised responses to them and provided a revised TPP structure and table of TPP topics and issues that formed the basis for more detailed drafting of the TPPs.

Targeted consultation was undertaken between April and August 2022. Various stakeholders provided input into the initial drafting phase of the TPPs. Given the TPPs are intended to deliver policies that represent the State's interest in planning, the initial draft set of TPPs were firstly reviewed by State Agencies. Agencies nominated a representative to liaise between the divisions within their Agencies and the SPO to provide comment and recommendations on the draft TPP content to ensure the Agency's interests and policies were reflected through the TPPs.

The agencies, through the Deputy Secretaries Steering Committee, endorsed the draft TPPs for consultation in accordance with section 12C(2) of the Act. In addition to the parties mentioned in section 12C(2) of the Act, comment was also invited from those who engaged in the scoping consultation and broader stakeholders who may have an interest in the draft TPPs. Parties were notified that the draft TPPs were open for a 6 week consultation period from 19 September to 1 November 2022 and advised where they could access the necessary documents and information on how to make a submission.

Because the consultation period overlapped with local government elections, planning authorities were given an extension to comment on the draft TPPs until after their November 2022 Council meeting, with a final deadline for submissions being 30 November 2022.

Parties, other than planning authorities, that requested extensions of time were given an additional two weeks, until 15 November 2022, to comment on the draft TPPs.

Submissions were published on the [SPO website](#) in the first week of December 2022.



## 4. Summary of issues raised in the submissions

There was a general sense of gratitude expressed in the submissions for the opportunity to comment on the draft TPPs and acknowledgment of the State Government's commitment to the preparation of planning policies.

The following section of the Consultation Report provides a summary of the main issues that were raised in response to the draft TPPs. The issues have been categorised under the subheadings of 'Structure', 'Drafting style', 'Policy content', 'Competing policy interests', 'Implementation', 'Monitoring and review' and 'Outside the scope of the TPPs'.

Appendix A provides a more detailed overview of comments that were received with a corresponding response to each issue raised.

### 4.1 Structure

The following sets out the general issues that were raised in relation to the structure of the draft TPPs.

#### **Issues**

- *In support of the structure and that it was easy to follow and a clear way of expressing policy.*
- *That the structure of the TPPs is unclear, confusing and ambiguous.*

The structure of the draft TPPs is based on outcomes from the Scoping Consultation. As part of that process a set of draft TPPs, which were developed at the time the Act was being amended to provide for the TPPs, were developed to provide an example of what the TPPs might look like. In addition, the scoping paper provided additional examples, based on the earlier set of draft TPPs, and sought comment on the structure and whether it was an appropriate way to express policy.

There was general consensus that the structure presented in the Scoping Consultation was supported. The TPPs have been mostly drafted based on the outcomes from that consultation period and typically in the structure and format that was discussed in the Report on Scoping Consultation that was published in April 2022.

Only minor modifications have been made to the structure and headings of the draft TPPs to provide greater clarity. The "Principles and Policy Context" section at the beginning of each TPP has been revised to "Policy Context". Also, the "Implementation" section, following the Foreword has been renamed "General Application". Both these modified headings provide for a more accurate representation of the intent of the respective sections to assist the useability of the TPPs.

For reasons expanded in section 4.5 of this report, the heading of "Implementation Guidelines", that was situated under each policy, has been deleted because it was only populated in one instance in the draft TPPs. Guidance on the general implementation and application of the TPPs is now provided in the "General Application" section.

#### **Issue**

- *That the TPPs should be restructured so that the level of detail in the strategies align with the hierarchy of the planning instrument.*





The policy intent expressed through the strategies can inform different planning instruments. It is not considered necessary for the draft TPPs to be restructured to align the policy intent to the relevant planning instrument. This would make the TPPs considerably longer and more complex. In addition, the TPPs apply to Housing Land Supply Orders and Major Projects, and the suggested re-structure fails to accommodate these processes. The suggested restructure of the TPPs to align with the TPS and RLUS is not supported.

**Issue**

- *Concern that there is no overarching vision or set of goals in the structure of the TPPs.*

It is not considered necessary to provide an overarching vision or set of goals in the TPPs. The Act requires that the TPPs must ‘seek to further the objectives set out in Schedule 1’ and ‘be consistent with any relevant State Policy’.

**Issue**

- *The policy content should be delivered through “aims” and “principles” as expressed in the Act rather than “objectives” and “strategies”.*

Section 12B(1) of the Act states that ‘the purpose of the TPPs are to set out the aims, or principles, that are to be achieved or applied by..’ (Emphasis added). While the Act refers to aims and principles, when read in the context with the second part of the sentence, the policy content is delivered through both the setting of an ‘aim’ or ‘principle’, and how those aims or principles are to be ‘achieved’ or ‘applied’.

As discussed above, the Scoping Paper referred to an earlier draft set of TPPs and provided an example of how a policy might be drafted that included an ‘objective’ and list of ‘strategies’ to achieve the objective. This approach to policy expression was accepted in the Scoping Consultation as an appropriate structure to deliver the TPPs.

The proposed structure responds to the requirements of section 12B(1) of the Act with the ‘objectives’ setting the aims or principles, and the ‘strategies’ supporting how the aims or principles are to be achieved or applied.

In addition, the use of an ‘objective’ followed by statements as to how that objective might be met is a familiar approach to delivering outcomes through planning instruments and therefore planners should understand the purpose and operation of this structure.

The suggested change of terminology to ‘aims’ and ‘principles’ to express the planning policy delivered through the TPPs is not supported.

**Issue**

- *That climate change should be addressed separately and explicitly.*

The Scoping Consultation also explored options to address climate change. The majority of comments received supported climate change policy being incorporated and addressed within each particular TPP topic. This was seen to deliver a more integrated policy response to climate change.

The pre-eminence of climate change policy was acknowledged in the Report on Scoping Consultation where the inclusion of a ‘Climate Change Statement’ was discussed for introduction to the structure of the TPPs. The purpose of the Climate Change Statement is to set the scene for a planning policy response to the predicted impacts of climate change.





While there were submissions that did not support the way climate change issues have been incorporated into the structure of the TPPs, many of the submissions still supported the adopted approach, which is consistent with the Climate Change Office in Renewables, Climate and Future Industries Tasmania (ReCFIT).

The issues raised are not considered to warrant an alternate way of addressing climate change as it is not considered that an alternate approach would present a clearer or stronger way to express climate change policy in planning.

**Issue**

- *The Policy Application section is redundant and should be removed.*

The Policy Application section of the draft TPPs was included as a way of spatially defining an area or identifying a particular type of use and development that a policy might apply. The Policy Application section it is a valuable way to restrict the application of policies to where it is intended to apply. The Policy Application section should not be removed as it is necessary for the operation of the TPPs.

## 4.2 Drafting style

The following section discusses issues raised in relation to the drafting style used to express the policy content of the TPPs.

**Issue**

- *The strategies are too prescriptive or not prescriptive enough.*

There were varying views regarding how the policy content was expressed. Some submissions expressed concern that the content was too prescriptive while others wanted further clarification and greater prescription.

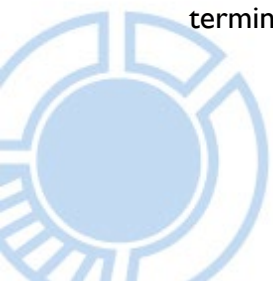
As discussed in the Supporting Report for Consultation, the draft TPPs intend to provide planning policy that can be delivered through the RLUS and TPS. To do this they need to be written in a way that provides enough detail to guide the desired outcome and to express how that outcome might be achieved and applied through statutory and strategic planning instruments. The level of prescription is considered necessary for interpretation and implementation and to deliver the desired planning response. It also responds to criticism of other policy mechanisms because of their lack of prescription resulting in interpretation and implementation of the policy being ambiguous and potentially subject to dispute

**Issue**

- *Use of subjective terminology that is vague and ambiguous.*

There was also concern regarding the use of subjective terms such as ‘incompatible use’, ‘high environmental values’ and ‘landscape values’. These terms are used in the TPPs to set the direction of the policy and to guide where further work is required. For example, the TPPs set the policy consideration for ‘avoiding incompatible uses’ in the context of a particular strategy. It is not the job of the TPPs to specify what those incompatible uses might be. Presumably that will require additional work to be undertaken and considered in the context of the planning instrument that it is intended to apply. If the TPPs were to articulate all those subjective terms it would contribute significantly to the level of prescription, complexity and length of the TPPs.

The TPPs have been reviewed to address ambiguity and define certain subjective terminology where appropriate, however it is acknowledged that the TPPs are an expression



of policy and therefore should not be expected to provide specific response to every planning scenario. The terminology used in the modified draft TPPs is consistent with the way in which policy is drafted across other regulatory regimes and jurisdictions.

#### **Issues**

- *The use of verbs, such as ‘promote’, ‘support’, ‘avoid’ etc at the beginning of each strategy weakens the policy and suggestions that they should be expressed in stronger terms.*
- *That the use of verbs such as ‘protect’ and ‘avoid’ are interpreted as conclusive and definitive terms which don’t reflect the desired policy outcome.*

The TPPs were also criticised for not requiring or directing specific actions in response to issues and to achieve the objective of the policy. The TPPs typically use a verb at the beginning of each strategy to help set the direction of that strategy in response to achieving the objective. These are mostly encouraging verbs that help the strategies work towards the aspirational outcome expressed through the objective. The TPPs are an expression of policy, they are not typically intended to be definitive in the way a regulatory planning instrument works.

The leading verb used in each of the strategies has been reviewed to reflect the policy intent. In many cases this has resulted in removing the verbs such as ‘avoid’, ‘require’ and ‘protect’ because they may be interpreted and applied as being absolute directions when that is not the intent. The use of these types of verbs have been ‘softened’ to reflect the policy intent and to allow for alternative approaches to be considered where the intent of the policy can be met.

#### **Issues**

- *Lack of acknowledgement of existing mapping.*

The TPPs have adopted the approach that, as a first principle, in order to manage the impacts associated with particular planning issues, there must be an understanding of its spatial extent. Submissions raised concern that the TPPs failed to acknowledge existing mapping that has already been undertaken to identify the likes of environmental hazards and environmental values.

It is acknowledged that many of the issues expressed through the TPPs have been mapped. It is anticipated that these maps will be adopted to deliver those strategies that require the identification and mapping of various elements required by the TPPs. While the implementation of the mapping strategies will build on existing spatial data sets, it is not appropriate to reference within the TPPs what those data sets are, and it may be premature to determine whether the methodology to produce them aligns with the TPPs. The TPPs are intended to provide for the policy basis or ‘head of power’ that supports this spatial approach.

## **4.3 Policy content**

There were many issues raised relating to the actual policy content expressed through the strategies. Some submissions wanted additional matters addressed, additional policy content included or a different policy response in relation to an issue.



The TPPs do not provide a policy setting for every planning situation. The process for developing the TPPs firstly involved the identification of the main planning topics and issues through the Scoping Consultation. Additional matters have been added to the initial list as a result of various consultation processes. These matters have been included because they represent matters that are best addressed through a consistent policy response that are delivered through the various planning instruments.

The Supporting Report for Consultation, under the sub-heading Policy Content, outlined criteria to help determine the matters the TPPs should address, and to what level of detail. That criteria includes:

- can only deal with matters provided for in the Act;
- does not repeat the requirements of the Act or that of other Acts;
- is to be consistent with section 12B of the Act;
- is to further the Schedule 1 Objectives of the Act;
- is to be consistent with a relevant State Policy;
- is to produce a planning outcome that can be achieved or applied through the TPS and RLUS;
- cannot apply retrospectively to address broad scale planning issues or decisions made under a former planning regime; and
- cannot address issues that are too specific or that deliver detailed, predetermined outcomes.

These criteria have been used to help guide the inclusion or exclusion of additional policy content.

**Issue**

- *The TPPs did not respond to the land use issues concerning the production of timber.*

Issues were raised that, although the operational side of timber production is exempt from the Act, there is a need to strategically consider land used for timber production. It was advised that there is 1.25 million hectares of Tasmania that is dedicated to a forestry purpose, equating to 18% of the State's land mass and, given the amount of land that is allocated for timber production and the importance of the timber industry on the State's economy, there is a need to strategically consider surrounding land uses to prevent land use conflict.

This submission is supported on the basis that the TPPs can play a role in protecting the timber industry by providing a policy setting to respond strategically to consider and manage potential land use conflicts.

In response to this issue, the following sub-heading has been included in the Sustainable Economic Development TPP:

## **4.2 Timber Production**

### **4.2.1 Application**

*Statewide.*



#### 4.2.2 Objective

*To contribute to the protection of Tasmania's timber resources.*

#### 4.2.3 Strategies

1. *Encourage the protection of timber production areas including plantation and native forests by identifying land dedicated for timber production and support designating that land for purposes that are compatible with timber production.*
2. *Encourage surrounding land, that is likely to be impacted by the activities associated with timber production on land dedicated for timber production, to:*
  - a) *be designated for purposes that are compatible with timber production; or*
  - b) *consider incorporating measures to mitigate, manage or avoid any environmental hazards and social and environmental impacts associated with timber production.*

#### Issue

- *The TPPs did not adequately address the State Policy on Water Quality Management 1997.*

Submissions also raised concerns that the TPPs response to the *State Policy on Water Quality Management 1997* (SPWQM) was sub-standard. To rectify this issue a more detailed response to the SPWQM will be made in the in the Background Report to the draft TPPs. In addition, the policy position taken by the TPPs to address water quality and stormwater management has been strengthened across multiple TPPs including:

- Specific mention to stormwater infrastructure when drafting structure plans under the Growth strategies at 1.1.3;
- Under the Design policy at section 1.6.3, an additional criterion for the strategy to:  
*'encourage design, siting and construction of buildings to positively contribute to:*  
.....  
*f. maintaining water quality by adopting best practice stormwater management approaches;*
- Acknowledging the impact climate change will have on environmental values by including the following statements in the Climate Change Statement at 2.0.2:
  - *'changes in runoff and consequential erosion impacting water quality and flow regime'; and*
  - *'Protecting water quality and flow regimes to build the resilience of aquatic ecosystems'*
- The inclusion of an additional strategy under Flooding at 3.3.3 to *'Support the use of Water Sensitive Urban Design systems to mitigate flooding and manage peak flows in urban catchments'*.



- Specific reference to stormwater infrastructure when describing the extent of physical infrastructure in the Policy Context section of the Physical Infrastructure TPP.
- Specific reference to stormwater in the strategy at section 5.1.3 (Provision of Services) that supports the protection of significant existing and future servicing infrastructure.
- Inclusion of a definition for “Water Sensitive Urban Design”.

### **Issues**

- *The Principles and Policy Context section for the Cultural Heritage TPP is inaccurate.*
- *The use of the term ‘non-Indigenous’ is not supported.*
- *Suggested inclusion of ‘Implementation Guidelines’ to support the identification and protection of local historic cultural heritage.*

There were concerns raised that the Principles and Policy Context section of the Cultural Heritage TPP did not accurately reflect how heritage was protected in the State. This section has been revised to describe more thoroughly how the different levels of heritage protection work within the State. There were also submissions received that did not support of the term ‘non-indigenous’ cultural heritage that was used to describe all other cultural heritage elements that were not Aboriginal cultural heritage.

All modifications made to the Cultural Heritage TPP that involved impacting Aboriginal cultural heritage was discussed with, and endorsed by, Aboriginal Heritage Tasmania.

To be consistent with the Heritage Domains outlined in the Australian Heritage Strategy<sup>1</sup>, the term ‘non-indigenous cultural heritage’ and been replace with ‘historic cultural heritage’.

Although originally submitted as ‘Implementation Guidelines’ to support planning authorities initiate and implement local heritage surveys and prepare conservation policies, with the removal of ‘Implementation Guidelines’ from the TPP structure, the suggested statements have been modified to form strategies that deliver the same intent.

The following strategies have been included at section 6.2.3 in response to the issue raised:

- *Encourage the initiation and implementation of local heritage surveys to proactively identify and manage historic heritage places of local historic cultural heritage significance and to clearly articulate the heritage values of places and precincts listed as having local historic cultural heritage significance.*
- *Encourage the preparation and publishing of conservation policies for heritage precincts; development, in-fill, and pre-development assessment guidelines; and similar guidelines for places and precincts of local significance to foster*

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<sup>1</sup> Australian Heritage Strategy, Commonwealth of Australia 2015 ([Australian Heritage Strategy - DCCEE](#))



*understanding and awareness of the importance of cultural heritage, and provide greater clarity, consistency, and certainty in the management of these values.*

### **Issues**

- *That the TPPs do not provide for the provision of telecommunication services.*

In response to an issue relating to the provision of telecommunication services, an additional strategy has been included in the Provision of Services policy under the Physical Infrastructure TPP to encourage new lots to be connected to, or ready for connection to, telecommunications services (including NBN) at the time of subdivision where it is in a serviceable location and the future use of the lot will require telecommunications services. This is consistent with Commonwealth Government requirements.

The inclusion of the strategy supports consideration of the provision of telecommunications infrastructure at the time of subdivision, similar to the provision of other services such as electricity and reticulated sewerage and water.

### **Issues**

- *That the TPPs do not adequately address planning issues associated with the State's rail network.*

Concerns were raised that the TPPs did not adequately acknowledge the strategic importance and the need for the protection of the State's rail network. Although the Ports and Strategic Transport Networks section of the Physical Infrastructure TPP refers in general terms to 'key freight networks', 'freight systems' and 'freight networks' that collectively address various modes of transport, including rail, it was accepted that there was a need to strengthen the policy response to protect existing or future rail operations explicitly.

The following strategy has been added to the Ports and Strategic Transport Networks section, and reflected with modifications made to the objective, including:

*Support the operational rail network by:*

- a) *recognising that it is an important strategic infrastructure asset for the distribution of freight; and*
- b) *protecting its safety, efficiency and operability by:*
  - i. *applying appropriate measures to prevent the encroachment of incompatible use and development;*
  - ii. *recognising that land within the defined rail corridor is for the exclusive purpose of supporting safe and efficient rail operations and activities: and*
  - iii. *considering the compatibility of the range of allowable uses when designating surrounding land for particular purposes.*



### **Issue**

- *That the TPPs unreasonably restrict the growth of rural residential land use and development.*

A number of planning authorities did not support the draft TPPs position on rural residential land use.

The TPPs acknowledge that rural residential land use contributes to the choice of housing options for Tasmania and on that basis allows for restricted growth to occur. The reason for this restriction is because allowing greater growth of this land use to occur sets up conflicts with the TPPs that are trying to achieve other objectives, such as;

- protecting agricultural land and environmental values;
- consolidating settlements and making efficient use of land; and
- promoting the efficient delivery of physical infrastructure.

The balanced policy position expressed through the TPPs accurately reflects the State's interest in response to rural residential land use.

### **Issue**

- *That the draft TPPs lack strategies to guide growth in smaller settlements.*

The draft TPPs prioritise growth in settlements that are within the higher tiers of the settlement hierarchy (as determined through the RLUS), that are well serviced by physical and social infrastructure and that can provide employment opportunities.

The draft TPPs do not provide a policy setting for every situation. They provide guidance where it is needed most and do not replace the need to undertake local strategic planning. Smaller settlements that are not under as much development pressure should be guided by local growth strategies.

### **Issue**

- *That the draft TPPs do not contain a framework for developer contributions to help fund the provision of physical infrastructure.*

The draft TPPs make a single reference to developer contributions in section 5.1.3 under the sub-heading of Provision of Services at strategy 5 stating:

*'facilitate developer contributions to service new use and development to be transparent, fair and reasonable, providing for equity between users'*

This strategy is very broad and only applies to the provision of services such as reticulated water, sewerage and stormwater. Because much of the provision of infrastructure is addressed under different legislation there is no framework for developer contributions included within the TPPs. At this stage, developer contributions are considered a civil matter that is dealt with between the developer, planning authorities and the relevant service provider or road authority.

The issues discussed above represent the more commonly raised concerns. Appendix A provides a summary of other issues raised relating to the policy content of the TPPs and a response to them.





## 4.4 Competing policy interests

Concerns were raised regarding how competing or conflicting policy interests would be interpreted and applied through the TPS and RLUSs.

While attempts have been made to limit the potential for competing strategies, the Supporting Report's Implementation Section acknowledges that there may be situations where competing interests might be expressed through the TPPs.

Dealing with competing interests is not unusual in land use planning. Planners are often required to weigh up competing demands and justify an appropriate course of action. This is often done through the development appraisal process when applying performance criteria to a development application or applying the State Policies and RLUS to a draft LPS. The TPPs are to be applied similarly where planning policy and assessment relies upon balance and judgement, with relevant strategies being considered and influenced by local or regional circumstances, contemporary knowledge and best practice planning methodology.

The policies in the draft TPPs are not expressed in absolute terms. They have mostly been drafted so that the policy content can be delivered in multiple ways, allowing for consideration and the weighing up of competing interests. The way the TPPs will be applied will vary between, and within, sites, local areas and regions, and will depend on environmental, economic, cultural and social factors.

To address the issue of competing interests raised in the submissions, the (now) 'General Application' section outlines some principles for the application of the TPPs. One of these principles relate to competing interests and states:

*Where the application of relevant strategies to a particular matter causes competing interests to be met, resolution should be based on balanced consideration and judgement derived from evidence, having regard to:*

- a) the overall purpose of the TPPs;*
- b) an understanding of the overall combination of interests expressed through the TPPs;*
- c) the objective of strategies that are subject to competing interests;*
- d) alternate ways to achieve strategies that are subject to competing interests;*
- e) any relevant and applicable regional or local planning policies;*
- f) any characteristics of the land, subject to the competing policy interests, that may influence how the competing interests can be resolved or managed;*
- g) consideration of the regional and local context and how competing interests can be appropriately integrated at the regional, local or site specific level; and*
- h) the purpose of the applicable planning instrument.*

It is impossible to predict and react to the range of potential conflicting strategies that may have to be addressed when the TPPs are being applied. The Act provides for a 5 yearly review cycle of the TPPs and an amendment process to address issues that might arise once the TPPs became operational.



## 4.5 Implementation

Many of the submissions, especially those from planning authorities, raised concerns regarding how the TPPs are intended to be implemented into the RLUS and TPS. An 'Implementation' section (now referred to as 'General Application' in the modified draft TPPs) was provided after the Foreword in the draft TPPs which specifies in broad terms how the TPPs are to be implemented.

In response to the issues raised, the General Application section has been redrafted to assist greater clarity and certainty regarding the application of the TPPs. In doing so the section provides clear direction on what parts of the TPPs are operational, directions as to the manner of application to RLUSs, SPPs and LPSs and directions that apply specifically to LPSs.

The draft TPPs included a section titled 'Implementation guidelines' that was situated under each policy with the intention of providing specific implementation guidelines for the particular policy. The draft TPPs populated this section on one occasion, under the Growth policy, which essentially reiterated the proceeding strategies to guide how elements of the Growth policy might be implemented in to the RLUSs.

Although the initial intention was to provide specific implementation guidelines, as drafting of the policies commenced the strategies were considered to incorporate sufficient detail to guide how they might be implemented into the various planning instruments. The reason for not specifying 'Implementation guidelines' is because there is no single way that a strategy is intended to apply. The State's interest is more concerned about achieving the policy outcome rather than specifying how it is to be achieved, which varies based on:

- the purpose of the planning instrument that the strategy is being applied through;
- the characteristics of the site, area or region that the strategy is being applied to;
- how the consideration of some strategies might influence the outcome of another; and
- how local or regional policies might influence the outcome of a TPP strategy.

Similarly to the application of State Policies and the regional policies expressed through the RLUSs, it is up to the user to identify the relevant TPP strategies, determine the most appropriate way to balance the interests expressed in them and how best to deliver those interests in the relevant planning instrument.

These points have been reworked and form the basis of some of the application principles in the 'General Application' section to address the issues raised in the submissions.

As part of the TPC's consideration of the draft TPPs the Act requires that it:

- (a) *must consider whether it is satisfied that the draft TPPs meets the TPP criteria; and*
- (b) *is to consider whether there are any matters of a technical nature, or that may be relevant, in relation to the application of the TPPs to –*
  - i. the Tasmanian Planning Scheme; or*
  - ii. each regional land use strategy.....*

The TPC is therefore directed to turn its attention to the application of the TPPs and address any matters relating to this in its review and assessment of the TPPs.



### **Issue**

- Concern regarding how the TPC will interpret and apply the TPPs in their decision making processes.

The TPC must be guided by the provisions of the Act in its application of the TPPs as it does with other legislative requirements such as State Policies and the Objectives of LUPAA. The TPPs have been drafted to provide as much detail as possible to guide application without limiting the capacity to address each situation on a case-by-case basis. The TPC is the pre-eminent independent decision maker within the planning system and the hearing process of the formal assessment of the draft TPPs will provide an opportunity to explore this matter with that body.

## **4.6 Monitoring and review**

There were also issues raised that the draft TPPs do not set any agreed targets through which the success of the strategies can be measured. There are no adequate quantitative benchmarks to use that would accurately reflect the policy outcomes expressed through the TPPs.

The Act requires a 5 yearly review of the TPPs and their implementation. It is anticipated that the effectiveness of the TPPs will be monitored, and responded to, through this review process.

## **4.7 Outside the scope of the TPPs**

Many of the issues that were raised related to matters that are outside the scope of the TPPs. Where such matters related to other projects, such as the review of the SPPs or developing a regional planning framework, the submissions were forwarded to the relevant project. Information about these projects and how to be involved is available at <https://planningreform.tas.gov.au/reform>.

Submissions were received suggesting that the TPPs would be better delivered as a State Policy made through the *State Policies and Projects Act 1993*. This is outside the scope of the legislative framework for the TPPs.

Other issues raised were requesting the TPPs to deliver specific outcomes that would ordinarily be required through a planning scheme. Many of these submissions were wanting the strategies to deliver a level of detail that is not appropriate through the TPPs.

Submissions received during the Scoping Consultation suggested that the TPP topics and issues align with the United Nations Sustainable Development Goals<sup>2</sup> (UNSDG).

While the Report on the Scoping Consultation entertained the proposition of aligning the TPPs with the UNSDGs in a supporting report, as drafting of the TPPs commenced the relevance and usefulness of this proposition weakened. The Premier's Economic and Social Recovery Advisory Council (PESRAC) recommended the State Government develop a

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<sup>2</sup> <https://sdgs.un.org/goals>



Sustainability Strategy that 'should be focused on Tasmanian priorities but be aligned with the UNSDG'<sup>3</sup>. This is a separate project to the TPPs.

## 5. Summary of other revisions

In addition to the modifications discussed above, consideration of the submissions received has also resulted in the following revisions being made to the draft TPPs:

- Editing to address errors and anomalies;
- Modification to ensure use of consistent terminology;
- Additional definitions to aid interpretation;
- Clarification of strategies where the drafting or intent was not clear;
- Additional considerations to deliver the policy intent of some strategies;
- Additional explanation in parts of the Principles and Policy Context sections;
- Additional strategy relating to the provision of housing to accommodate employees that support essential social infrastructure and tourism in remote areas;
- Removing certain strategies that set up a potential for conflicting interests;
- Rearranging the sequence of some strategies to follow a more logical progression; and
- Reference to 'Consultation' in the Planning Processes TPP modified to 'Public Engagement'

## 6. Next steps

The SPO has prepared a set of modified draft TPPs based on the outcomes of this consultation process. A copy of this report and the modified draft TPPs, including a supporting Background Report, will be forwarded to the Minister, seeking their approval. Once the Minister approves the modified draft TPPs he will, in accordance with section 12C(3) of the Act, by notice to the TPC, provide a copy of the modified draft TPPs to the TPC and direct it to undertake public exhibition in relation to the modified draft TPPs.

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<sup>3</sup> [https://www.pesrac.tas.gov.au/\\_data/assets/pdf\\_file/0009/283194/Final\\_Report\\_-\\_Recommendation\\_List.pdf](https://www.pesrac.tas.gov.au/_data/assets/pdf_file/0009/283194/Final_Report_-_Recommendation_List.pdf)



## APPENDIX I– Summary of issues raised and responses to submissions





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