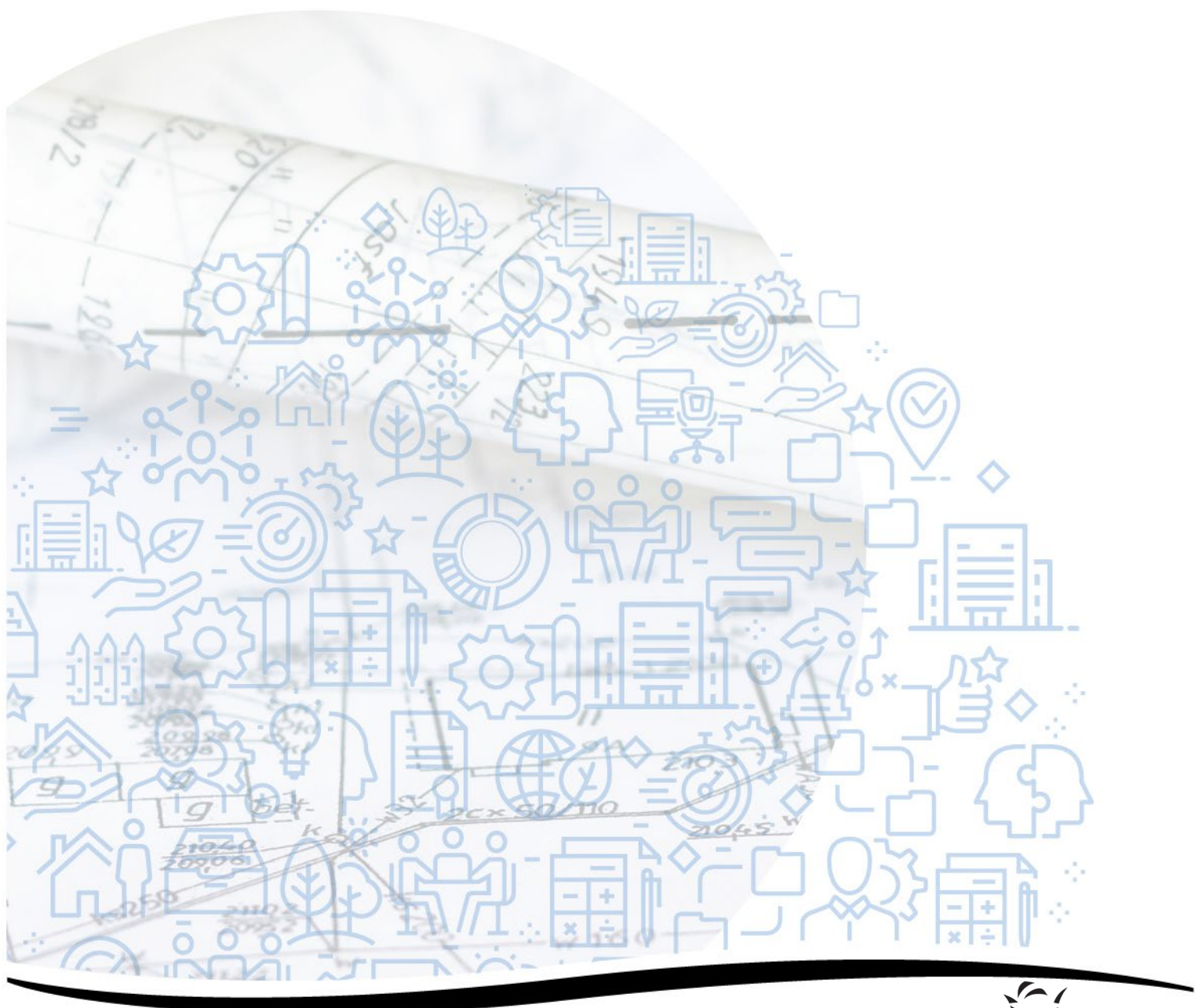


Draft Tasmanian Planning Policies

State Planning Office opinion of
compliance with TPP criteria



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1.0 Introduction

This document provides a statement of opinion by the Department of Premier and Cabinet's State Planning Office (SPO) about the compliance of the Draft Tasmanian Planning Policies (TPPs) with the TPP Criteria set out in s.12B(4) of the *Land Use Planning and Approvals Act 1993* (the Act). The Minister for Planning must be satisfied that the TPP Criteria are met before making (approving) the TPPs.

This Statement is provided to complement the Background Report (the report) that has been prepared by the SPO to accompany the draft TPPs. This Statement will form the basis of a submission to the Tasmanian Planning Commission (the Commission) for its consideration of the draft TPPs in accordance with the Act.

The Commission, through its consideration of the draft TPPs, will provide advice to the Minister as to whether they meet the TPP Criteria. The Minister must consider the Commission's advice before determining whether to make the TPPs. Consequently this Statement is not to be read as the final advice to the Minister regarding meeting the TPP criteria.

2.0 TPP Criteria

The TPP criteria refers to section 12B(4) of the Act which states:

The TPPs must –

- (a) seek to further the objectives set out in Schedule 1; and*
- (b) be consistent with any relevant State Policy.*

The following sets out the opinion of the State Planning Office as to how the draft TPPs are considered to comply with the TPP criteria.

2.1 Schedule 1 Objectives

The TPPs are required to further the Schedule 1 Objectives of the Act. The SPOs response in relation to how the TPPs are considered to further each objective is provided below.

Part 1 Objectives

- a) to promote the sustainable development¹ of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

¹ In clause 1(a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

- a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

The policies within the Environmental Values TPP seek to identify and protect environmental values, supporting the maintenance of ecological processes and genetic diversity consistent with the objective.

b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

The TPPs provide for a consistent set of planning policies to be applied and achieved through the TPS and the RLUSs providing for the fair, orderly and sustainable use and development of land consistent with this objective.

c) to encourage public involvement in resource management and planning; and

Public involvement in the development of the draft TPPs has taken place in accordance with section 12C of the Act. In addition, the draft TPPs will be exhibited as part of the Tasmanian Planning Commission's assessment.

The draft TPPs encourage public involvement in the planning system by including specific strategies within the draft Planning Processes TPP under the subheading of Public Engagement that furthers the objective.

d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

The draft TPPs provide a planning policy framework that facilitates greater consistency and certainty in land use planning to support economic development across the State.

The draft Sustainable Economic Development TPP includes specific policies relating to various industry sectors that, when applied in conjunction with the rest of the draft TPPs, facilitates economic development in accordance with objectives (a), (b) and (c) above.

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.

The draft TPPs represent State interests into the planning system to complement a statutory planning process that is primarily managed by local government. The draft TPPs also respond to issues raised by the community, industry and different spheres of government, as demonstrated in the Background Report on s12C(2) Consultation, promoting the sharing of responsibility for resource management and planning consistent with the objective.

Part 2 Objectives

(a) to require sound strategic planning and co-ordinated action by State and local government; and

The draft TPPs establish high level planning policies that are to be delivered through the RLUS and TPS, promoting sound strategic planning and co-ordinated action by State and local government consistent with this objective.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and



The draft TPPs are a planning instrument that set the planning policies to be achieved and applied through the RLUSs and TPS to inform land use and development consistent with the objective.

- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*

The draft TPPs provide for the explicit consideration of environmental, social and economic effects relating to land use.

- (d) 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; and*

The suite of draft TPPs include social, environmental, economic, conservation and resource management policies that are required by the Act to be integrated in to the RLUSs and TPS both of which have collective input from State, regional and municipal levels. As an expression of State agency interests, they are informed by and considered consistent with other policies at the State level.

- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*

While the draft TPPs do not relate specifically to planning approvals, they will provide a consistent policy setting for the provisions in the TPS, RLUSs and major projects that will support the consolidation of planning approvals consistent with this objective.

- (f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and*

The draft Settlement TPP includes a subheading that addresses 'Liveability'. The objective of the Liveability policy is "to improve the liveability of settlements by promoting a pattern of development that improves access to housing, education, employment, recreation, nature, health and other services that support the wellbeing of the community". The policy is supported by a number of strategies that seek to deliver the objective and in doing so furthers the health and wellbeing of all Tasmanians and visitors consistent with the objective in the Act.

- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

The draft TPPs includes the draft Cultural Heritage TPP that seeks to conserve places, buildings, precincts and landscapes that are of significant cultural heritage. In addition, places of aesthetic and scientific value are identified and conserved through the draft Environmental Values TPP. Collectively, the draft TPPs furthers the objective.

- (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*

The draft Physical Infrastructure TPP contains the policies relating to the protection of public infrastructure, including, the provision of services, energy infrastructure, roads, transport modes and ports and strategic networks. The policy content provides for the



orderly provision and coordinated delivery of public infrastructure for the benefit of the community consistent with the objective.

(i) to provide a planning framework which fully considers land capability.

The draft TPPs provide a planning policy framework that considers land capability consistent with the objective and the *State Policy on the Protection of Agricultural Land 2009* (PAL Policy).

2.2 State Policies

2.2.1 *State Policy on the Protection of Agricultural Land 2009*

The objectives of the *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) are:

To enable the sustainable development of agriculture by minimising:

- (a) conflict or interference from other land uses; and*
- (b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.*

The PAL Policy is delivered through 11 principles as stated below. The draft Sustainable Economic Development TPP includes 'Agriculture' as a specific subheading with its own objective and strategies.

The following section sets out the SPOs response for how the draft TPPs are considered to be consistent with the PAL Policy.

- 1. Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development.*

The draft TPPs support this principle through a number of strategies that require the consideration of the impact of non-agricultural use and development, with the intention of protecting agricultural land.

- 2. Use or development of prime agricultural land should not result in unnecessary conversion to non-agricultural use or agricultural use not dependent on the soil as the growth medium.*

The draft TPPs include strategies to identify and rank the agricultural capability of land, with land containing significant agricultural capabilities being afforded higher protection consistent with this principle.

- 3. Use or development, other than residential, of prime agricultural land that is directly associated with, and a subservient part of, an agricultural use of that land is consistent with this Policy.*

Strategy 7 of clause 4.1.3 protects agricultural land by avoiding the permanent conversion of agricultural land to non-agricultural land uses with a few exceptions, one of which is 'the conversion contributes to the viability of the agricultural use on the site, local area or region' consistent with this principle.



Strategy 3 also allows for ‘compatible land uses to operate on agricultural land, where they do not cause unreasonable fettering or fragmentation and minimise the sterilisation of agricultural land’.

The strategies support Principle 3 of the PAL policy by allowing the consideration of the conversion to non-agricultural uses that contribute to the viability of agricultural uses while not causing fettering, land use conflict or the sterilisation of agricultural land.

4. *The development of utilities, extractive industries and controlled environment agriculture on prime agricultural land may be allowed, having regard to criteria, including the following:*

(a) minimising the amount of land alienated;

(b) minimising negative impacts on the surrounding environment; and

(c) ensuring the particular location is reasonably required for operational efficiency.

Strategy 3 of 4.1.3 allows compatible uses to operate on agricultural land where they do not cause unreasonable fettering or fragmentation and minimises the sterilisation of agricultural land. The impacts on the surrounding environment and locational considerations are delivered through a combination of strategies in the extractive industries policy, Physical Infrastructure TPP and Environmental Values TPP.

5. *Residential use of agricultural land is consistent with this Policy where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.*

The draft TPPs support this Principle through Strategy 9 of clause 4.1.3 which “allow residential use where it is part of, or supports, an agricultural use, such as workers’ accommodation, where it does not unreasonably fetter, fragment or convert agricultural land uses”.

6. *Proposals of significant benefit to a region that may cause prime agricultural land to be converted to non-agricultural use or agricultural use not dependent on the soil as a growth medium, and which are not covered by Principles 3, 4 or 5, will need to demonstrate significant benefits to the region based on an assessment of the social, environmental and economic costs and benefits.*

This is a specific Principle that will be delivered on a case-by-case basis at a regional level.

7. *The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.*

The policy considerations regarding the conversion of non-prime agricultural land to non-agricultural uses are provided in the draft TPPs. Further consideration can be developed through the RLUS and local plans based on regional and local circumstances.



8. *Provision must be made for the appropriate protection of agricultural land within irrigation districts proclaimed under Part 9 of the Water Management Act 1999 and may be made for the protection of other areas that may benefit from broad-scale irrigation development.*

Agricultural land within irrigation districts is protected from fettering, fragmentation or conversion to non-agricultural uses through strategy 4 of clause 4.1.3.

9. *Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium, except as prescribed in Principles 10 and 11.*

While the draft TPPs do not contain the level of detail to prescribe specific planning scheme provisions, there is nothing in the TPPs that would suggest the prohibition or requirement for a discretionary permit for an agricultural use consistent with Principle 9 of the PAL Policy.

10. *New plantation forestry must not be established on prime agricultural land unless a planning scheme reviewed in accordance with this Policy provides otherwise. Planning scheme provisions must take into account the operational practicalities of plantation management, the size of the areas of prime agricultural land, their location in relation to areas of non-prime agricultural land and existing plantation forestry, and any comprehensive management plans for the land.*

Principle 10 is a self-executing principle relating to a specific agricultural use that can be applied and delivered outside the draft TPPs. The SPPs (Agriculture Zone provisions) have already been drafted to be consistent with this requirement of the PAL Policy.

11. *Planning schemes may require a discretionary permit for plantation forestry where it is necessary to protect, maintain and develop existing agricultural uses that are the recognised fundamental and critical components of the economy of the entire municipal area, and are essential to maintaining the sustainability of that economy.*

Similarly to Principle 10, Principle 11 is self-executing and relates to a specific set of circumstances to be delivered. The SPPs (Agriculture Zone provisions) have already been drafted to be consistent with this requirement of the PAL Policy.

2.2.2 State Coastal Policy 1996

The *State Coastal Policy 1996* (Coastal Policy) is delivered through a number of outcomes that are expressed under three principles. The following table lists the outcomes that are relevant to the draft TPPs and provides the SPOs response to demonstrate consistency with the policy.



Table 5. Draft TPP response to Coastal Policy.

Ref	Coastal Policy Outcome	Draft TPP response
I. Protection of Natural and Cultural Values of the Coastal Zone.		
I.1 Natural Resources and Ecosystems		
I.1.1.	The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.	Outcome supported by the Environmental Values TPP.
I.1.2.	The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.	Outcome supported by the Environmental Values TPP.
I.1.3.	The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.	Where relevant to the Act, the outcome is supported by the Environmental Values TPP.
I.1.4.	Exotic weeds within the coastal zone will be managed and controlled, where possible, and the use of native flora encouraged.	Strategy 7 of clause 2.1.3 refers to land use planning minimising the spread of and impact of environmental weeds.
I.1.5.	Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.	The protection of water quality is addressed under the Waterways, Wetlands and Estuaries subheading of the Environmental Values TPP.
I.1.6.	Appropriate monitoring programs and environmental studies will be conducted to improve knowledge, ensure guidelines and standards are met, deal with contaminants or introduced species and generally ensure sustainability of coastal ecosystems and processes and ensure that human health is not threatened.	Not a land use planning issue.
I.1.7.	Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified and protected as appropriate.	Biodiversity, geodiversity and landscape values are identified and protected through the Environmental Values TPP consistent with this outcome.

1.1.8.	An effective system of marine reserves will continue to be established to protect marine ecosystems and fish nursery areas.	Marine reserves are not addressed by the Act.
1.1.9	Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised.	Outcome supported by the Waterways, Wetland and Estuaries subheading in the Environmental Values TPP.
1.1.10	The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.	The TPPs provide a policy framework that allows planning controls consistent with this outcome.
1.1.11	Fire management, for whatever purpose, shall be carried out in a manner which will maintain ecological processes, geomorphological processes and genetic diversity of the natural resources located within the coastal zone.	The TPPs require consideration of environmental values when designating land for purposes that required fire management to be carried out on land consistent with this outcome.
1.2 Cultural Historic Resources		
1.2.1	Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.	Outcome supported by the Aboriginal Cultural Heritage policy of the Cultural Heritage TPP.
1.2.2	All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.	Outcome supported by the relevant strategies in the Cultural Heritage TPP.
1.3 Cultural Heritage		
1.3.1	Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.	Outcome supported by the Cultural Heritage TPP.



1.4 Coastal Hazards		
1.4.1	Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.	Outcome supported by the Coastal policies in the Environmental Hazards TPP.
1.4.2	Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.	Outcome supported by the Environmental Values TPP under the 'Coasts' subheading.
1.4.3	Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone.	Outcome supported by the Coastal subheading of the Environmental Hazards TPP.
2. Sustainable Development of Coastal Areas and Resources		
2.1. Coastal Uses and Development		
2.1.1.	The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.	Outcome supported by the TPPs.
2.1.2	Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.	Not relevant as the outcome is outside the scope of TPPs.
2.1.3	Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.	Outcome supported by the TPPs.
2.1.4.	Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, marine farming development plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.	Outcome is outside the scope of the TPPs.

2.1.5	The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.	Precautionary principle expressed through strategy 1 of clause 7.2.3. General outcome is supported by the TPPs.
2.1.6	In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.	The TPPs are not applied to decisions made on development application. The policy intent of the outcome is supported by the TPPs.
2.1.7	New industrial developments will be encouraged to locate in specified industrial zones.	Outcome supported by the TPPs.
2.1.8	Extraction of construction materials, mineral, oil, and natural gas deposits in the coastal zone will be allowed provided access to areas is allowed under the provisions of the Mining Act 1929.	Outcome supported by the TPPs.
2.1.9	Exploration will be conducted in accordance with environmental standards under relevant legislation and the Mineral Exploration Code of Practice. Adequate rehabilitation shall be carried out.	Outcome is outside the scope of TPPs.
2.1.10	Extraction will be subject to the Quarry Code of Practice and environmental assessment as required by State legislation including the Environmental Management and Pollution Control Act 1994. Adequate rehabilitation shall be carried out.	Outcome is outside the scope of TPPs.
2.1.11	Extraction of sand will be provided for by zoning of appropriate areas in planning schemes.	The TPPs do not influence this outcome as it is too specific and is provided for through the TPS.
2.1.12	Timber harvesting and reforestation in the coastal zone will be conducted in accordance with the Forest Practices Code and have regard to this Policy.	Outcome is outside the scope of the Act.
2.1.13	Whole farm planning and sustainable farming activities will be encouraged on agricultural land in the coastal zone and in coastal catchments in order to minimise problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters.	Requirement for whole farm planning and sustainable farming activities as provided by this outcome is outside the scope of the TPPs.



2.1.14	Management arrangements for commercial and recreational fisheries will be further developed in accordance with the objectives, principles and outcomes of this Policy, through a management planning framework designed to maintain sustainability and diversity of fish resources and their habitats and I I promote economic efficiency under the Living Marine Resources Management Act 1995.	Outcome is outside the scope of the Act.
2.1.15	Harvesting of marine plants shall be conducted in a sustainable manner in accordance with relevant State legislation and this Policy.	Outcome is outside the scope of the Act.
2.1.16	Water quality in the coastal zone and in ground water aquifers will accord with the requirements and guidelines established by the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any other relevant State and Commonwealth Policies and statutes.	Water quality strategies are included in the TPPs. Guidelines that sit outside of the Act, as referred to in this outcome, is outside the scope of the TPPs.
2.1.17	Waste discharge into the coastal zone, including offshore waters, or likely to affect groundwater aquifers, must comply with provisions of the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any relevant State and Commonwealth Policies.	Water quality strategies are included in the TPPs. Guidelines that sit outside of the Act, as referred to in this outcome, is outside the scope of the TPPs.
2.1.18	Where oil pollution occurs in the coastal zone, and, or, offshore areas, the National Plan to combat Pollution of the Sea by Oil, Tasmanian Supplement, will apply. Efforts to prevent or mitigate maritime accidents and pollution shall be based upon relevant ANZECC and other guidelines.	Outcome refers to matters that are outside the scope of the TPPs.
2.1.19	Every effort will be made to prevent the introduction of foreign marine organisms and species. Relevant Commonwealth provisions for quarantine and ballast water or other ship discharges shall apply.	Outcome refers to matters that are outside the scope of the TPPs.
<p>2.2 Marine Farming – While the outcomes relating to marine farming are outside the scope of the Act, the draft TPPs indirectly consider where they are located and try to avoid locating surrounding land use and development that may cause conflict.</p> <p>2.3 Tourism</p>		



2.3.1	Tourism use and development in the coastal zone, including visitor accommodation and other facilities, will be directed to suitable locations based on the objectives, principles and outcomes of this Policy and subject to planning controls.	Outcome is supported by the TPPs including specific reference to Tourism use and development in the Sustainable Economic Development TPP.
2.3.2	Tourism development proposals in the coastal zone will be subject to environmental impact assessment as required by State legislation including a water safety assessment to indicate the level and type of lifesaving facilities and personnel required to protect people.	Outcome is outside the scope of the TPPs.
2.3.3.	Opportunities for tourism development will be identified wherever strategic planning occurs for the coastal zone or any part of it.	Outcome is supported by the TPPs including specific reference to Tourism use and development in the Sustainable Economic Development TPP.
2.3.4	Tourism development will be located where there is environmental capacity and where it does not significantly conflict with the natural and aesthetic qualities of the coastal zone.	Outcome is supported by the TPPs including specific reference to Tourism use and development in the Sustainable Economic Development TPP.
2.4 Urban and residential development		
2.4.1	Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.	Outcome is supported through the Settlement and Environmental Values TPPs.
2.4.2	Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.	Outcome is supported by the strategies that relate specifically to coastal settlements within the Settlement TPP.
2.4.3	Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.	Outcome is supported by the Settlement TPP.



2.5 Transport		
2.5.1	All transport infrastructure and associated services will be planned, developed and maintained consistent with the State Coastal Policy.	Outcome is supported by the TPPs.
2.5.2	Significant scenic coastal transport routes and associated facilities will be identified, planned and managed to ensure sustainable benefits for tourism and recreation value and amenity.	Landscape values are identified and protected through the Environmental Values TPP.
2.5.3	New coast hugging roads will be avoided where possible with vehicular access to the coast being provided by spur roads planned, developed and maintained consistent with the State Coastal Policy.	Outcome is not explicitly addressed in the TPPs. Strategy 9 of clause 5.3.3 requires new roads to consider environmental, heritage and social impacts.
2.5.4	Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.	Marine structures are not explicitly addressed in the TPPs.
2.5.5	The multiple use of port areas will be encouraged but priority will be given to efficient port operations and safety requirements subject to cultural, natural and aesthetic values not being compromised.	Compatible use and development of port areas are promoted by strategy 2 of clause 5.5.3. consistent with this outcome.
2.6 Public Access and Safety		
2.6.1	The public's common right of access to and along the coast, from both land and water, will be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements.	The public's common right of access to the coast is outside the scope of the TPPs.
2.6.2	Public access to and along the coast will be directed to identified access points. Uncontrolled access which has the potential to cause significant damage to the fragile coastal environment and is inconsistent with this Policy will be prevented.	Public access is not explicitly addressed in the TPPs however, use and development (including paths), that promotes the maintenance of biodiversity, ecosystem processes and ecosystem services of coastal land and coastal resources is supported.

2.6.3	Agreements between landowners, landholders and councils or State Government to grant public access to the coast, and Aborigines access to Aboriginal sites and relics in the coastal zone over private and public land will be encouraged and shall be considered when preparing plans or approving development proposals.	Outcome is outside the scope of the TPPs.
2.6.4	Public facilities such as life saving facilities and essential emergency services, parking facilities, toilet blocks, picnic sites, rubbish disposal containers, boat ramps and jetties will be provided at appropriate locations consistent with the objectives, principles and outcomes of this Policy to facilitate access to and enjoyment of the recreational amenity of the coast and estuarine foreshores.	While not explicitly addressed within the coastal zone, the TPPs include a range of strategies that support the provision of urban furniture, recreational facilities and public amenities that support the wellbeing of the community consistent with this outcome.
2.6.5	Councils will ensure that there will be a coastal safety assessment for any new coastal development likely to attract people to the coast to indicate the level and type of lifesaving facilities and personnel required.	Outcome is outside the scope of the TPPs.
2.6.6	Developer contributions will be encouraged in respect to the costs of providing public access and safety services for the community.	Not explicitly addressed in the TPPs.
2.7 Public land		
2.7.1	All future use and development of public land in the coastal zone will be consistent with this Policy, and subject to planning controls unless otherwise provided by statute.	The TPPs relate to public and private land. The outcome is supported by the TPPs.
2.7.2	Future development of camping areas on public land in the coastal zone will only be permitted where such development does not conflict with the protection of natural features and cultural values, but not within 30 metres above high water mark.	Use and development of public land for campgrounds is not explicitly addressed by the TPPs
2.7.3	Expansion of shack sites on public land in the coastal zone will not be permitted.	Outcome is outside the scope of the TPPs.
2.7.4	Shacks currently located on public land in the coastal zone will continue to be subject to review under the Shack Site Categorisation Program of the Tasmanian Property Services Group.	Outcome is outside the scope of the TPPs.



2.8 Recreation		
2.8.1	Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.	Outcome is supported by the TPPs.
2.8.2	Suitable recreation opportunities will be identified through strategic planning and may be provided in appropriate locations where they do not adversely affect sensitive coastal ecosystems and landforms or in designated areas where such effects can be remedied or mitigated.	Outcome is supported by the TPPs.
2.8.3	Special recreational vehicle areas may be established as an environmental protection measure and as a means of limiting unauthorised motor vehicle activity in environmentally sensitive areas.	Outcome is not explicitly addressed in the TPPs.
3. Shared Responsibility for Integrated Management of Coastal Areas and Resources		
3.1 Shared responsibility for management		
3.1.1	Provision will be made for consistency in policy interpretation and implementation by all spheres of government throughout Tasmania, including consistency in changes to planning schemes affected by this Policy.	The TPPs will assist to provide consistency in policy interpretation and implementation consistent with this outcome.
3.1.2	Coastal management should be considered as an integral component of regional planning undertaken in the State.	The TPPs include policies that further coastal management, consistent with the <i>State Coastal Policy 1996</i> , and are required by the Act to be delivered through RLUSs.
3.1.3	Provision shall be made for effective coordination of the activities of governments, industry and local communities in interpreting and implementing the State Coastal Policy.	The TPPs are required to be consistent with the <i>State Coastal Policy 1996</i> and not the coordination of the interpretation and implementation of the Policy. The outcome is therefore outside the scope of the TPPs.
3.1.4	Provision for effective and greater involvement of Aboriginal people in areas of particular interest to Aboriginal people will be made as part of community participation processes.	Outcome is supported through the Aboriginal Cultural Heritage policy of the Cultural Heritage TPP.

3.1.5	Planning authorities, the Land Use Planning Review Panel and the Marine Farming Planning Review Panel will use their best endeavours to function in a coordinated and collaborative manner to effectively and efficiently implement the State Coastal Policy.	Outcome is outside the scope of the TPPs.
3.1.6	Councils will prepare strategic and operational plans for their municipal areas having regard to the principles, objectives and outcomes of this Policy and will be encouraged to function in a coordinated and collaborative manner with adjacent councils and other planning authorities.	Outcome is outside the scope of the TPPs.
3.1.7	State government agencies and planning authorities will participate with other State, Territory and Commonwealth agencies in relevant forums to foster a national approach to coastal zone management.	Outcome is outside the scope of the TPPs.
3.2 Institutional arrangements - outcomes are outside the scope of the TPPs.		
3.3 Public participation and information		
3.3.1	Public awareness of coastal issues and community participation in managing the coastal zone will be encouraged and facilitated, including networking between community groups working in the coastal zone.	Public participation in planning is encouraged through the Planning Processes TPP consistent with this outcome.
3.3.2	Advice and information will be provided to coastal community groups through councils and State Government agencies responsible for coastal planning and management on the implementation and interpretation of the State Coastal Policy, on government assistance programs or other matters relevant to the coastal zone.	Outcome is outside the scope of the TPPs.
3.3.3	Community projects and action which benefit the coastal zone and are consistent with this Policy will be encouraged and assisted through the Coastal and Marine Program of the Department of Environment and Land Management or other relevant government programs.	Outcome is outside the scope of the TPPs.
3.3.4	Communities will be given the opportunity to make submissions to all plans or policies affecting the coastal zone. Consultative meetings with relevant and interested community groups and individuals in local or regional areas will be held in conjunction with the release of policies and plans wherever possible.	Public participation in planning is encouraged through the Planning Processes TPP consistent with this outcome.

3.3.5	Research into coastal processes and matters related to coastal zone planning and management by government or research institutions will be encouraged and assisted where possible.	Outcome is outside the scope of the TPPs.
4. Implementation, Evaluation and Review – outcomes are outside the scope of the TPPs		

2.2.3 State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* (SPWQM) describes a framework to develop water quality guidelines and water quality objectives.

Division 3 of Part 4 of SPWQM sets out provisions under the title of the Management of Diffuse Sources of Pollution. The SPO considers that the following provisions within that division are considered to be matters more relevant to land use planning. The table below provides the SPO's response to describe where complimentary policies can be delivered through the TPPs:

ref	PROVISION	RESPONSE
3I	Control of erosion and stormwater runoff from land disturbance	The Tasmanian State Stormwater Strategy provides the means to fulfil clause 3I of SPWQM.
3I.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.	<p>Strategy 4 of 2.2.3 states:</p> <p><i>“Use and development, located on land in, or around, waterways, wetlands and estuaries will:</i></p> <ul style="list-style-type: none"> <i>a) minimise the clearance of native vegetation;</i> <i>b) promote the retention and restoration of, and linkages between, terrestrial and aquatic habitats;</i> <i>c) protect the natural form and process of the landform assemblage, including aquatic areas;</i> <i>d) avoid land disturbance or manage soil erosion and changes in sediment loads entering the water caused by land disturbance;</i> <i>e) not significantly change the rate and quantity of stormwater or increase pollutants entering the water; and</i> <i>f) be designed and sited to maintain or enhance significant views and landscape values.”</i>

		This strategy provides the policy setting to implement requirements for use and development to include conditions to manage stormwater consistent with the intent of 31.1 <i>State Policy on Water Quality Management 1997</i> .
31.2	Stormwater management strategies required pursuant to clause 31.1 should address both the construction phase and operational phase of the development of land and have the maintenance of water quality objectives (where these have been defined) as a performance objective.	<p>This principle is supported by Strategy 6 of 2.2.3, that states:</p> <p><i>“Promote the protection of ecological health and environmental values of surface and groundwater to prevent water quality degradation due to construction activities, point source pollution, diffuse land use impacts, or chemical reactions such as acidification.”</i></p>
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.	<p>This is a self-executing principle requiring that planning schemes consider the capability of land when determining the suitability of land use and development to prevent erosion and minimise impacts on water quality. The SPPs have been made on the basis of consistency with this.</p> <p>The principle is also supported by strategies in the Waterways, Wetlands and Estuaries policy that requires avoiding the designation of land in, or around waterways, wetlands and estuaries for use and development that has the potential to cause point source or diffuse pollution and require considerable disturbance of riparian or foreshore vegetation and soil.</p>
32	Agricultural runoff	
32.1	The State Government will facilitate and encourage the development of a code of practice or guidelines to describe best practice environmental management to minimise the impact of stormwater runoff from agricultural land on water quality, and ensure that the farming community has the opportunity to play a key role in the development of such guidelines or codes.	<p>The agricultural runoff clauses in SPWQM refers to the development and implementation of a code of practice or best practice guidelines to minimise the impact of stormwater runoff from agricultural land on water quality.</p> <p>This code of practice or best practice guidelines is yet to be prepared.</p> <p>The TPPs talk in broad terms to address diffuse land use impacts on water quality through strategy 6 of clause 2.2.3.</p>

32.2	Governments and agri-businesses should promote the implementation of best practice environmental management for agricultural activities to minimise impacts on water quality.	As above, this code of practice or best practice guideline is yet to be prepared.
32.3	The managers of agricultural enterprises shall implement the code of practice or guidelines referred to in 32.1 as a means of complying with the <i>Environmental Management and Pollution Control Act 1994</i> . Regulatory authorities should take account of the application of the code when considering enforcement action under that legislation.	As above.
33	Urban Runoff	The Tasmanian State Stormwater Strategy provides the means to fulfil clause 33 of the <i>State Policy on Water Quality Management 1997</i> .
33.1	Regulatory authorities must require that erosion and stormwater controls are specifically addressed at the design phase of proposals for new developments, and ensure that best practice environmental management is implemented at development sites in accordance with clause 31 of this Policy	<p>This is a specific requirement for the consideration of erosions and stormwater controls to be addressed by 'Regulatory Authorities' through the implementation of the State Stormwater Strategy.</p> <p>The principle is supported through the TPPs which promote sustainable design practices, including water sensitive urban design and encouraging the design, siting and construction of buildings to positively contribute to maintaining water quality by promoting best practice stormwater management approaches.</p>
33.2	State and Local Governments should develop and maintain strategies to encourage the community to reduce stormwater pollution at the source.	Delivered through the State Stormwater Strategy.
35	Road construction, maintenance and drainage	
35.1	Road construction and maintenance operations will be carried out in accordance with the guidelines or code of practice developed pursuant to clause 31.3 of this Policy, or	The code of practice referred to under clause 31.3 (as referenced under 35.1.) is the State Stormwater Strategy which explicitly relates to full filling the clauses 31 and 33 of SPWQM.

	employ other measures consistent with best practice environmental management, to prevent erosion and pollution of streams and waterways by runoff from sites of road construction and maintenance.	<p>It is understood that the development and implementation of a code of practice or best practice guidelines to prevent erosion and the pollution of stream and waterways by runoff from sites of road construction and maintenance is yet to be drafted.</p> <p>The TPPs talk in broad terms to address diffuse land use impacts on water quality through strategy 6 of clause 2.2.3.</p>
36	Acid drainage - soils	
36.1	The State Government should ensure that a survey is carried out to identify Tasmanian Soils and surface geology with the potential to give rise to highly acid drainage if disturbed or developed.	Acid soils have been mapped and published on Land information Systems Tasmania.
36.2	Any such area will be subject to appropriate development controls to prevent acid drainage developing to the extent that it may become a threat to water quality objectives in the short or long term.	<p>Strategy 6 of 2.2.3 states:</p> <p>“Promote the protection of the ecological health and environmental values of surface and groundwater to prevent water quality degradation due to construction activities, point source pollution, diffuse land use impacts, or chemical reactions such as acidification.”</p> <p>This strategy provides the policy setting to address clause 36.2 of SPWQM which, together with development standards that can be delivered through a Specific Area Plan, can be applied through TPS.</p>

2.2.4 NEPMs

The *Commonwealth National Environment Protection Council Act 1994*, and complementary State and Territory legislation, allows the National Environment Protection Council to make National Environment Protection Measures. By function of the *State Policies and Projects Act 1993* (SPPA), within Tasmania National Environment Protection Measures are taken to be State Policies.

There are currently seven National Environment Protection Measures: air toxics; ambient air quality; assessment of site contamination; diesel vehicle emissions; movement of controlled waste between States and Territories; National pollutant inventory; and used packaging materials.

The SPO considers that the draft TPPs are consistent with the relevant NEPMs.



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