

## Sophie Underwood's EIANZ Presentation

The Environment Institute of Australia and New Zealand is a professional association supporting environmental practitioners and promoting independent and interdisciplinary discussion on environmental issues.

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22 October 2018, Hobart Function and Conference Centre, 1 Elizabeth Street Pier, Hobart

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- Theme: **'Recent developments in Land use planning: Community concerns, examples in Tasmania and Take home points / lessons for practitioners.'**
- A 15 minute presentation
- The audience will be consultants, not planners.

### **SLIDE: PMAT LOGO**

Thank you for the invitation to be part of the Environment Institute's conference today and for the opportunity to share with you community concerns regarding recent developments in Tasmania's land use planning system.

### ***Who is PMAT?***

The Planning Matters Alliance Tasmania, also known as PMAT, officially launched last year.

The impetus for PMAT's formation were concerns over the weakening of the state's planning laws through the proposed Tasmanian Planning Scheme.

PMAT is not opposed to a single, statewide scheme but we believe Tasmania needs a strategic, integrated and democratic planning system.

Planning needs to deliver sustainable outcomes and be a balance between development, maintaining community and environmental amenity and ensuring we, the community, have a say, through appeal rights, and in doing so, protect the special values that make the Tasmania we all love.

Our logo represents the shared values that have bought the alliance together.

These values create our identity, our sense of place, our economic prosperity and make Tasmania a special place to live and visit.

### **SLIDE: PMAT LIST OF MEMBER GROUPS**

PMAT now has 61 member groups ranging from social justice groups like Anglicare, community groups like the South Hobart Progress Association or the

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one I convene, the Freycinet Action Network, planning advocates like the Tasmanian Planning Information Network, environment groups like The Wilderness Society and the Tasmanian Conservation Trust and recreation and ratepayer association groups.

The most up-to-date PMAT member list can be seen on PMAT's website.

I don't think Tasmania has ever had an alliance this large or diverse.

### **SLIDE: PMAT'S PLATFORM DOCUMENT**

PMAT believes that to achieve the best future for Tasmania, the planning system must be underpinned by six key principles as outlined in PMAT's platform document – which can also be seen on our website.

PMAT'S main objective, is ensuring that community has a strong and meaningful voice in planning decisions.

But the proposed statewide scheme fails to ensure our democratic right to have a say over many issues that the community cares about.

### **SLIDE: PMAT KEY COMMUNITY CONCERNS**

Our key concerns cover almost every aspect of society, including the overarching need for establishing and implementing a strategic vision for Tasmania which would include social, economic and environmental goals and be supported by State Policies on a wide range of issues.

The proposed Tasmanian Planning Scheme, which will cover every inch of the state, was developed in a policy vacuum – that is no strategic vision.

Examples of specific community concerns include residential development standards, **SLIDE: RESIDENTIAL MODELLING** lack of transparency regarding foreign ownership and release of Crown land (such as Rosny Hill), **SLIDE: ROSNY HILL** open discretion on significant developments (such as Fragrance), lack or protection for our European built heritage **SLIDE: EUROPEAN HERITAGE**, no code for aboriginal heritage **SLIDE: ABORIGINAL HERITAGE**, the

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Expressions of Interest process (such as Lake Malbena in the Walls of Jerusalem National Park within the World Heritage Area) **SLIDE: LAKE MALBENA** and reliance on the non-statutory Reserve Activity Assessment process for the assessment of tourist developments in one of Tasmania's most sensitive and key assets – our parks and reserves **SLIDE: FREYCINET**.

**SLIDE: PRINCIPLES: TRANSPARENCY & INDEPENDENCE & COMMUNITY INVOLVEMENT**

But today I want to focus on TWO of PMAT's key principles: transparency and independence of Tasmania's planning system and community involvement.

PMAT believes that Tasmanian's planning system must be transparent and independent and provide opportunities for informed community input in planning matters and decisions, including provision of appeal rights.

It is felt by many that recent planning reforms make our planning system less transparent and independent and erode our democratic right as more and more uses are being categorised as Acceptable Solutions and not subject to public consultation and appeal.

More importantly, the community doesn't want to rely entirely on the submission and appeals process to have their views guide planning decisions.

We also want, which I will elaborate on next, a strategic vision for the state, we want Government, Council's and developers to go beyond the legal requirements and talk to the community as early as possible and actually listen to what they have to say.

We also want transparency, access to information, and reasonable timeframes for public involvement.

### ***Community Consultation on Strategic Vision***

One of PMAT's founding propositions is that the planning reforms were done in the wrong order – that the vision needed to be captured through

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community consultation, and THEN a planning scheme developed to implement that vision.

### **SLIDE: A STRATEGIC VISION FOR TASMANIA**

That is to 'Establish and implement a community endorsed, sustainable, long-term strategic vision for Tasmania, including social, economic and environmental goals and supported by community endorsed state and/or regional policies on a wide range of issues.'

To date the Liberal Government has introduced no policies but has almost completed the implementation of the statewide scheme, with limited guiding policies.

That means that every inch of Tasmania is about to be re-zoned with almost no overarching strategic policies or vision.

### **SLIDE: PLANNING SYSTEM FLOW CHART**

Currently, State Policies are the best vehicle we have to articulate vision and set out Statewide policy positions on a range of issues such as population / settlement, transport and tourism.

Despite the importance of these policies, 25 years after the *State Policies and Projects Act 1993* was introduced, we still only have three.

Whether this is the result of legislative difficulties or lack of leadership, the absence of clear policy statements has led to ad hoc decisions, inconsistent approaches to development, and poor infrastructure planning.

The State government has acknowledged this policy vacuum and last year proposed a new instrument, the Tasmanian Planning Policies.

This legislation was tabled last week in State Parliament.

PMAT is concerned by aspects of the Tasmanian Planning Policies, not least that they came AFTER the State Planning Provisions were declared, the SPP's

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form the core of the Statewide Scheme, and would not trigger a review of those provisions.

Despite this, we support any efforts to develop strategic policies.

### **SLIDE: Critical Elements of Statewide Policies**

However, we consider the three critical elements of any such policies to include **public consultation, laws requiring policies to be implemented**, and to have a **holistic approach**.

This should include, at a minimum, population / settlement (also touching on issues such as housing and foreign ownership), transport and utilities infrastructure, tourism, cultural heritage, biodiversity and natural values – each of these topics cuts across a number of industries, regions, government departments and stakeholder demographics and **would benefit from a whole of government/holistic approach**.

For example, a vision on tourism is best articulated through State policies with legal backing, not just suite of ideas like Parks 21 & T21 (*This strategic action plan for tourism in Tasmania's parks and reserves*).

A clear vision would help consultants to understand the policy basis for assessments they are making.

The consequences of the lack of settlement policy can be seen, for example, by the contentious proposal at Cambria on Tasmania's east coast.

If we had a clear Settlement Policy restricting development outside existing nodes and identified growth boundaries, proposals like Cambria would not have to be adjudicated in the Tribunal or the Commission – it would be obvious to developers and the community from the outset whether the proposal was an acceptable one or not.

The community would not have to for example endure defending inappropriate developments.

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We also need a community conversation about a strategic vision and how to give effect to it.

### **SLIDE: GLISPA SLIDE**

PMAT has recently become a Friend of the Global Island Partnership (GLISPA), which promotes action to build resilient and sustainable island communities from around the world.

PMAT is GLISPA's first Australian 'Friend'.

### **SLIDE: GLISPA SLIDE**

GLISPA is made up of 12 island governments, and over 20 island entities as well as Non-Government Organisations, intergovernmental organizations and private and philanthropic entities.

Sophie - Talk about exploring how we can shape a vision for Tasmania's future with thought leaders from across the State....by taking learnings from other island government's from around the world....

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### ***Talk to the Community Early – Take Home Message***

As I mentioned before, we also want Government, Council's and developers to go beyond the legal requirements and talk to the community as early as possible and actually listen to what they have to say.

This investment of time at the outset, and being open and honest about what you have planned, can go a long way towards improving community acceptance of a proposal.

I am now talking with my Freycinet Action Network hat on.

**RACT example** – is an example of where the proponents really listened to the community's concerns.

#### **SLIDE: RACT – Listened to the community**

- The Government wanted to change Freycinet National Park's management plan to extend RACT's lease.
- 459 representations were received, with 450 against the FMP being changed.
- The Community were saying constrain development at the Freycinet Lodge to the existing footprint and limit impacts on the visual landscape.
- RACT Listened
- Protected the integrity of the park
- Protected the RACT brand
- Delivered tourism investment
- Win for the community.

#### **SLIDE: Freycinet Lodge – re-development**

### **Master Plans – Talk to the community early**

There is a new type of plan – the Master Plan – to help manage impacts on our National Parks.

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These plans are used partly to manage issues which straddle the boundary of the park e.g. visitor transport services.

But the plans are also encroaching into issues that should be addressed by management plans (e.g. long term vision for the park).

The Master Plan process in some instances allow for public comment, such as at Freycinet, which is welcomed.

But there are many issues with the Master Plan process.

### **SLIDE: Master Plan Limitations & Freycinet Master Plan**

- Master Plans and Management Plans are completely different things.
- Master Plans are non-statutory and MP's are statutory documents.
- Management Plans are legally binding when finalised and there are legal requirements relating to their preparation (they must be advertised for public comment and response to this comment must be made public)
- Master plans are not subject to the legal requirements for openness and transparency which apply to formal management plans. E.g. The Cradle Mountain master Plan was not subject to meaningful public comment.
- Master Plans are not legal documents when they are completed and there are no legal guidelines for drawing them up.
- These Master plan are been driven by the tourism industry.
- Master Plans are being used to legitimise, with minimal public debate, proposals including privatisation of facilities, with long-term implications for the future of Tasmania's national parks and tourism industry.
- FAN and the Tasmanian National Parks Association are both saying that we need a State Policy on Tourism and an immediate moratorium on Tourism Master Plans subject to this reconsideration of Tasmania's tourism policy.



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- At Freycinet the Management Plan is out of date, but government resources are going into developing a Master Plan rather than reviewing the 18 year old Management Plan.

### **Cambria Green**

An example of poor planning process and not talking early to the community, is the Cambria Green proposal on Tasmania's east coast.

#### **SLIDE: Map - Cambria Green Amendment overlaid over Cambria**

Cambria Green is the largest resort ever proposed for Tasmania and one of the largest planning scheme amendments (approx 3000 hectares) the east coast has ever seen.

#### **SLIDE: Map - Cambria Green Amendment overlaid on the City of Hobart**

Separating the scheme amendment from a future DA has been very confusing for the community – it's much more difficult to respond to something theoretical, rather than a specific project proposal. E.g. MONA.

It's required the community to try and imagine all the developments that would be made possible by the amendments, rather than just responding to concerns raised by the particular proposal.

Lack of specific detail about future development has also made it difficult for any expert assessment of impacts. e.g. financial cost/benefit.

Separating the two processes is more exhausting for the community – have to fight the amendments, then fight the proposal at a later date when the developer has a stronger position under the planning scheme.

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### **Transparency, access to information, and reasonable timeframes for public involvement**

As mentioned previously, we also want transparency, access to information, and reasonable timeframes for public involvement in planning decisions.

Fourteen days is not long enough for the community to make a meaningful representation on a development proposal, especially a complex one.

PMAT would like the government to extend public comment timeframes under planning laws, and to ensure that all application material is made available online so people don't have to be available during work hours to go to the Council office.

Even if the laws are not changed, we urge you to ask your clients to go beyond the legal requirements – consult early, agree to longer public comment periods, hold information sessions at convenient times, publish details on their website as soon as possible etc, respond to requests for information.

Also, the community feels particularly aggrieved if they're not consulted on proposals on land that is public – whether Rosny Hill, RAAs generally or the cable car, there is a higher onus on proponents, and their consultants, to make the effort to bring the community along on development on public land.

### ***Conclusion***

#### **SLIDE: PMAT LOGO**

In conclusion, I've barely been able to scratch the surface of the communities' concerns regarding Tasmania's planning system.

If our planning system does not sincerely serve the community and respect our natural and cultural values and our urban amenity, and remains purely market driven and ad hoc, it will undermine not only our future economic prosperity but our health and well-being for now and future generations.

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PMAT's overarching objective is this: We need to understand our shared vision before we can effectively plan for it and we must have a strategic, truly open and transparent planning system which provides for informed and meaningful community input.

**Thank you**