

Tasmanian Planning Policies

Scoping Paper for draft TPPs

September 2021





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Minister's foreword

Good land use planning articulates a vision for our future: what we want our society, our settlements, our infrastructure and our landscapes to look like, and how we want them to work.

Planning legislation was amended in 2018 to provide for the development of the Tasmanian Planning Policies to set out the first high-level policy framework for the Tasmanian planning system. A set of indicative draft policies was released capturing examples of important issues that planning needed to address, to ensure a sustainable and prosperous future.



It is now time to review those first draft TPPs and their content in light of recent events and to ensure that any other contemporary issues are addressed before the new TPPs are drafted. Climate change, for example, is a complex issue that will have impacts on all aspects of our community, economy and environment. The development of the TPPs provides a unique opportunity to properly integrate the principles of climate change adaptation and mitigation into Tasmania's land use planning system.

COVID-19, settlement and housing are other issues that have come to the forefront of our thinking and planning for Tasmania's future that should be addressed in the TPPs.

The TPPs will shape the future for Tasmania through strategic land use planning. They will also guide the comprehensive review of the 3 regional land use strategies in line with the recommendations from the Premier's Economic and Social Recovery Advisory Council (PESRAC) report released in March 2021.

The TPPs will cover important issues not just for planners and decision makers, but for all Tasmanians. On this basis, we are inviting all Tasmanians to consider the scope of the draft TPPs and think about what other topics and issues should be included. If you think there are other emerging topics and issues we need to capture, we want to hear from you.

I look forward to your ideas.

A handwritten signature in blue ink, appearing to read 'R Jaensch', written in a cursive style.

Roger Jaensch MP
Minister for Local Government and Planning

What are TPPs?

The TPPs will establish high-level strategic policy ambitions and directions on matters of State and community interest. They will provide a way for the Tasmanian Government and community to consider, and set direction on, a broad range of complex and emerging planning issues.

In December 2018, Parliament approved an amendment to the *Land Use Planning and Approvals Act 1993* (LUPAA) to establish the provisions under which the TPPs may be prepared, made, amended, implemented and reviewed. Under those provisions, TPPs may relate to the following:

- 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 a regional land use strategy.

During the public consultation on the amendment to LUPAA, a suite of draft TPPs was developed to show the range of topics and issues the TPPs could address, and how they could potentially be implemented. These draft TPPs are available for viewing at: <https://www.planningreform.tas.gov.au/policies>.

Together, the TPPs will be a well-defined planning framework that delivers economic prosperity, social cohesion and environmental sustainability.

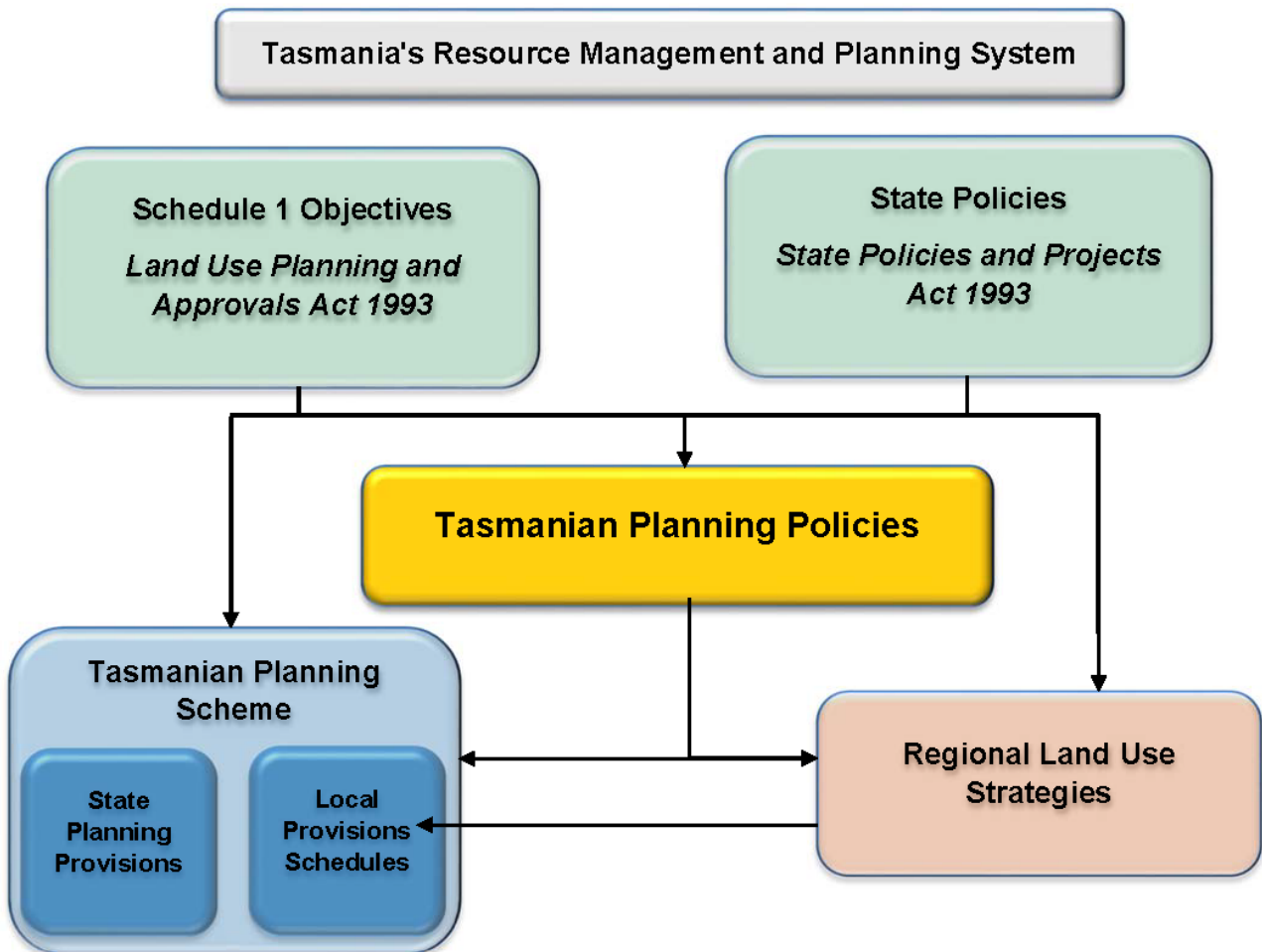
The TPPs will articulate the fundamental vision and principles upon which all planning decisions and future changes in land use will be based.

How the TPPs fit into the planning system

The TPPs will provide the necessary vision, priorities and principles to inform the various statutory land use planning instruments that are given effect under LUPAA.

As shown below, the TPPs are required to be consistent with any State Policies created under the *State Policies and Projects Act 1993* – currently the *State Coastal Policy 1996*, *State Policy on the Protection of Agricultural Land 2009*, *State Policy on Water Quality Management 1997* and the range of National Environmental Protection Measures. However, unlike the broader State Policies, the TPPs will only apply to Tasmania’s land use planning system.

The TPPs must also further the Resource Management and Planning System Objectives, as outlined in Schedule I of LUPAA.

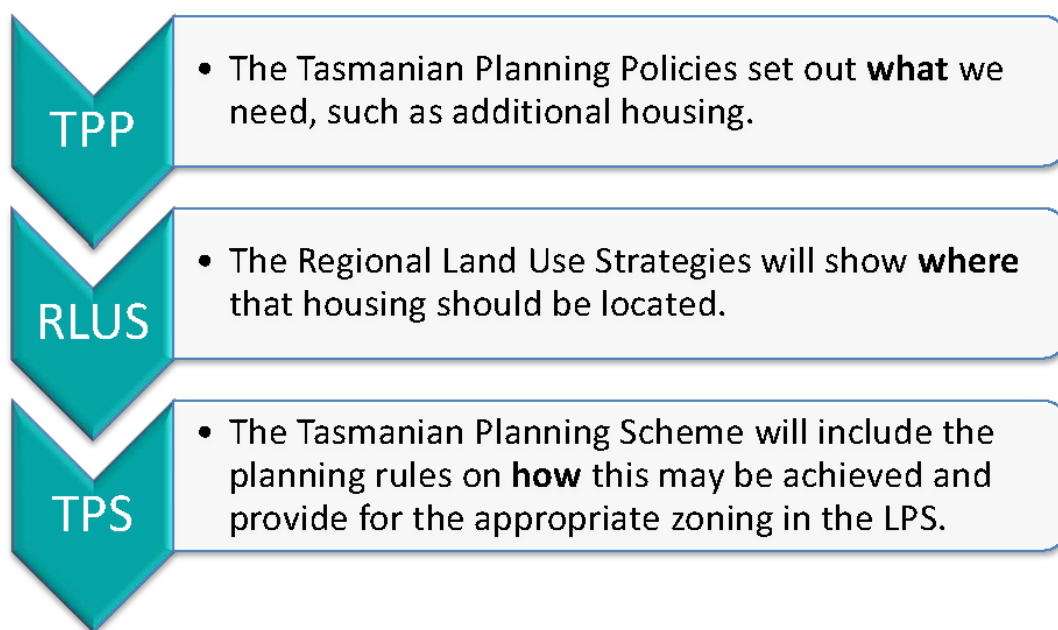


The TPPs will not be used directly in the assessment of individual developments, but will be given effect through our regional land use strategies and the Tasmanian Planning Scheme (TPS).

The TPPs will:

- provide strategic principles to guide the regional objectives and planning directions within the regional land use strategies,
- provide the context for future reviews of the Tasmanian Planning Scheme’s standard planning rules, being the State Planning Provisions (SPPs), and
- guide the spatial application of the SPPs, being the Local Provisions Schedules (LPS).

For example, a TPP on Liveable Settlements might work as follows:



An example of what a TPP might look like

To assist in determining the range of topics and issues that the TPPs should cover, it is important to understand what form they will take and how they will be incorporated into the other parts of the planning system. To achieve this, each TPP should have a clear statement of intent and implementation.

The proposed TPP template includes the following components:

TPP Topic	The name of the particular topic covered by the TPP
Issue	Sets out the particular issue(s) under the TPP Topic
Objective	Describes the broad intent of what the issue aims to address
Strategies	Describes how the objective will be achieved – there may be multiple strategies
Implementation Statements	Describes how each individual strategy will be delivered into the planning system, either through strategic planning such as regional land use strategies, or through statutory planning in the Tasmanian Planning Scheme (State Planning Provisions and Local Provision Schedules)

Appendix I provides an example to illustrate the proposed template and structure of a TPP.

Together, the TPPs will be an integrated suite of land use planning policies and objectives, organised under logical themes: like a book with several chapters, rather than a series of stand-alone documents. They will also include guidance for their implementation into the planning system.

The TPPs will not apply to individual development applications.



What topics should the TPPs cover?

LUPAA describes the minimum content required in order for the TPPs to guide future strategic land use planning through the regional land use strategies and the Tasmanian Planning Scheme.

To further the LUPAA requirements, draft TPPs should be developed for each of the following topics:

TPP Topic	Issues (to be addressed under each TPP Topic)
Environmental Protection	<ul style="list-style-type: none"> • Biodiversity – flora and fauna habitat protection, weed management, fire management • Waterways and wetlands – water quality • Catchment management • Coastal processes and landforms • Applying the precautionary principle
Hazards and risks	<ul style="list-style-type: none"> • Natural hazards – bushfire • Flooding • Landslide • Sea level rise coastal inundation and erosion • Acid sulphate soils • Man-made hazards – emissions, contaminated land, soil quality/risks
Economic Development	<ul style="list-style-type: none"> • Industry and business • Tourism • Agriculture • Mining and minerals • Use and development in the coastal zone
Liveable Settlements	<ul style="list-style-type: none"> • Planned and contained settlements • Pleasant places to live – amenity and avoiding land use conflicts • Integrating land use and transport • Health and wellbeing – recreation and open space opportunities • Community – health services and education
Heritage Protection	<ul style="list-style-type: none"> • Aboriginal heritage • Cultural heritage • Landscape heritage – scenic protection, including tourist routes
Infrastructure to support the economy and create liveable communities	<ul style="list-style-type: none"> • Airports / Sea ports / Railways • Roads, car parking, cycleways and walkways • Public transport • Telecommunications • Electricity and energy • Irrigation, water, sewerage and stormwater • Waste management
Public engagement in planning processes	<ul style="list-style-type: none"> • Consultation • Strategic planning • Ongoing review

Where do Climate Change and COVID-19 fit?

An important issue that the TPPs need to address is climate change. Climate change is one of our greatest challenges and involves many different actions across the issues covered in the TPPs.

[Climate Action 21](#) has set the Tasmanian Government's agenda for action on climate change. It reflects the Tasmanian Government's commitment to addressing the critical issue of climate change and articulates how Tasmania will play its role in the global response.

Tasmania's current [Climate Change Action Plan](#) refers to the following 6 priority areas:

- Understanding Tasmania's future climate
- Advancing our renewable energy capability
- Reducing our transport emissions
- Growing a climate-ready economy
- Building climate resilience
- Supporting community action

In response to COVID-19, the State Government established the Premier's Economic and Social Recovery Advisory Council (PESRAC). The PESRAC report released in March 2021, included a section on environment and sustainability, referring to immediately prioritising the following:

- Decarbonising the economy
- Water resource allocation, security and quality
- Adoption of circular economy principles
- Ensuring a consistent and coordinated government approach to sustainability
- Ensuring decisions account for the interests of future generations

Due to the wide range of issues associated with climate change and COVID-19, it is considered appropriate that climate change adaptation and mitigation principles and the COVID-19 recovery initiatives, be incorporated as issues under the various relevant topics for which TPPs are developed, rather than as stand-alone TPPs for 'climate change' or 'COVID-19 recovery'.

Have Your Say

The Government wants to hear your ideas on the TPPs.

The Government has already identified a number of topics and issues to be addressed by the TPPs and we would like you to review these. We would also like to hear what other topics and issues you think are important to guide planning and land use change across Tasmania into the future.

We invite you to also comment on the proposed structure of the TPPs as described in Appendix I.

We encourage you to read this scoping paper in full before providing your comments as a submission.

To help you respond, we invite you to consider the following questions:

- Do you agree with the scope of proposed TPP topics?
- Do you agree with the scope of the proposed TPP issues?
- What other topics and/or issues do you think the TPPs should cover?
- Do you agree that climate change should be integrated into all relevant TPPs?
- Do you think that the proposed template is appropriate and a useful way of providing guidance on what the TPPs should achieve?

Submissions on the **Tasmanian Planning Policies Scoping Paper** can be made until close of business on **Friday, 22 October 2021** in one of the following ways:

- Online via the Department of Justice website:
<https://www.justice.tas.gov.au/community-consultation>
- Via email to haveyoursay@justice.tas.gov.au
- Via post to: Department of Justice
Office of the Secretary
GPO Box 825
HOBART TAS 7001



Submissions will be treated as public information and will be published on our website at <http://www.justice.tas.gov.au/community-consultation>, unless confidentiality is specifically requested.

No personal information other than an individual's name or the organisation making a submission will be published.

For further information, please contact the Planning Policy Unit via email:

Planning.Unit@justice.tas.gov.au, or read the [Tasmanian Government Public Submissions Policy](#).



Further information

The Planning Policy Unit website contains more information about the process for making the TPPs: <https://www.planningreform.tas.gov.au/policies>

If you would like to discuss the TPP project further, or would like a briefing, please contact the Planning Policy Unit within the Department of Justice at: Planning.Unit@justice.tas.gov.au or by telephoning (03) 6166 1429.

What will happen next?

Once the consultation period has ended, the Department of Justice's Planning Policy Unit will carefully consider all the comments that are received, and incorporate them into a new suite of draft TPPs.

The Tasmanian community will be invited to have their say on the actual content and implementation statements when the new draft TPPs are released for public exhibition.

The independent Tasmanian Planning Commission will exhibit the draft TPPs and review all submissions, and provide a report and recommendation to the Minister for Local Government and Planning.

The TPPs will come into effect when they are finalised and 'made' by the Minister.

After the TPPs have come into effect, the regional land use strategies will be reviewed and revised using the TPPs as a guide. The State Planning Provisions will also be reviewed for consistency with the TPPs. This will ensure that the vision and aspirations of the Tasmanian community are properly reflected in the Tasmanian Planning System.

The TPPs will ensure an integrated approach to the use and development of land, and will provide the principles upon which planning decisions and future land use planning is based.

Appendix I

Example Draft Tasmanian Planning Policy

This example shows how a TPP for one type of natural hazard and a man-made hazard could be implemented into the planning system.

<h3>Tasmanian Planning Policy: Hazards and Risks</h3>	
<p>Issue: Man-made Hazards, Emissions, Contaminated Land, Soil Quality/Risks</p>	
<p>Objective</p> <p>Land use and development is undertaken in a manner that minimises the risks to human health and the environment arising from hazardous uses and harmful or nuisance emissions.</p>	
<p>Strategy</p> <p>Separate new hazardous uses and land uses with the potential to contaminate sites or release harmful or nuisance emissions from sensitive land uses, including by:</p> <ol style="list-style-type: none"> Clustering these uses to reduce their impacts on other uses; Locating these uses adjacent to compatible uses and separate from other uses including sensitive uses; and Supporting the expansion of these uses in areas with appropriate infrastructure to provide for safe handling, safe and efficient access to transport corridors and access for emergency services 	
<p>Implementation into strategic planning</p> <p>RLUS to identify areas that can accommodate clustering of land uses that have potential to discharge contaminants or release harmful or nuisance emissions, through new areas or expansion of new areas</p> <p>Local planning is to respond to the specifics of the RLUS</p>	<p>Implementation into statutory planning</p> <p>SPPs to provide a code that requires appropriate separation between sensitive land use and land use that could potentially discharge contaminants or release of harmful or nuisance emissions</p> <p>LPSs to apply zones for identified clustered areas where appropriate</p> <p>LPSs to apply buffer area overlays where they are unique to the identified use hazardous use</p>

Tasmanian Planning Policy: Hazards and Risks

Issue: Sea Level Rise, Coastal Inundation and Erosion

Objective

The community's resilience to sea level rise, including the likely impacts of climate change, through avoidance, mitigation/management of the impacts, is improved.

Strategy

Communities are resilient to sea level rise, including the likely impacts of a changing climate, through strategic planning for settlements, infrastructure and other purposes that considers the relative vulnerability of existing and potential future use and development. Where the strategic planning determines an appropriate response either by –

- a) Avoiding the hazard,
- b) Retreating from the hazard, or
- c) Mitigating or managing the risks from the hazard, where the hazard cannot be avoided

Implementation into strategic planning

The Regional Land Use Strategy (**RLUS**) is to provide guiding principles for how each settlement is to respond through **local planning** to sea-level rise (including the likely impacts that climate change will have on the ocean) now and into the future (e.g. avoid, retreat, mitigate or manage/minimise)

or

The **RLUS** is to identify each settlement in the region that is vulnerable to sea-level rise (including the likely impacts that climate change will have on the ocean) and set directions for how the **local planning** for that settlement is to respond to those particular hazards (e.g. avoid, retreat, mitigate or manage/minimise)

Local planning is to respond to those guiding principles or the specifics of the **RLUS**. For example, retreat or providing a means for alternative road access/escape routes/thru-roads or a flood levee, or other treatment

Implementation into statutory planning

The **RLUS** is to map the areas that are subject to sea-level rise (including the likely impacts that climate change will have on the ocean)


or

The TPP is accompanied by the **State prepared maps** for sea-level rise (including the likely impacts that climate change will have on the ocean), which shows where the **RLUS**, and Local Provisions Schedule (**LPS**) must respond to (**these maps become part of the TPP**)

The State Planning Provision (**SPP**) is to provide a zone that minimises use and development of land, such as the Environmental Management Zone in areas subject to high risk from sea-level rise (including the likely impacts that climate change will have on the ocean)

The zone is applied through the **LPS**

The **SPP** is to provide a **code** to manage use and development subject to sea-level rise (including the likely impacts that climate change will have on the ocean). The **LPS** applies the code overlay



Government

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