#PlanningMatters

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19 August 2022

To Whom It May Concern,

RE: State Planning Provisions (SPPs) Review - Scoping Issues

Phase 2 of the State Government's planning reform is underway and includes a review of the State Planning Provisions (SPPs), introduction of the Tasmanian Planning Policies, the creation of a regional land use planning framework, and a review of the three Regional Land Use Strategies.

The SPPs will also require review for consistency with the Tasmanian Planning Policies once they are finalised.

The Planning Matters Alliance Tasmania (PMAT) thanks you for the opportunity to comment on the review of the SPPs, noting that ALL SPPs are up for review. We also welcome the opportunity to recommend new provisions i.e. new codes and/ zones.

Our submission covers:

- What is PMAT;
- A summary of the SPP Review process;
- An overview of where the SPPs sit in the Tasmanian Planning Scheme;
- PMAT's concerns and recommendations regarding the SPPs; and
- Related general comments/concerns regarding the SPPs.

PMAT's concerns and recommendations regarding the SPPs cover 22 broad issues. PMAT engaged three planning experts to write further detailed submissions regarding three key areas important to PMAT: the *Local Historic Heritage Code* (Attachment 2), *residential standards* (Attachment 3) and the *Natural Assets Code* (Attachment 4). Each of the three detailed submissions have been reviewed with thanks by a dedicated PMAT review volunteer subcommittee involving a total of 15 expert planners, environmental consultants and community advocates with relevant expertise.

PMAT notes that the *State Planning Provisions Review Scoping Paper* states that the State Planning Office will establish reference and consultative groups to assist with detailed projects and amendments associated with the SPPs. PMAT requests in the strongest possible terms that, as we are an alliance representing many communities and groups across Tasmania, we should take part in these reference/consultative groups. It is vital to have a community voice in these processes.

Overall PMAT is calling for the SPPs to be values-based, fair and equitable, informed by PMAT's Platform Principles, and for the SPPs to deliver the objectives of the *Land Use Planning and Approvals Act 1993*.

Planning affects every inch of Tasmania, on both private and public land, and our well-being: our homes, our neighbour's house, our local shops, work opportunities, schools, parks and transport corridors. Planning shapes our cities, towns and rural landscapes. Well thought through strategic planning can build strong, thriving, healthy and sustainable communities.

See PMAT's most recent opinion piece in Appendix 1, published in The Mercury on the 11 August 2022, which asks us '*Let's imagine a planning system which benefits all the community*".

Yours sincerely,

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PMAT acknowledges and pays respect to the Tasmanian Aboriginal people as the traditional and original owners of the land on which we live and work. We acknowledge the Tasmanian Aboriginal community as the continuing custodians of lutruwita (Tasmania) and honour Aboriginal Elders past and present. lutruwita milaythina Pakana - Tasmania is Aboriginal land.

What is PMAT

The Planning Matters Alliance Tasmania (PMAT) is a growing network of almost 70 community groups from across *lutruwita* /Tasmania which is committed to a vision for Tasmania to be a global leader in planning excellence. Our Alliance is united in common concern over the new Tasmanian state planning laws and what they mean for Tasmania's future. The level of collaboration and solidarity emerging within the advocacy campaign of PMAT, as well as the number of groups involved is unprecedented in Tasmania and crosses community group genres: recreation, environment, urban/local community associations, European built heritage, rate payers and Friends of groups.

Land use planning impacts every inch of Tasmania. We hold that good planning is fundamental to our way of life and democracy. PMAT works to raise community awareness about planning and encourages community engagement in the planning process.

PMAT is an independent, apolitical, not-for-profit incorporated association, governed by a skills-based Board. PMAT is crowd funded entirely by donations.

In 2020 PMAT was named Australia's Planning Champion, a prestigious honour awarded by the Planning Institute of Australia that recognises non-planners for their advocacy and for making a significant contribution and lasting presence to the urban and regional environment. PMAT was awarded the Tasmanian Planning Champion title in 2019.

PMAT's purpose is to achieve a values-based, fair and equitable planning scheme implemented across Tasmania, informed by PMAT's Platform Principles and delivering the objectives of the *Land Use Planning and Approvals Act 1993.*

As outlined in PMAT's Strategic Plan 2021–2023, '*PMAT's vision is for Tasmania to be a global leader in planning excellence. We believe best practice planning must embrace and respect all Tasmanians, enhance community well-being, health and prosperity, nourish and care for Tasmania's outstanding natural values, recognise and enrich our cultural heritage and, through democratic and transparent processes, deliver sustainable, integrated development in harmony with the surrounding environment.*'

Planning schemes must offer a balance between development, individual rights and community amenity, and not just make it easier for development and growth at the cost of community well-being and natural and cultural values. PMAT aims to ensure that Tasmanians have a say in a planning system that prioritises the health and well-being of the whole community, the liveability of our cities, towns and rural areas, and the protection of the natural environment and cultural heritage.

PMAT considers that the incoming Tasmanian Planning Scheme will weaken the protections for places where we live and places we love around Tasmania.

SPP Review Process

The Tasmanian Government is currently seeking input to help scope the issues for the five yearly review of the State Planning Provisions (SPPs) in the Tasmanian Planning Scheme, which will be conducted over two stages.

The current review of the SPPs is the best chance the community has now to improve the planning system. The SPPs are not scheduled to be reviewed again until 2027.

As per the State Planning Office website '*The SPPs are the statewide set of consistent planning rules in the Tasmanian Planning Scheme, which are used for the assessment of applications for planning permits. The SPPs contain the planning rules for the 23 zones and 16 codes in the Tasmanian Planning Scheme, along with the administrative, general, and exemption provisions.* ***Regular review of the SPPs is best practice ensuring we implement constant improvement and keep pace with emerging planning issues and pressures.'***

The SPPs are now operational in 14 of Tasmania's 29 local council areas.

The State Planning Provisions Review Scoping Paper outlines the six steps of the review of the SPPs. Broadly speaking the review will be conducted in two stages as outlined below.

SPP Review - Stage 1 – SPP Scoping Issues

Public consultation is open from 25 May to 19 August 2022. This review or scoping exercise phase is known as Stage 1.

The aim of Stage 1 is to identify the State Planning Provisions that may require review, as well as if there is a need for any new State Planning Provisions. E.g. new Zones and/or Codes.

Stage 1 may include some amendments to the SPPs, before Stage 2 goes on to consider more substantive issues and the consistency of the SPPs with the Tasmanian Planning Policies. The State Planning Office may characterise those amendments to the SPPs which occur in Stage 1 (or step 3 in the Scoping paper diagram) as minor amendments not requiring public consultation. PMAT is very interested as to how a "minor amendment" is defined and made.

SPP Review - Stage 2 – SPP Amendments

There is a legislative requirement for the State Planning Provisions to be revised for consistency with the Tasmanian Planning Policies, once approved.

The current Stage 1 scoping exercise, along with the approved Tasmanian Planning Policies, will inform draft amendments to the SPPs, which will be considered through the SPP amendment process prescribed under the *Land Use Planning and Approvals Act 1993*.

This process includes a 42 day period of public exhibition and independent review by the Tasmanian Planning Commission and may also include public hearings. PMAT considers such public hearings

facilitated by the Tasmanian Planning Commission are essential if the Tasmanian community is to be involved and understand our planning laws.

See flowchart for the SPP amendment process here. This review phase is known as Stage 2 and is likely to occur in 2023.

An overview of where the SPPs sit in the Tasmanian Planning Scheme

The State Government's new single statewide planning scheme, the Tasmanian Planning Scheme, will replace the planning schemes in each of the 29 local government areas. The Tasmanian Planning Scheme is now operational in 14 of Tasmania's 29 local government areas.

The new Tasmanian Planning Scheme has two parts:

1. A single set of State Planning Provisions (SPPs) that apply to the entire state on private and public land (except Commonwealth controlled land); and
2. Local planning rules, the Local Provisions Schedule (LPS) which apply the SPPs to each municipal area on both private and public land.

1. State Planning Provisions (SPPs)

The SPPs are the core of the Tasmanian Planning Scheme, they set the new planning rules and in PMAT's view are blunt planning instruments that are more likely to deliver homogenous and bland planning outcomes. The SPPs state how land can be used and developed and outline assessment criteria for new use and development. These rules set out 23 zones and 16 codes that may be applied by Councils under their LPSs. Not all zones or codes will be relevant to all Councils, for example in Hobart there will be no land zoned Agriculture, and in the Midlands there will be no land subject to the Coastal Inundation Hazard Code.

Read the current version of the SPPs here.

- **The Zones**: the 23 zones set the planning rules for use and development that occurs within each zone (i.e. applicable standards, specific exemptions, and tables showing the land uses that are allowed, allowable or prohibited - No Permit Required, Permitted, Discretionary or Prohibited). The zones are: General Residential, Inner Residential, Low Density Residential, Rural Living, Village, Urban Mixed Use, Local Business, General Business, Central Business, Commercial, Light Industrial; General Industrial, Rural, Agriculture, Landscape Conservation, Environmental Management Zone, Major Tourism, Port and Marine, Utilities, Community Purpose, Recreation, Open Space; and the Future Urban Zone.
- **The Codes:** the 16 codes can overlay zones and regulate particular types of development or land constraints that occur across zone boundaries, and include: Signs, Parking and Sustainable Transport, Road and Railway Assets, Electricity Transmission Infrastructure Protection, Telecommunications, Local Historic Heritage, Natural Assets, Scenic Protection, Attenuation, Coastal Erosion Hazard, Coastal Inundation Hazard, Flood-Prone Areas Hazard, Bushfire-Prone Areas, Potentially Contaminated Land, Landslip Hazard and Safeguarding of Airports Code.

In addition to the zone and code provisions, the SPPs contain important information on the operation of the Tasmanian Planning Scheme, including Interpretation (Planning Terms and Definitions), Exemptions, Planning Scheme Operation and Assessment of an Application for Use or

Development. These up-front clauses provide important context for the overall planning regime as they form the basis for how planning decisions are made. The terminology is very important, as often planning terms do not directly align with plain English definitions.

2. Local Planning Rules/Local Provisions Schedule (LPS)

The local planning rules, known as the Local Provisions Schedule, are prepared by each Council and determine where zones and codes apply across each municipality. The development of the LPS in each municipality is the last stage in the implementation of the Tasmanian Planning Scheme. Once the LPS for a municipality is signed off by the Tasmanian Planning Commission, the Tasmanian Planning Scheme becomes operational in that municipality.

One of PMAT's key work areas is encouraging local communities to comment on/engage in how the Tasmanian Planning Scheme is applied in their municipality by encouraging them to engage in their local LPS process in development of their local planning rules. PMAT released a free community guide in March 2020, entitled '*Your Guide to Influencing the Development of Your Local Planning Rules (Local Provisions Schedule)*' to help communities navigate the complex LPS process. PMAT has also hosted or been part of many public community meetings around the state regarding the LPS process.

The LPS comprise:

- maps showing WHERE the SPP zone and codes apply in a local municipal area; and
- any approved departures from the SPP provisions for a local municipal area.

View the Draft LPS approval process here.

If Councils choose to apply a certain zone in their LPS (e.g. Inner Residential, Rural Living or Agriculture Zone), the rules applying to that zone will be the prescriptive rules set out in the SPPs and are already approved by the State Government. **Councils cannot change the SPPs which will be applied. Councils only have control over where they will be applied through their LPS.**

Site Specific Local Planning Rules

If a Council or local community decides that areas within its municipality are not suited to one of the standard 23 zones then they may consider applying one of three site specific local planning rules. These three local planning rules are the only tool the Council/Community has to protect local character. However, from a community point of view, they are disappointingly difficult to have applied (see example outlined under point 8 in the section below entitled '*Related General Comments/Concerns regarding the SPP'*).

The three planning tools are:

- **Particular Purpose Zone (PPZ)** – is a zone that can be created in its own right. It is a group of provisions consisting of (i) a zone that is particular to an area of land; and (ii) the provisions

that are to apply in relation to that zone. It usually will apply to a particular land use (e.g. UTAS Sandy Bay campus or a hospital, Reedy Marsh, Dolphin Sands, The Fisheries).

- **Specific Area Plan (SAP)** - being a plan consisting of (i) a map or overlay that delineates a particular area of land; and (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs. SAPs are specific to that site and sit over the top of a zone. For example, a proposed Coles Bay SAP would have sat over the underlying Low Density Residential Zone and the SAP rules would have allowed for a broader scope of new non-residential uses across the whole of Coles Bay. SAPs can be used for greenfield residential subdivision to allow higher density housing, to plan for roads and to protect areas of vegetation and open space (e.g. SAPs are also proposed for Cambria Green, Huntingfield, Jackeys Marsh, Blackmans Bay Bluff).
- **Site Specific Qualification (SSQ)** is used to facilitate particular types of activities at certain sites (e.g. New Town Plaza Shopping Centre) and sit over the top of a zone.

PMAT's concerns and recommendations regarding the SPPs

In PMAT's view the State Government's Tasmanian Planning Scheme fails to adequately address a range of issues, which will likely result in poor planning outcomes. A planning system that deals effectively with these issues is essential for Tasmania's future and for the well-being of communities across the state.

The SPP review is thus critically important and is a particular priority for PMAT as it is the best chance we have to improve planning outcomes until 2027.

PMAT's key concerns and recommendations cover the following topics:

1. Ensuring the community has the right to have a say and access to planning appeals;
2. Climate Change Adaptation and Mitigation;
3. Planning, Insurance and climate risks;
4. Community connectivity, health and well-being;
5. Aboriginal culture heritage;
6. Heritage buildings and landscapes (Local Historic Heritage Code);
7. Tasmania's brand and economy;
8. Housing;
9. Residential issues;
10. Stormwater;
11. Onsite wastewater;
12. Rural/Agricultural issues;
13. Coastal land issues;
14. Coastal waters;
15. National Parks and Reserves (Environmental Management Zone);
16. Healthy Landscapes (Landscape Conservation Zone);
17. Healthy Landscapes (Natural Assets Code);
18. Healthy Landscapes (Scenic Protection Code);
19. Geodiversity;
20. Integration of land uses;
21. Planning, Loss of Character Statements and Good Design; and
22. Various concerns held by PMAT.

PMAT's concerns and recommendations are outlined in more detail below.

1. Ensuring the community has the right to have a say and access to planning appeals

Land use planning is the process through which governments, businesses, and residents come together to shape their communities. Having a right of say is critical to this.

The current SPPs however, with fewer discretionary developments, and more exemptions, significantly reduce the community's right to have a say and in many instances also removes appeal rights, weakening democracy. **More and more uses and development are able to occur without public consultation or appeal rights.** Without adequate community involvement in the planning process, there is a risk of more contested projects, delays and ultimately less efficient decision-making on development proposals.

The reduction in community involvement is clearly demonstrated by how developments are dealt with in our National Parks and Reserves and residential areas.

National Parks and Reserves and right of say

Commercial tourism development can be approved in most National Parks and Reserves without guarantee of public consultation, and with no rights to appeal. This means that the public has no certainty of being able to comment and no appeal rights over public land covering almost 50% of Tasmania. The State Government has repeatedly stated that that this issue will be dealt with through the review of the Reserve Activity Assessment (RAA) process.

The RAA process is the internal government process by which developments in national parks and reserves are assessed. However, the review has stalled with no apparent progress for at least five years[1].

Community stakeholders are unable to obtain clear information on the review progress, timelines and the formal process regarding consultation. It appears that the State Government has abandoned this critically important review of the RAA. PMAT is concerned that proposed developments can be approved under the existing deeply flawed process without any opportunity for public comment and involvement. This is inconsistent with three of the most fundamental of the objectives of the *Land Use Planning and Approvals Act 1993*: "(a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity… (c) to encourage public involvement in resource management and planning; and… (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*."

A recent Tasmanian Parliamentary sponsored petition, which closed on the 4 August 2022, entitled: 'Inadequate processes for assessing and approving private tourism developments in Tasmania's national parks' attracted 2673 signatures and demonstrates the level of community concern.

[1]Page 11 of the *Minister's Statement of Reasons for modifications to the draft State Planning Provisions* here states '*…in response to matters raised during the hearings* [of the draft SPPs] *the Government agrees that a review of the RAA (Reserve Activity Assessment) be undertaken*'.

Amongst other concerns, the petition draws to the attention of the Tasmanian Parliament that '*The Reserve Activity Assessment (RAA) process is flawed, opaque and lacks genuine public consultation*' and calls on the '*Government to abandon the Expressions of Interest process and halt all proposals currently being considered under the Reserve Activity Assessment process until a statutory assessment and approval process for private tourism developments in Tasmania's national parks is implemented*'.

In 2016, the Tasmanian Planning Commission via its report, *Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*, identified the level of public concern regarding the RAA process.

In 2017, the then Planning Minister Peter Gutwein stated on page 11 of the Statement of Reasons re Modifications to the provisions of the draft State Planning Provisions that '*…in response to matters raised during the hearings* [of the draft SPPs]*, the Government agrees that a review of the RAA (Reserve Activity Assessment) be undertaken*', but made no amendments to the SPPs in relation to developments in national parks.

In 2019 eleven community groups were so frustrated they could not obtain clarity on the RAA review they resorted to lodging a Right to Information (RTI) request to seek transparency. See PMAT Media Release: Has Hodgman abandoned the review of RAA process for developments in national parks and reserves?

Recommendations:

1. That the State Government move quickly to finalise the RAA Review, including the exemptions and applicable standards for proposed use and development in the Environmental Management Zone. The Environmental Management Zone should be amended to ensure the public has a meaningful right of say and access to appeal rights - in particular by amending what are "permitted" and "discretionary" uses and developments in the Environmental Management Zone.
2. Implement changes for a more open, transparent and robust process that is consistent with the Tasmanian Planning System *Land Use Planning and Approvals Act 1993* objectives.

Residential areas and right of say and access to planning appeals

PMAT commissioned an architectural planning study (Figures 1 and 2) to demonstrate what is permitted in the General Residential Zone to visually demonstrate what can be built without public comment, appeal rights and notification to your adjoining neighbour.

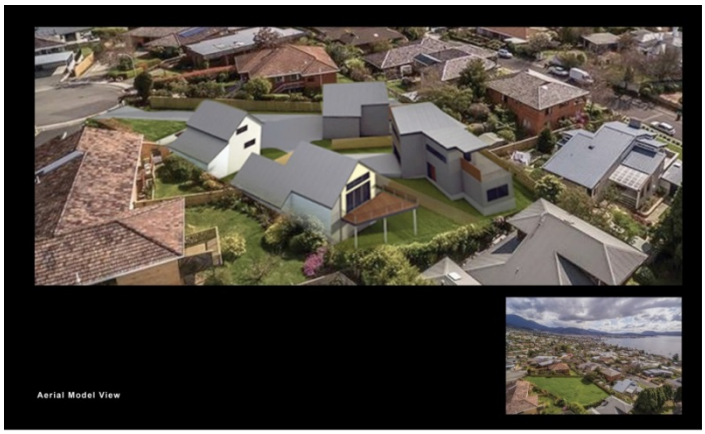

Figure 1 – PMAT's planning study demonstrates what is *Permitted* in the General Residential Zone. This is what is allowed to be built with no notification to your adjoining neighbour, no ability to comment, and no appeal rights.

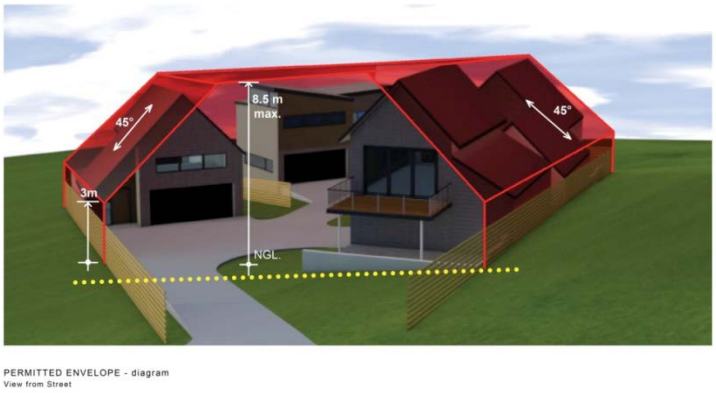

Figure 2 – PMAT's planning study demonstrates what is *Permitted* in the General Residential Zone. This is what is allowed to be built with no notification to your adjoining neighbour, no ability to comment and no appeal rights.

PMAT's planning study helps highlight issues that have led to confusion and anxiety in our communities including lack of say about the construction of multiple and single dwellings(especially by adjoining neighbours), bulk, height, overshadowing, loss of privacy, loss of sunlight/solar access, loss of future solar access for Solar PV arrays and Solar Hot Water panels on, north-east, north, and north-west -facing roofs, lack of private open space and inappropriate site coverage, overlooking private open space and blocking existing views.

Recommendations:

1. The SPPs should be amended to ensure the public has a meaningful right of say and access to appeal rights across the residential zones, in particular by amending what is "permitted" and

"discretionary" use and development. The requirements for notifying an adjoining neighbour that a Development Application has been lodged should be reinstated.

2. Our planning system must include meaningful pubic consultation that is timely, effective, open and transparent.

2. Climate Change Adaptation and Mitigation

Adaptation

Given the likely increased severity and frequency of floods, wildfire, coastal erosion and inundation, drought and heat extremes, PMAT is seeking amendments to the SPPs which better address adaptation to climate change. We need planning which ensures people build out of harm's way.

Mitigation

Climate Change Mitigation refers to efforts to reduce or prevent emissions of greenhouse gases. PMAT would like to see increased opportunity for mitigation by for example embedding sustainable transport, 'green' (i.e. regenerative) design of buildings and subdivisions in planning processes. One current concern is that across residential zones solar panels on adjoining properties are not adequately protected nor the foresight to enable future rooftop solar panel installations with unencumbered solar access.

On the subject of renewable energy, which will become increasingly important as the world moves to Net Zero, we are concerned that there appears to be no strategically planned Wind Farm designated area. PMAT member groups do not want open slather wind farms across the state industrialising our scenic landscapes and impacting biodiversity and Cultural Landscapes. PMAT member groups would like to see appropriately placed wind farms, decided after careful modelling of all environmental and cultural heritage data. This is especially important as based on the *200% Tasmanian Renewable Energy Target*, **PMAT understands that this could equate to approximately 89 wind farms and over 3000 wind turbines**. The new target aims to double Tasmania's renewable energy production and reach 200 per cent of our current electricity needs by 2040.

Recommendations:

1. The SPPs be amended to better address adaptation to climate change, by ensuring Tasmania's risk mapping is based on the best available science and up to date data.
2. The SPPs be amended to better embed sustainable transport, green design of buildings and subdivisions into planning processes, including better protection of solar panels and provision for future solar access.
3. Strategic thinking and modelling to decide where best to place wind farms based on careful modelling of all environmental and cultural heritage data. The SPPs could include a new *No Go Wind Farm Code*.

3. Planning, Insurance and Climate Risks

This year, the Climate Council, an independent, crowd-funded organisation providing quality information on climate change to the Australian public, released a report entitled Uninsurable Nation: Australia's Most Climate-Vulnerable Places and a climate risk map.

Key findings of the Report concluded climate change is creating an insurability crisis in Australia due to worsening extreme weather and sky-rocketing insurance premiums. **It is PMAT's understanding that the modelling found that approximately 2% of homes in Tasmania would be effectively uninsurable by 2030 due to the effects of climate change.** The major risk to the areas of the state are the north east and the east - in Bass, 3.7% of homes and in Lyons, 2.8% of homes.

Risks include flooding, storm surges and wildfires. The SPPs deal with these risks under the following Codes:

- Coastal Erosion Hazard Code
- Coastal Inundation Hazard Code
- Flood-Prone Areas Hazard Code
- Bushfire-Prone Areas Code
- Landslip Hazard Code

However, PMAT understands that the code risk mapping is based on conservative climate data. There is also a concern that the State Government's risk mapping and the insurance sector's risk mapping are inconsistent.

Recommendations:

1. The SPPs Codes be reviewed and updated to ensure they reflect the best available science about current and likely bushfire, flood, landslip and coastal inundation risks.
2. The State Government, through its Tasmanian Planning Scheme, has a responsibility to ensure that the planning system does not allow the building of new homes in areas that will become uninsurable.
3. Consideration should be given as to how the SPPs can ensure that developments and uses approved can be retrofitted to better respond to changing climatic conditions.
4. PMAT would like to know the status of Tasmania's Climate Change Action Plan 2017-2021 which contained a proposal for: "…***land-use planning reforms*** *to manage natural hazards and climate impacts. Instruments under development include a Tasmanian Planning Policy on Hazards and Environmental Risks, and State Planning Provisions for natural hazards*."

4. Community connectivity, health and well-being

The SPPs currently have limited provisions to promote better health for all Tasmanians, such as facilitation of walking and cycling opportunities across suburbs, ensuring local access to recreation areas and public open space and addressing food security.

Recommendations:

1. **Liveable Streets Code** - PMAT endorses the Heart Foundation in its '*Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016*' (Attachment 1 of this submission) which calls for the creation of a new '*Liveable Streets Code*'. In their representation they stated '*In addition to, or as alternative, the preferred position is for provisions for streets to be included in a Liveable Streets code. Such a code would add measurable standards to the assessment of permit applications. An outline for a Liveable Streets code is included at Annexure 1 as at this stage such a code requires further development and testing. For this representation the concept of a Liveable Streets code is advocated as a foreshadowed addition to the SPPs*.' *Annexure 1 – Draft for a Liveable Streets Code* (page 57) of the '*Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016'* (Attachment 1) sets out the code purpose, application, definition of terms, street design parameters, Street connectivity and permeability, streets enhance walkability, streets enhance cycle-ability, and streets enhance public transport. Our streets are also corridors for service infrastructure – such as telecommunications, electricity and water. It is important that placement of these services does not detract from liveable streets design, for example through limiting street trees.
2. **Food security** - PMAT also endorses the recommendations '*Heart Foundation Representation to the final draft State Planning Provisions 7 March 2016*' (Attachment 1) for amendments to the State Planning Provisions to facilitate food security. See section 6.10 '*Recommendations for amendments to the State Planning Provisions to facilitate food security*'. This is especially relevant in light of recent findings from The Tasmania Project. The Project was led by the Institute for Social Change at the University of Tasmania, and surveyed Tasmanians from across the State about food access and supply during the COVID-19 pandemic. The survey included a series of questions asking whether Tasmanians had enough healthy food to eat every day. **The survey showed that the most vulnerable groups** were young Tasmanians (18-24 years), single-parent households, those with a disability, Aboriginal and/or Torres Strait Islanders and temporary residents who **experienced levels of food insecurity between 31-59%**.
3. **Public Open Space** - PMAT recommends we create tighter provisions for the Public Open Space Zone and /or the creation of a Public Open Space Code. The planning system must ensure local access to recreation areas with the provision of public open space. Public open space has aesthetic, environmental, health and economic benefits. The *2021 Australian Liveability Census*, based on over 30,000 responses, found that the number 1 *'attribute of an ideal neighbourhood is where 'elements of the natural environment' are retained or incorporated into the urban fabric*

as way to define local character or uniqueness. In the 2021 Australian Liveability Census 73% of respondents selected this as being important to them. That is a significant consensus.'

PMAT is seeking mandatory provisions and standards for public open space and riparian and littoral reserves as part of the subdivision process. We understand these are not mandated currently and that developers do not have to provide open space as per for example the voluntary Tasmanian Subdivision Guidelines. These guidelines are an engineering design and construction resource and as per the Local Government's Association of Tasmania website, '*These guidelines provide information on the minimum standards required by participating Tasmanian Councils for the design and construction of roads and utilities as per the relevant statutory requirements (including the Drains Act 1954 and Local Government Act Highways 1982). Additionally this document outlines the process to be followed during the construction of civil works; audit inspections, practical completion of works, defects liability period and final take-over of the roads and civil works. It is intended that the Guidelines be used by consultants, developers and construction contractors as well as Council professionals.'*

It may be that mandated provisions of Public Open Space can be addressed adequately in the Open Space Zone already in the SPPs. Very specifically, PMAT is seeking the inclusion of requirements for the provision of public open space for certain developments like subdivisions or multiple dwellings.

We understand that a developer contribution can be made to the planning authority in lieu of the provision of open space and that those contributions can assist in upgrading available public open space. However, there appears to be no way of evaluating the success of this policy.

4. **Neighbourhood Character Code** - PMAT recommends we create a new *Neighbourhood Character Code* as a tool to protect/enhance urban amenity. This recommendation will be explained in more detail in Section 9 *Residential Issues* below.

5. Aboriginal Cultural Heritage

The current SPPs have no provision for mandatory consideration of impacts on Aboriginal Heritage, including Cultural Landscapes, when assessing a new development or use that will impact on Aboriginal cultural heritage.

This means, for example, that under current laws, there is no formal opportunity for Tasmanian Aboriginal people to comment on or object to a development or use that would adversely impact their cultural heritage, and there is no opportunity to appeal permits that allow for adverse impacts on Aboriginal cultural heritage values.

While PMAT acknowledges that the Tasmanian Government has committed to developing a new Tasmanian Aboriginal Cultural Heritage Protection Act to replace the woefully outdated *Aboriginal Heritage Act* 1975 (Tas), it is unclear whether the proposed "*light touch*" integration of the new legislation with the planning system will provide for adequate protection of Aboriginal Cultural heritage, involvement of Tasmanian Aboriginal people in decisions that concern their cultural heritage, and consideration of these issues in planning assessment processes.

Indeed, it is unclear if the new Act will "*give effect to the Government's commitment to introducing measures to require early consideration of potential Aboriginal heritage impacts in the highest (State and regional) level of strategic planning, and in all assessments of rezoning proposals under the LUPA Act to ensure major planning decisions take full account of Aboriginal heritage issues*."[2]

One way that the planning scheme and SPPs could ensure Aboriginal cultural heritage is better taken into account in planning decisions, is through the inclusion of an Aboriginal Heritage Code to provide mandatory assessment requirements and prescriptions that explicitly aim to conserve and protect Aboriginal cultural heritage. Assessment under this code could serve as a trigger for assessment under a new Tasmanian Aboriginal Cultural Heritage Protection Act. Until that Review is complete, it will be unclear how the new Act will give effect to the objective of cross reference with the planning scheme. **The Tasmanian Planning Scheme, via the SPPs, should therefore set up a mechanism that ensures maximum assessment, consideration and protection of Aboriginal heritage.**

PMAT recognises this is an imperfect approach in that the proposed Aboriginal Heritage Code may not be able to fully give effect to the *United Nations Declaration of the Rights of Indigenous Peoples* by providing Tasmanian Aboriginal people the right to free, prior and informed consent about developments and uses that affect their cultural heritage or give them the right to determining those applications.

However, while the Tasmanian Government is in the process of preparing and implementing the new Aboriginal Cultural Heritage Protection Act, it will at least allow for consideration and protection of Aboriginal cultural heritage in a way that is not presently provided under any Tasmanian law.

Recommendation:

[2] Jaensch, Roger (2021) *Tabling Report: Government Commitment in Response to the Review Findings, Aboriginal Heritage Act 1975: Review under s.23* – see here: https://nre.tas.gov.au/Documents/Tabling%20Report%20-%20Review%20of%20the%20Aboriginal%20Heritage%20Act.pdf

1. The SPPs must provide better consideration of and protection to Aboriginal cultural heritage such as via the creation of an *Aboriginal Heritage Code* and the cross reference and meaningful connection to a new *Aboriginal Cultural Heritage Protection Act* that will protect Aboriginal Cultural heritage.

6. Heritage Buildings and Landscapes (Local Historic Heritage Code)

PMAT considers that limited protections for heritage places will compromise Tasmania's important cultural precincts and erode the heritage character of listed buildings. PMAT understands that many Councils have not populated their Local Historic Heritage Codes as they are resource and time limited and there is a lack of data.

The disregard of our built heritage and our Heritage Places and Heritage Precincts - is very disappointing not only for Tasmanians but for visitors and people who generally care about built heritage. For example, there is significant interest from our tourism economy, in Tasmania's built heritage. The latest visitor data sourced from Tourism Tasmania's Tasmanian Visitor Survey (TVS) for the year ending September 2021 showed, for the types of activities that visitors to Tasmania reported participating in whilst in Tasmania, that 43 per cent of visitors (YE September 2021) visited Historic sites/attractions. The data also shows that this has remained fairly steady (36-45 per cent of visitors reported this between 2014-2021).

PMAT engaged expert planner Danielle Gray of Gray Planning to draft a detailed review of the Local Historic Heritage Code (see Attachment 2). The input from Gray Planning has provided a comprehensive review of the Local Historic Heritage Code and highlights deficiencies with this Code. There is considerable concern that the wording and criteria in the Local Historic Heritage Code will result in poor outcomes for sites in Heritage Precincts as well as Heritage Places that are individually listed. There is also a lack of consistency in terminology used in the Local Historic Heritage Code criteria that promote and easily facilitate the demolition of and unsympathetic work to heritage places, Precinct sites and significant heritage fabric on economic grounds and a failure to provide any clear guidance for application requirements for those wanting to apply for approval under the Local Historic Heritage Code. The Local Historic Heritage Code also fails to provide incentives for property owners in terms of adaptive reuse and subdivision as has previously been available under Interim Planning Schemes. **It is considered that the deficiencies in the current Local Historic Heritage Code are significant and will result in poor outcomes for historic and cultural heritage management in Tasmania.**

A summary of the concerns and recommendations of the Local Historic Heritage Code by Gray Planning is outlined below with further detail provided in Attachment 2.

Recommendations:

1. PMAT recommends that the *Local Historic Heritage Code* in the Tasmanian Planning Scheme should be consistent with the objectives, terminology and methodology of the Burra Charter. The Burra Charter is a document published by the Australian ICOMOS which defines the basic principles and procedures to be followed in the conservation of Australian heritage places. The Charter was the first national heritage document to replace the Venice Charter as the basis of national heritage practice. The Charter has been revised on four occasions since 1979, and has been internationally influential in providing standard guidelines for heritage conservation practice.

2. PMAT concurs with Gray Planning's concerns and recommendations regarding the *Local Historic Heritage Code* as outlined below and in Attachment 2. PMAT recommends that the Local Historic Heritage Code be amended in response to these concerns and recommendations.

   Gray Planning - Summary of concerns and recommendations with respect to the Local Historic Heritage Code

   - The name of the Local Historic Heritage Code should be simplified to 'Heritage Code'. This simplified naming is inclusive of historic heritage and cultural heritage rather than emphasising that heritage is about historic values only.
   - Definitions in the Local Historic Heritage Code are currently brief and inexhaustive and do not align with definitions in the Burra Charter.
   - There are no clear and easily interpreted definitions for terms repeatedly used such as 'demolition, 'repairs' and 'maintenance'.
   - Conservation Processes (Articles 14 to 25) as outlined in the Burra Charter should be reflected in the Local Historic Heritage Code Performance Criteria. Issues covered in the Burra Charter are considered to be very important to maintaining historic and cultural heritage values such as setting, context and use are not mentioned in the Local Historic Heritage Code at all.
   - The Local Historic Heritage Code does not deal with any place listed on the Tasmanian Heritage register and there is a hard line separate of local and state listed places. This fails to recognise the complexity of some sites which have documented state and local values.
   - Failure to also consider state and local heritage values as part of the Local Historic Heritage Code will result in important issues such as streetscape and setting and their contribution to heritage values not being considered in planning decisions.
   - The SPP Code does not provide a summary of application requirements to assist both Councils and developers. This approach results in a failure to inform developers of information that may be required in order to achieve compliance.
   - The Objectives and Purpose of the Local Historic Heritage Code is too limited and should align with the *Historic Cultural Heritage Act 1995* in terms of purpose.
   - The Exemptions as listed in the Local Historic Heritage Code are in some cases ambiguous and would benefit greatly from further clarification and basic terms being defined under a new Definitions section.
   - Previously, some Interim Planning Schemes included special provisions that enabled otherwise prohibited uses or subdivision to occur so long as it was linked to good heritage outcomes. Those have been removed.
   - Development standards for demolition are concerning and enable the demolition of heritage places and sites for economic reasons.

- Development standards use terminology that is vague and open to misinterpretation.
- The words and phrases 'compatible' and 'have regard to' are repeatedly used throughout the Local Historic Heritage Code and are considered to be problematic and may result in unsympathetic and inconsistent outcomes owing to their established legal translation.
- Performance criteria do not make definition between 'contributory' and 'non contributory' fabric. This may result in poor heritage outcomes where existing unsympathetic development is used as justification for more of the same.
- The Local Historic Heritage Code as currently written will allow for unsympathetic subdivision to occur where front gardens can be subdivided or developed for parking. This will result in loss of front gardens in heritage areas and contemporary development being built in front of and to obstruct view of buildings of heritage value.
- The Local Historic Heritage Code as currently written does not place limits on extensions to heritage places which enables large contemporary extensions that greatly exceed the scale of the heritage building to which they are attached to.
- Significant tree listing criteria are not always heritage related. In fact most are not related to heritage. Significant trees should have their own separate code.
- Currently there is no requirement for Councils to populate the Local Historic Heritage Code with Heritage Precincts of Places. Failure to do so is resulting in buildings and sites of demonstrated value being routinely destroyed.

3. It is important to note that the Tasmanian Planning Commission also recommended a stand-alone code for significant trees in its 2016 recommendations on the draft SPP's outlined on page 63[3] '*a stand-alone code for significant trees to protect a broader range of values be considered as an addition to the SPPs*'.
4. Other recommendations raised by a PMAT member group:
   - In addition to local and State heritage values, consider how national heritage values can be included in the Tasmanian Planning Scheme.
   - Exemptions to be publicly reported.
   - Amend the *Land Use Planning and Approvals Act 1993* to make provision for protection of previously unknown cultural heritage fabric "uncovered" during the course of undertaking works. This process can be triggered in state listed properties by provisional registrations. The only way for this to work for local properties would be to change the *Land Use Planning and Approvals Act 1993.*
   - The definition of the boundary of a listing to extend beyond a Title boundary to allow for setting and extended place.

[3] *Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016 – see page 63.*

- Incorporate Burra principle of “do as much as necessary but as little as possible” philosophy. This could be considered for example as part of the Code Objective.
- Ensure that Conservation Management Plans to be a public process with public input.

7. Tasmania's Brand and Economy

PMAT supports the Tasmanian brand noting that a planning system which protects Tasmania's cherished natural and cultural heritage underpins our economy, now and into the future. We consider that the current SPPs threaten Tasmania's brand, as they place our natural and cultural heritage and treasured urban amenity at risk. The current planning system may deliver short-term gain but at the cost of our long-term identity and economic prosperity.

As Michael Buxton, former Professor of Environment and Planning, RMIT University, stated "*The Government argues the new [planning] system is vital to unlock economic potential and create jobs, but the state's greatest economic strengths are the amenity and heritage of its natural and built environments. Destroy these and the state has no future*." Source: Talking Point: *Planning reform the Trojan horse*, The Mercury, Michael Buxton, December 2016 (attached as Appendix 2).

As per Brand Tasmania's 2019-2024 Strategic Plan, it could be argued that the SPPs are inconsistent with Brand Tasmania's main objectives which are to: '*To develop, maintain, protect and promote a Tasmanian brand that is differentiated and enhances our appeal and competitiveness nationally and internationally; To strengthen Tasmania's image and reputation locally, nationally and internationally; and To nurture, enhance and promote the Tasmanian brand as a shared public asset.*'

Recommendation:

1. A brand lens should be placed over the top of the SPPs to ensure they are consistent with the objectives of Brand Tasmania. This consistency could also be facilitated via the Tasmanian Planning Policies.

8. Housing

PMAT understands the critical need for housing, including social and affordable housing. One of our founding concerns was that the Tasmanian Planning Scheme contains no provisions to encourage affordable or social housing. We believe that good planning, transparent decision making and the delivery of social and affordable housing need not be mutually exclusive. Good planning can result in delivery of both more and better housing.

Instead of managing housing through Tasmania's key planning document, the Tasmanian Planning Scheme, in 2018 the Tasmanian Government introduced a fast track land rezone process called the Housing Land Supply Orders (e.g. Housing Order Land Supply (Huntingfield). Taking this approach compromises strategic planning and transparent decision making. For example, the State Government is the proponent and the assessor. **Fast-tracking planning, such as through Housing Land Supply Orders for large subdivisions, will not assist with community cohesion and/or trust in both the planning system or social/affordable housing projects.**

Taking zoning and planning assessments outside the Tasmanian Planning System risks an ad hoc approach to housing that makes an integrated approach more difficult. This works against delivering quality housing outcomes.

PMAT supports policies and SPPs which encourage development of well-planned quality social and affordable housing. As mentioned above, one of PMAT's founding concerns was that there is no provision for affordable or social housing within the SPPs. We understand this is also the case with the Subdivision Standards. PMAT is concerned that there are no requirements in the SPPs which require developers to contribute to the offering of social and affordable housing. For example, in some states, and many other countries, developers of large subdivisions or multiple dwellings in certain inner city zones, are required to offer a certain percentage of those developments as affordable housing, or pay a contribution to the state in lieu of providing those dwellings.

Recommendations:

1. **Need to encourage delivery of social and affordable housing** - new developments should contain a proportion of social and/or affordable housing. In the absence of mandatory or opt-in policy targets, affordable housing will continue to be a low priority for developers. Design Policy for Social Housing (2020) should also be incorporated into the SPPs. The Design Policy for Social Housing incorporates contemporary design principles from the Liveable Housing Design Guidelines (4th edition), Residential Development Strategy (July 2013), Universal Design and Sustainability Guidelines (Victoria). Legislative and Policy Framework - This Policy adheres to relevant legislation and overarching policy directions including: • Anti-Discrimination Act 1998 • Building Code of Australia 2011 • Liveable Housing Design Guidelines • Universal Housing Design Principles • Tasmania's Residential Strategy (May 2013) • The Australian Governments Renewable Energy Target (RET) Scheme, and Carbon Pollution Reduction Scheme • Housing

Tasmania's Strategic Asset Management Plan. The Design Policy for Social Housing sets out five standards and detailed elements of design for best practise social housing in Tasmania. While the policy details environmental and Accessibility performance in homes, the first three standards specifically concern the location of proposed social housing developments, their access to services and promotes infill development as opposed to urban sprawl. " The purpose of the policy establishes the design standards for the construction and purchase of homes for social housing tenants by social housing providers. The standards may inform maintenance and upgrades as appropriate. The Policy sets out five standards and detailed elements of design for social housing. This document will become relevant as the Development Application for the social housing component of the HHLSO is made public. The policy context incorporates contemporary design principles from the Liveable Housing Design Guidelines (4th edition), Residential Development Strategy (July 2013), Universal Design and Sustainability Guidelines (Victoria). The standards reflect principles of environmental and energy sustainability, socially inclusive and sustainable communities, universal design principles to support 'ageing in place' and liveable housing design. The standards are consistent with industry best practice including the reduction of home energy use and increasing financial and social viability of social housing stock. The standards encourage the use of new innovative developments in design and building materials, including new smart technologies to assist people living with functional impairment. The standards should also be considered within the context of the anticipated effects of climate change through global warming and the new code for bush fire prone areas, and the current reforms to the Tasmanian planning system.

2. **Best practice house and neighbourhood design -** should be adopted so that housing developments not only provide a place for people to live but result in better amenity, health and environmental outcomes. The SPPs should reflect The *Residential Development Strategy* (2013). In July 2013, a Residential Development Strategy (***this can be made available as it is no longer online***) was developed for Tasmania by the State Architect in consultation with representatives of the Minister for Human Services, Housing Tasmania, Tasmanian Planning Commission, Property Council of Australia (Tasmanian Division), Master Builders of Tasmania, Housing Industry Association plus others. The 2013 Strategy is the most current document on liveability development principles in Tasmania. It has also been cited recently, in the September 2020 Design Policy for Social Housing. The Strategy was developed to ensure that '*Tasmanian Government subsidised social and affordable housing developments do not repeat the mistakes of the past; where disadvantage was entrenched by high density suburban fringe developments'.* The Strategy, adopts a *'long-term integrated approach to the planning and development of Tasmanian communities, and focuses on quality urban design as a catalyst for the achievement of improved social outcomes*'. **The Strategy is the most current document on liveability development principles in Tasmania.** '*The principle of liveability is integral to the Residential Development Strategy. It is a collaborative process that supports good social outcomes through well considered design and quality construction and place making, rather than financial*

investment as the only bottom line. Liveability builds communities which are engaged and where their residents care about where they live'.

3. **Provision of infrastructure to support communities** – including transport, schools, medical facilities, emergency services, recreation and jobs should be part of the planning process and not an afterthought.
4. **Ensure that consideration is given to local values in any new large developments.**

9. Residential Issues

One of PMAT's founding concerns is how residential density is being increased with minimal to no consideration of amenity across all urban environments. PMAT understands that the push for increasing urban density is to support the Tasmanian Government's growth plan to grow Tasmania's population to 650,000 by 2050. In our view, we are not doing density or the provision of public open space well.

Currently infill development in our residential zones is not strategically planned but "as of right", and Councils cannot reject Development Applications even though they may fail community expectations. PMAT considers the residential standards are resulting in an unreasonable impact on residential character and amenity. Additionally, they remove a right of say and appeal rights over what happens next door to home owners, undermining democracy. People's homes are often their biggest asset but the values of their properties can be unduly impacted due to loss of amenity. This also impacts people's mental health and well-being and has the potential to increase conflict between neighbours.

Specifically, the SPPs for General Residential and Inner Residential allow smaller block sizes, higher buildings built closer to, or on site boundary line, and multi-unit developments "as of right" in many urban areas as per the permitted building envelope. In the Low Density Residential Zone multiple dwellings are now discretionary (i.e. have to be advertised for public comment and can be appealed), whereas in the past they were prohibited by some Councils such as Clarence City Council. The Village Zone may not be appropriate for purely residential areas, as it allows for commercial uses and does not aim to protect residential amenity.

Neighbourhood amenity and character, privacy and sunlight into backyards, homes and solar panels are not adequately protected, especially in the General and Inner Residential Zones. Rights to challenge inappropriate developments are very limited. Subdivisions can be constructed without the need for connectivity across suburbs or the provision of public open space. Residential standards do not encourage home gardens which are important for food security, connection to nature, biodiversity, places for children to play, mental health/well-being and beauty.

The permitted building envelope, especially in the General Residential Zone, for both single and multiunit developments, for example has led to confusion and anxiety in the community (as seen by examples in the video PMAT commissioned in Clarence Municipality – watch here) with regards to overshadowing, loss of privacy, sun into habitable rooms and gardens, the potential loss of solar access on an adjoining property's solar panels, height, private open space and site coverage/density. Neighbourly relations have also been negatively impacted due to divisive residential standards.

Since the SPPs were created in 2017, PMAT has done a lot of work on the residential standards which reflects the level of community concern and the need for improvement. This work includes:

- PMAT plays an important role as a contact point and referral agent for individuals and community groups regarding planning issues, including residential issues, within the Tasmanian community. PMAT is contacted very regularly regarding residential issues.
- PMAT Launched two TV ads focusing on planning issues during the 2018 State election, including one on the residential issues of the Tasmanian Planning Scheme. Watch here at the end of the video the TV ad will play.
- PMAT commissioned a video highlighting residential standard planning issues and the emotional and financial stress they place on the community. Watch video here.
- PMAT ran the largest survey of candidates for the 2018 Local Government elections. The survey demonstrated a majority of the candidates surveyed take the planning responsibilities of local government very seriously and believe Councils should have greater capacity to protect local character, amenity and places important to their local communities. There was strong candidate sentiment for local government planning controls that protect local character, sunlight and privacy for our homes. Candidates also agreed with increased public involvement in planning decisions in national parks and reserves.

PMAT concurs with government agencies that have also raised concerns regarding our residential standards:

- In 2016, the Tasmanian Planning Commission via its report, *Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*, recommended to the State Government that the Residential Provisions should be reviewed as a priority. Section 4.1.4 'Residential development standards review' (page 18) stated:

  '*Given residential development is the most commonly occurring form of development subject to the planning scheme, affecting the construction industry, owner builders and home owners, the Commission recommends that the General Residential and Inner Residential Zones be reviewed as a priority.*

  Consistent standards were put in place when Planning Directive 4.1 – Standards for Residential Development in the General Residential Zone was issued in 2014. A sufficient period of time has elapsed since their implementation that it is now appropriate to:

  - *evaluate the performance of the standards and whether the intended outcomes have been realised, including delivering greater housing choice, providing for infill development and making better use of existing infrastructure;*
  - *consider the validity of the claims that the standards are resulting in an unreasonable impact on residential character and amenity; and*
  - *introduce drafting that is more consistent with the conventions that apply to the SPPs generally. '*

  The Minister acknowledged the recommendation, but deferred any review until the five year review of the SPPs.

- In 2018, PMAT strongly supported the Local Government Association of Tasmania's push for review of the residential standards, which it says '*have led to confusion and anxiety in our communities with overshadowing, loss of privacy, solar access, height, private open space and site coverage to name a few. A review will highlight these concerns across the State and give the community some expectation of change that can ensure their concerns are heard*.'
- See Appendix 3 which is a story of "Mr Brick Wall' which was submitted as a submission to the draft SPPs in 2016. This story clearly demonstrates the tragic failing and consequences of our residential standards.

Please see PMAT's detailed submission regarding the residential zones and codes in Attachment 3 which has been prepared with thanks by expert planner Heidi Goess of Plan Place. Attachment 3 has also been reviewed with thanks to PMAT's volunteer *Residential Standards Review Sub-Committee* which comprises planning experts, consultants and community advocates with relevant experience.

Overall, PMAT's submission, outlined in Attachment 3,advocates for improved residential zones/codes in the Tasmanian Planning Scheme in order to:

- Adapt to the impacts of climate change in urban and sub-urban settings
- Increase residential amenity/liveability
- Improve subdivision standards including strata title
- Improve quality of densification
- Improve health outcomes including mental health
- Provide greater housing choice/social justice
- Improve public consultation and access to rights of appeal
- Improve definitions and subjective language used in TPS
- Benchmark the above against world's best practice community residential standards (e.g. The Living Community Challenge).
- Review exemptions to see if they deliver on the above dot points.

Recommendations:

The key issues and recommendation below have been drafted by Plan Place in conjunction with PMAT's volunteer *Residential Standards Review Sub-Committee*.

Summary of Key Issues and Recommendations of the General Residential Zone, Inner Residential Zone, Low Density Residential Zone and Rural Living Zone.

Key issues	Priority recommendations
Clause 6.10.2 does not apply the local area objectives to the assessment of all Discretionary development. The planning authority must only consider the local area objectives where it is a Discretionary use. The local area objectives may relate to both use or development. The limited application	**Consideration of the Local Area Objectives to Discretionary development.** Amend clause 6.10.2 to require the planning authority to consider the local area objectives in relation to all discretionary development. The clause must be amended, inserting the words "and development", after the words

Key issues	Priority recommendations
diminishes the use and purpose of the local area objectives by the planning authority in the assessment of development and this should be corrected.	'Discretionary use'. The words in clause 6.10.2 'must have regard to' are recommended to be substituted with 'demonstrate compliance with'.
Many terms are poorly and narrowly defined, or not defined at all, making certain terms in the residential zones open to interpretation and there is a heavy reliance on the common meaning of a word.	The recommendations concern the definitions within Table 3.1 of the SPPs as they relate to terms used in the GRZ, IRZ, LDRZ and RLZ. **Terms and Definitions** • Amend the definitions for the following terms, which are defined too narrowly: o Amenity, to articulate improved outcomes concerning health and wellbeing for Tasmanians. o Streetscape, to fine-tune the definition, to lift its narrow interpretation. • Insert definitions for the following terms: o Character; and o Primary residential function.
The suite of residential zones: • General Residential Zone (GRZ); • Inner Residential Zone (IRZ); • Low Density Residential Zone (LDRZ); and • Rural Living Zone (RLZ), provides a generic approach to use and development, resulting in bland and homogenous outcomes. The residential zone controls in the SPPs, especially for the GRZ, IRZ and LDRZ fail to strike a balance between urban consolidation and achieving outcomes that support well-being and liveability. Densification, Loss of Character, Climate Change It is evident that approved use and development where the SPPs are applied, is resulting in a changing urban fabric of the established residential areas across the State, irrespective of location. The controls disregard neighbourhood character and natural values. For example, the SPPs do not include controls that provide for: • healthy separation and protecting buffers	The SPPs for the GRZ, IRZ, LDRZ and RLZ must actively enable and enforce the principles of 'sustainable development' at a minimum or better still embrace the principles of 'regenerative development'. The latter seeks to provide for development that gives more than it takes, supports the community above all else, including the profit motive of the individual developer's economic desires, and creates zero carbon projects. With this in mind the recommendations of this submission are as follows: **Review of all standards** Review of all use and development standards of the GRZ, IRZ, LDRZ and RLZ to include requirements for: • Roof design to include adequate size, gradient and aspect of roof plane for solar panels; • Adequate private open space and

Key issues	Priority recommendations
between buildings, and protecting established residential character; and • consideration of built form, architectural roof styles and the streetscape. The statutory controls in the SPPs in relation to the residential zones have become oversimplified moving away from 'Australian Model for Residential Development'. This has led to poor design outcomes. The GRZ, IRZ and LDRZ seek densification through infill development or subdivision but do not provide the rigour in controls to balance the trade-offs for occupants of established use and development, such as: • loss of sunlight to private open space or habitable rooms of adjoining properties; • loss of garden areas and opportunity for food production; • impact on stormwater infrastructure; and • loss of established mature vegetation and trees. These controls also lack rigour to enable 'regenerative development' outcomes to respond to climate change. <u>Housing Affordability and Choice</u> The SPPs do not require any controls that drive housing affordability or inclusionary zoning. <u>Visitor Accommodation</u> Addressed separately below. <u>Subdivision</u> Addressed separately below.	protection of windows of existing and proposed buildings from shadows; • On-site stormwater detention and storage (separately) and public open space for rain infiltration to ground; • Double-glazing and insulation of all buildings; • Passive solar access of existing and new buildings; • Re-instatement of adequate setbacks from boundaries for all new buildings; • Maximising the retention of existing trees and vegetation and provide appropriate trade-off where clearance is proposed; and • Servicing of multiple dwelling development such as waste collection. It is acknowledged that many items listed above are in the National Construction Code, but the thermal efficiency requirements need to be increased radically upfront in the planning process in order to reduce carbon emissions. **<u>Affordable Housing</u>** Insert use and development standards in all residential zones to address housing affordability. **<u>Neighbourhood Character Code</u>** Insert a Neighbourhood Character Code in the SPPs that protect attributes of the established residential areas, maintain separation and buffers as well as promoting food security such as: • roof form and architectural style; • building presentation to the streetscape; • garden area requirements to address separation of buildings but also food security; and

Key issues	Priority recommendations
	• retention of mature trees and vegetation. **<u>Medium Density Zone</u>** Diversify the residential zone hierarchy by inserting an additional zone that specifically provides for medium density development. The zone can be applied strategically to areas connected with public transportation routes and positioned to be close to services (i.e. local neighbourhood centres or parks). An additional zone can provide certainty for community and expectation of medium density development. **<u>Stormwater Management Code</u>** Insert a Stormwater Code to assess impact of intensification of surface water run-off on existing infrastructure and promote water-sensitive design.
Densification between visitor accommodation, multiple dwelling development and subdivision are not aligned.	**<u>Visitor Accommodation</u>** • Amend use standards for Visitor Accommodation in the GRZ, IRZ, LDRZ and RLZ or insert a development standard for visitor accommodation to provide a density control that does not exceed the allowed dwelling density in a zone. For example, the construction of one visitor accommodation unit on a vacant site must have a minimum area of 1200m^2 in the LDRZ. • Insert definitions for the terms 'character' and 'primary residential function' in Table 3.1 to aid interpretation of the use standard as it applies to Visitor Accommodation in the residential zones. • Review the exemption at clause 4.1.6 to limit the number of persons staying at a property instead of the number of bedrooms. • Review the SPPs for all residential zones

Key issues	Priority recommendations
	to limit the number of homes that can be converted to Visitor Accommodation to increase retention of housing stock for the residential market.
The requirement of permeable surfaces has been eliminated for residential dwelling development on a site which could include single detached dwellings or multiple dwelling development. The requirement of a site to retain a percentage free from impervious surfaces in the GRZ and IRZ remains for non-residential development. Impervious surfaces controls are important to mitigating stormwater impacts on the natural environment by slowing run-off.	**<u>Permeable Surfaces, Garden Area & Food Security</u>** • Insert a Stormwater Code (see above). • Insert a requirement for retention of permeable surfaces in the GRZ, IRZ and LDRZ in relation to site coverage for dwelling development to assist with managing stormwater run-off. • Introduce a garden area requirement as applied in the Victorian State Planning Provisions.
The subdivision standards in any of the residential zones are focussed on traffic movement and management rather than all users of streets and the important public open space they provide. The requirements of street trees should not be reliant on a council adopted policy. The controls should impose requirements on both local government and developers.	The recommendations concern Subdivision as provided by the exemptions and standards in GRZ, IRZ, LDRZ and RLZ. **<u>Liveable Streets Code</u>** • Insert a Liveable Streets Code to acknowledge the importance of the streetscape and public space. The purpose of the code is to impose requirements which results in streets supporting the wellbeing and liveability of Tasmanians and increase the urban forest canopy. The code will provide for appropriate standards for development of a streetscape at the subdivision stage or where a government body is constructing a new residential street. • Amend the exemption at clause 4.2.4 to require a government body to apply the Liveable Streets Code. The exemption could remain in place if the requirements of the Liveable Street Code are achieved; otherwise requiring a permit.
Part 2 of Schedule 1, *Objectives of the Planning*	The recommendations seek for the SPPs Review

Key issues	Priority recommendations
Process Established under the *Land Use Planning and Approvals Act 1993 (the Act)* seeks an integrated and coordinated approach to the planning process in Tasmania. The planning process does not provide for a coordinated or integrated approach as various requirements for use and development is spread across several pieces of legislation. <u>Examples:</u> The provision of open space is regulated under the *Local Government (Building and Miscellaneous Provisions) Act 1993.* The SPPs do not provide for any requirements concerning public open space in the assessment of subdivision. The conflict between vegetation retention and bushfire hazard management. For example, an application is approved on the basis that native vegetation is retained on a site and conditioned accordingly. The approved application is potentially modified due to the requirements of a bushfire hazard management plan approved after the planning permit. Addressing the issue of bushfire after the planning stage does not allow these matters to be addressed upfront and adds cost to the developer.	to consider improving the coordinated and integrated approach to the statutory assessment process across different sets of legislation. The recommendations outlined below are a few examples where the planning process is not coordinated or integrated and fails the test of Part 2 of Schedule 1 of the Act. **<u>Public Open Space Code</u>** Insert a Public Open Space Code, requiring consideration of the physical provision of public open space before cash-in-lieu is accepted. The SPPs must prompt assessment of physical provision of open space before cash-in-lieu is considered. **<u>Bushfire-prone Areas Code</u>** Amend the Bushfire-Prone Areas Code in the SPPs to require bushfire hazard management assessment as part of the planning process for all development. **<u>Other Hazards Code</u>** Amend the hazard codes in the SPPs to require assessment of an issue as part of the planning process for use and development.

10. Stormwater

The current SPPs provide no provision for the management of stormwater.

In 2016, the Tasmanian Planning Commission recommended the Planning Minister consider developing a stormwater Code, to ensure Councils have the capacity to consider stormwater runoff implications of new developments (see section 5.15.1 Stormwater Code, page 46). That recommendation was not accepted. The Minister considered that Building Regulations adequately deal with that issue, despite Council concerns that stormwater run-off was a planning issue, not just a building development issue.

PMAT considers that stormwater needs to be managed as part of the SPPs. For example, there is a State Policy on Water Quality Management with which the SPPs need to comply. Relevant clauses include the following:

31.1 - 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.

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.

Recommendation:

1. The SPPs should include a new *Stormwater Code*.

1. On-site Wastewater

The current SPPs provide limited provision for on-site wastewater.

Wastewater issues are currently dealt with under the Building Act. This is an issue that needs to be addressed in the Tasmanian Planning Scheme to ensure that water quality management issues arising from onsite wastewater treatment are properly considered earlier at the planning stage. That is, if a site does not have appropriate space or soils for on-site wastewater treatment system, a use or development that relies on this should not be approved by the planning authority.

PMAT understands that there is limited to no provision for water sensitive urban design within the SPPs.

Water sensitive urban design is an approach to planning and designing urban areas to make use of this valuable resource and reduce the harm it causes to our rivers and creeks. This type of design will become increasingly important under climate change.

Recommendation:

1. On-site wastewater and water sensitive urban design need to be properly addressed in the Tasmanian Planning Scheme.

2. Rural/Agricultural Issues

An unprecedented range of commercial and extractive uses are now permitted in the rural/agricultural zones which PMAT considers will further degrade the countryside and Tasmania's food bowl. Commercial and extractive uses are not always compatible with food production and environmental stewardship. Food security, soil health and environmental and biodiversity issues need to be 'above' short-term commercial and extractive uses of valuable rural/agricultural land resources.

Recommendation:

1. PMAT urges a re-consideration of the rural/agricultural zones with regards to the permitted commercial and extractive uses.

3. Coastal Land Issues

Over time the SPPs will erode the local character of our small coastal towns and settlements.

PMAT considers that weaker rules for subdivisions and multi-unit development will put our undeveloped beautiful coastlines under greater threat. For example, the same General Residential standards that apply to our cities such as Hobart and Launceston also apply to small coastal towns such as Bicheno, Swansea and Orford. The Low Density Residential Zone also has the potential to erode the character of small coastal settlements such as Coles Bay.

Recommendation:

1. PMAT urges stronger protections from subdivision and multi-unit developments to help maintain the character of our small coastal towns and settlements.

4. Coastal Waters

The SPPs only apply to the low water mark and not to coastal waters. The SPPs must be consistent with State Policies including the *State Coastal Policy 1996*. The *State Coastal Policy 1996* states that it applies to the *'Coastal Zone'* which *'is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.'*[4] *State waters are defined as the waters which extend out to three nautical miles*[5].

Recommendation:

1. The SPPs should again apply to coastal waters e.g. the Environmental Management Zone should be applied again to coastal waters.

[4] https://www.dpac.tas.gov.au/__data/assets/pdf_file/0010/11521/State_Coastal_Policy_1996.pdf
[5] *https://www.ga.gov.au/scientific-topics/marine/jurisdiction/maritime-boundary-definitions*

5. National Parks and Reserves (Environmental Management Zone)

The purpose of the Environmental Management Zone (EMZ) is to '*provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value',* and largely applies to public reserved land. Most of Tasmania's National Parks and Reserves have been Zoned or will be zoned Environmental Management Zone. **PMAT's main concerns regarding the Environmental Management Zone is what is permitted in this zone plus the lack of set-back provisions that supports the integrity of for example our National Parks.**

Permitted Uses

The EMZ allows a range of *Permitted* uses which PMAT considers are incompatible with protected areas. ***Permitted* uses include:** Community Meeting and Entertainment, Educational and Occasional Care, Food Services, General Retail and Hire, Pleasure Boat Facility, Research and Development, Residential, Resource Development, Sports and Recreation, Tourist Operation, Utilities and Visitor Accommodation.

These uses are conditionally permitted, for example they are permitted because they have an authority issued under the *National Parks and Reserves Management Regulations 2019*, which does not guarantee good planning outcomes will be achieved and does not allow for an appropriate level of public involvement in important decisions concerning these areas.

Set Backs

There are no setback provisions for the Environmental Management Zone from other Zones as is the case for the Rural and Agricultural Zones. This means that buildings can be built up to the boundary, encroaching on the integrity of our National Parks and/or coastal reserves.

Recommendations:

1. PMAT recommends all current Environmental Management Zone Permitted uses should be at minimum classed as *Discretionary*, as this will guarantee public comment and appeal rights on developments on public land such as in our National Parks and Reserves.
2. There should be setback provisions in the Environmental Management Zone to ensure the integrity of our National Parks and Reserves.
3. Further to PMAT's submission we also endorse the recommendations made by the Tasmanian National Parks Association as outlined in their submission to the 2022 SPP review here.

6. Healthy Landscapes (Landscape Conservation Zone)

The purpose of the Landscape Conservation Zone (LCZ) is to provide for the protection, conservation and management of landscape values on private land. However, it does not provide for the protection of *significant natural values* as was the original intent of the LCZ articulated on page 79 of the Draft SPPs Explanatory Document. With a Zone Purpose limited to protecting 'landscape values', LCZ is now effectively a Scenic Protection Zone for private land.

Recommendation:

1. PMAT endorses the recommendations in the 2022 SPP review submission: '*State Planning Provisions Scoping Paper re Landscape Conservation Zone provisions by Conservation Landholders Tasmania'* which calls for a Zone to properly protect natural values on private land.

7. Healthy Landscapes (Natural Assets Code)

The Natural Assets Code (NAC) fails to meet the objectives and requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA) and does not adequately provide for the protection of important natural values (particularly in certain zones) and requires detailed review.

A key objective of LUPAA is to promote and further the sustainable development of natural and physical resources, and as an integral part of this, maintain ecological processes and conserve biodiversity. More specifically, s15 of LUPAA requires the SPPS, including the NAC, to further this objective.

As currently drafted, the NAC reduces natural values to a procedural consideration and undermines the maintenance of ecological processes and conservation of biodiversity. As a result, the, NAC fails to adequately reflect or implement the objectives of LUPAA and fails to meet the criteria for drafting the SPPs.

There are also significant jurisdictional and technical issues with the NAC, including:

- poor integration with other regulations, particularly the Forest Practices System, resulting in loopholes and the ability for regulations to be played off against each other;
- significant limitations with the scope of natural assets and biodiversity values considered under the NAC, with landscape function and ecosystem services and non-threatened native vegetation, species and habitat largely excluded;
- wide-ranging exemptions which further jurisdictional uncertainty and are inconsistent with maintenance of ecological processes and biodiversity conservation;
- extensive exclusions in the application of the Natural Assets Code through Zone exclusion relating to the Agriculture, Industrial, Commercial and Residential Zones and limiting biodiversity consideration to mapped areas based on inaccurate datasets which are not designed for this purpose. As a consequence, many areas of native vegetation and habitat will not be assessed or protected, impacting biodiversity and losing valuable urban and rural trees;
- poorly defined terms resulting in uncertainty;
- a focus on minimising and justifying impacts rather than avoiding impacts and conserving natural assets and biodiversity;
- inadequate buffer distances for waterways, particularly in urban areas; and
- watering down the performance criteria to 'having regard to' a range of considerations rather than meeting these requirements, which enables the significance of impacts to be downplayed and dismissed.

As a consequence, the NAC not only fails to promote sustainable development, maintain ecological processes and further biodiversity conservation, it also fails to achieve its stated purpose. The NAC as drafted also fails to provide aspiration to improve biodiversity conservation and can only lead to a reduction in biodiversity and degradation of natural assets.

In 2016, the Tasmanian Planning Commission via its report, *Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*, recommended that the Natural Assets Code be scrapped in its entirety, with a new Code developed after proper consideration of the biodiversity implications of proposed exemptions, the production of adequate, State-wide vegetation mapping, and consideration of including protection of drinking water catchments.

The then Planning Minister Peter Gutwein rejected that recommendation. Some amendments were made to the Code (including allowing vegetation of local significance to be protected), but no review of exemptions was undertaken. PMAT understands that while no state-wide mapping was provided, the Government provided $100,000 to each of the three regions to implement the SPPs – the southern regional councils pooled resources to engage an expert to prepare biodiversity mapping for the whole region.

Note that despite concerns raised by TasWater, no further amendments were made to protect drinking water catchments.

Recommendations:

1. The NAC does not adequately provide for the protection of important natural values (particularly in certain zones) and requires detailed review.
2. PMAT engaged Dr Nikki den Exter to review the NAC in the context of the Schedule 1 Objectives of the *Land Use Planning and Approvals Act 1993 (LUPAA)*. **Please see this important review in Attachment 4.**

   Dr Nikki den Exter completed her PhD thesis investigating the role and relevance of land use planning in biodiversity conservation in Tasmania. Dr den Exter also works as an Environmental Planner with local government and has over 15 years' experience in the fields of biodiversity conservation, natural resource management and land use planning. As both a practitioner and a researcher, Dr den Exter offers a unique perspective on the importance of land use planning in contributing to biodiversity conservation. The detailed submission has also been reviewed with thanks by PMAT's volunteer *Natural Assets Code Review Sub-Committee* which comprises planning experts, consultants and community advocates with relevant experience and knowledge.

   The summary of key issues and priority recommendations as identified by Dr den Exter are outlined below and in more detail in Attachment 4.

Key issues	**Priority recommendations**
The NAC is limited to managing and minimising loss and fails to improve biodiversity, maintain ecological processes or implement the mitigation hierarchy, with the need to avoid absent	Amend the Code, including the purpose, objectives and standards, to improve the condition and extent of natural assets and biodiversity and reflect all stages of the mitigation hierarchy, with the highest priority being to avoid loss and offsets a

Key issues	Priority recommendations
and offset severely limited.	requirement where loss is unavoidable, and the impact is insignificant.
The scope of natural assets and biodiversity values considered under the NAC is too narrow and will not promote biodiversity conservation or maintain ecological processes, with landscape function and ecosystem services, non-threatened native vegetation, species and habitat, and terrestrial ecosystems sensitive to climate change largely excluded.	Amend the Code, including the purpose, objectives and standards, to apply to natural assets and biodiversity values more broadly, including landscape ecological function, ecosystem services, ecological processes, habitat corridors, genetic diversity, all native vegetation (not just threatened), non-listed species and ecosystems sensitive to climate change.
The extensive zone exclusions from a priority vegetation area, and therefore Code application, will result in some of the most significant areas for biodiversity excluded from assessment and consideration. A priority vegetation area needs to be able to be applied within any zone.	Amend the Code to enable consideration and assessment of impacts on biodiversity in all zones, including the agriculture zone and urban-type zones.
Limiting a priority vegetation area and future coastal refugia area to a statutory map based on inaccurate datasets which are not fit for purpose is inconsistent with other regulations and other Codes and will result in the loss of important biodiversity values and refugia areas. A priority vegetation area and future refugia area must relate to where the values actually exist, not just where they are mapped.	Amend the Code to enable priority vegetation and future refugia areas to apply to land outside the statutory map, where the values are shown the exist.
The exemptions are far-reaching, inconsistent with maintaining ecological processes and biodiversity conservation, duplicate the Scheme exemptions and will result in loopholes and the ability for regulations to be played off against each other.	Review the exemptions to remove duplication and loopholes and limit the exemptions to imminent unacceptable risk or preventing environmental harm, water supply protection, Level 2 activities and consolidation of lots.
Consideration and assessment of impacts	Amend the Code, including the purpose, objectives

Key issues	Priority recommendations
on terrestrial biodiversity are limited to direct impacts from clearance of priority vegetation and arising from development. The NAC does not enable consideration of impacts arising from use and not involving vegetation clearing, such as collision risk, disturbance to threatened species during breeding seasons, degradation of vegetation and damaging tree roots.	and standards, to enable consideration of indirect adverse impacts as well as direct impacts and apply to use as well as development.
The NAC provides inadequate buffer distances for waterways in urban areas and tidal waters.	Amend the NAC to apply the appropriate buffer widths in urban areas, rather than reducing them to 10m, and extend the coastal protection buffer into tidal waters.
The NAC reduces natural assets and biodiversity to a procedural consideration and undermines the maintenance of ecological processes and conservation of biodiversity, through the performance criteria only require 'having regard to' a number of considerations rather than satisfying the criteria	Amend all performance criteria to replace the term 'having regard for' with 'must' or 'satisfy'.
The performance criteria are drafted to facilitate development and manage loss rather than maintain and improve natural assets, ecological processes and biodiversity.	Amend the performance criteria to be more prescriptive and establish ecological criteria for when loss is unacceptable for different values, enable consideration of cumulative impacts, achieve improved management and protection for remaining values, provide for a range of offset mechanisms, including off-site and financial, and enable identification of areas or sites where development is not an option.
Many terms are poorly and narrowly defined, or not defined at all, making the NAC ambiguous and open to interpretation and limiting the scope of the NAC.	Amend the definitions for the following terms, which are defined too narrowly and/or are poorly defined: • Future coastal refugia and future coastal refugia area – which needs to include all refugia not just coastal and not just within a statutory map. • Priority vegetation and priority vegetation area – which needs to include all

Key issues	Priority recommendations
	biodiversity values and not just within a statutory map. • Threatened native vegetation community – to include communities listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* EPBCA). • Significant and potential habitat f or threatened species – which should be consistent with other regulators. Include definitions for the following terms: native vegetation community; clearance; disturbance; habitat corridor; landscape ecological function; ecological processes; ecological restoration; unreasonable loss; unnecessary or unacceptable impact; and use reliant on a coastal location.
The NAC does not include any requirement or clear ability to request an on-ground assessment of natural values by a suitably qualified person. In the absence of such an assessment, it is generally not possible to adequately determine or assess the impacts of a proposal, including compliance with the Code requirements.	Amend the NAC to specify applications requirements and enable a planning authority to request a natural values assessment by a suitably qualified person.

8. Healthy Landscapes (Scenic Protection Code)

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values.

The Code can be applied through two overlays: scenic road corridor overlay and the scenic protection area overlay.

However, PMAT considers that the Scenic Protection Code fails to protect our highly valued scenic landscapes. There is an inability to deliver the objectives through this Code as there are certain exemptions afforded to use and development that allow for detrimental impact on landscape values. Concerns regarding the Scenic Protection Code have also been provided to the Tasmanian Planning Commission from the Glamorgan Spring Bay Council on the SPPs in accordance with section 35G of LUPAA.

Not only does the Code fail to protect scenic values, PMAT understands that in many instances Councils are not even applying the Code to their municipal areas.

Given that Tasmania's scenic landscapes are one of our greatest assets and point of difference, this is extremely disappointing.

Local Councils should be given financial support to undertake the strategic assessment of our scenic landscapes so they can populate the Scenic Protection Code within their municipal area via either their LPS process or via planning scheme amendments.

In the absence of local Council resources to undertake the strategic assessment work, a community group paid for the strategic work. But because this was not a Council document, it was disregarded during the Local Provisions Schedule process. **This story demonstrates that there is no pathway for the community to advocate for scenic protection, other than through local Councils. If Councils are not doing the work, this gives the community no pathway.**

Figure 3 - Rocky Hills, forms part of the Great Eastern Drive, one of Australia's greatest road trips. The Drive underpins east coast tourism. As per www.eastcoasttasmania.com states '*this journey inspires rave reviews from visitors and fills Instagram feeds with image after image of stunning landscapes and scenery*'. The Rocky Hills section of the road is subject to the Scenic road corridor overlay but has allowed buildings which undermine the scenic landscape values.

Recommendation:

1. The Scenic Protection Code of the SPPs should be subject to a detailed review, with a view to providing appropriate use and development controls and exemptions to effectively manage and protect all aspects of scenic landscape values.
2. Fund local Councils to strategically analyse their scenic values in their municipal area as a pathway to populating the Scenic Protection Code.

9. Geodiversity

The current SPPs have no provision for mandatory consideration of impacts on geodiversity when assessing a new development or use that impacts geodiversity. This means, for example, that under current laws there is no formal opportunity for the public to comment on or object to a development or use that would adversely impact geodiversity, and there is no opportunity to appeal permits that allow for adverse impacts on geodiversity.

The National State of the Environment Report 2021 includes a 'Geoheritage' section that notes the need to better deal with geoheritage – see here[6].

The below section on geodiversity definitions, values, vulnerability and the need to embrace geodiversity in planning has been written by geomorphologist Kevin Kiernan.

'Geodiversity *Definitions*

The terms geodiversity and biodiversity describe, respectively, the range of variation within the non-living and living components of overall environmental diversity. Geodiversity comprises the bedrock geology, landforms and soils that give physical shape to the Earth's surface, and the physical processes that give rise to them[7]. Action to conserve those elements is termed geodiversity conservation/geoconservation and biodiversity conservation/bioconservation. Such efforts may be focused on the full range of that diversity by ensuring that representative examples of the different geo and bio phenomena are safeguarded. In other cases efforts may be focused only on those phenomena that are perceived as being outstanding in some way, such as particularly scenic landforms and landscapes or particularly charismatic animals such as lions or tigers. The term geoheritage describes those elements we receive from the past, live among in the present, and wish to pass on to those who follow us.

Geodiversity Values

The geodiversity that surrounds us sustains and enriches our lives in much the same ways as does biodiversity, indeed there can be no biodiversity without the varied physical environments that provide the essential stage and diverse habitats upon which it depends. Although many of the world's earliest protected areas were established to safeguard landforms and scenery, over recent decades the emphasis has shifted towards living nature. This probably reflects in part such things as more ready human identification with charismatic animals, but existence of the Linnean classification system that facilitates ready differentiation of the varying types of animals and plants has facilitated rapid recognition of the concept of biodiversity. But just as there are different species of plants and animals, so too are there different types of rocks, minerals, landforms and soils, and indeed the need to safeguard this geodiversity was being promulgated several years prior to adoption of the

[6] McConnell A, Janke T, Cumpston Z, Cresswell ID (2021). Heritage: Geoheritage. In: *Australia State of the environment 2021*, Australian Government Department of Agriculture, Water and the Environment, Canberra, https://soe.dcceew.gov.au/heritage/environment/geoheritage, DOI: 10.26194/7w85-3w50

[7] Gray M 2004 *Geodiversity. Valuing and conserving abiotic nature*. Wiley, Chichester UK

international convention on biodiversity[8]. These non-living components of the environment are of value in their own right just as living species are – for their inherent intrinsic value; because they sustain natural environmental process (including ecological processes); or because of their instrumental worth to humankind as sources of scientific, educational, aesthetic scenery, spiritual, inspirational, economic and other opportunities.

Geodiversity Vulnerability

Effective management is required if these values are to be safeguarded[9]. As with plant and animal species, some are common and some are rare, some are robust and some are fragile. There is a common misconception that the prefix "geo" necessarily implies a robust character, but many elements of geodiversity are quite the opposite. For example, stalactites in limestone caves can be accidentally brushed off by passing visitors or seriously damaged by changes to the over-lying land surface that derange the natural patterns or chemistry of infiltrating seepage moisture; various types of sand dunes can readily be eroded away if a binding vegetation cover is removed; artificial derangement of drainage can cause stream channels to choke with debris or be eroded; important fossil or rare mineral sites can be destroyed by excavation, burial or even by increased public to a site where a lack of protective management allows over-zealous commercial or private collection; and larger scale landforms are commonly destroyed by such things as excavation or burial during housing, forestry, quarrying, inundation beneath artificial water storages, or mining.

Damage to geodiversity is not undone simply because vegetation may later re-colonise and camouflage a disturbed ground surface. While some landforms may possess the potential for a degree of self-healing if given sufficient time and appropriate conditions, many landforms are essentially fossil features that have resulted from environmental process that no longer occur, such as episodes of cold glacial era climate – for example, small glacial meltwater channels less than 1 m deep have survived intact in Tasmania through several glacial cycles (over 300, 000 years or more) so there is no justification for assuming that excavations for roadways or driveways will magically disappear any sooner.

For a soil to form requires the process of pedogenesis, which involves progressive weathering, clay mineral formation, internal redistribution of minerals and other material, horizon development and various other processes that require a very long period of time - even where climatic conditions are warm and moist rock weathering rates rock weathering rates may allow no more than 1 m of soil to form in 50,000 years on most rock types[10]. The uppermost horizons of a soil are the most productive part of a profile but are usually the first to be lost if there is accelerated erosion, churning and profile mixing by traffic, compaction, nutrient depletion, soil pollution or other modes of degradation.

[8] Gray M Geodiversity: the origin and evolution of a paradigm. Pp.31-36 in Burek CV, Prosser CD (eds.) *The history of geoconservation*. Geological Society Special Publication 300, London UK.
[9] Kirkpatrick JB, Kiernan K 2006 Natural heritage management. Chap 14 in Lockwood M, Worboys GL, Kothari A (eds.) *Managing protected areas: a global guide*. IUCN/Earthscan, London.
[10] Boyer DG 2004 Soils on carbonate karst. Pp656-658 in Gunn J (ed.) *Encyclopedia of caves and karst science*. Fitzroy Dearborn, New York USA

Hence, soil degradation should be avoided in the first place rather than being addressed by remediation attempts such as dumping loose "dirt" onto a disturbed surface, because a soil is not just "dirt".

Geodiversity and Planning

The need to embrace geodiversity in planning - Sites of geoconservation significance can be valued at a variety of scales, from the global to the very local. Only those sites recognised as important at a state or national scale are ever likely to be safeguarded as protected areas, but many more are nonetheless significant at regional or local level, or even considered important by just a few adjacent neighbours. ***The need for a planning response outside formal protected areas by various levels of government has long been recognised overseas, and also in Tasmania***[11].

The Australian Natural Heritage Charter[12] *provides one very useful contribution towards better recognition and management of geodiversity by various levels of government. Significant progress has already been made in Tasmania where the state government has established a geoconservation database that can be readily accessed by planners and development proponents. The establishment of a geoconservation code within the Tasmanian planning machinery would facilitate utilisation and development of this important tool for planners and development proponents. No impediment to develop generally exists where geoconservation sites are robust or lacking significance, but important and vulnerable sites require higher levels of planning intervention.'*

Tasmanian Geoconservation Database

Further to the above, the **Tasmanian Geoconservation Database** is '*a source of information about geodiversity features, systems and processes of conservation significance in the State of Tasmania. The database is a resource for anyone with an interest in conservation and the environment. However, the principal aim is to make information on sites of geoconservation significance available to land managers, in order to assist them manage these values.* ***Being aware of a listed site can assist parties involved in works or developments to plan their activities. This may involve measures to avoid, minimise or mitigate impacts to geoconservation values.*** *More than a thousand sites are currently listed. These range in scale from individual rock outcrops and cuttings that expose important geological sections, to landscape-scale features that illustrate the diversity of Tasmania's geomorphic features and processes. Many of the sites are very robust and unlikely to be affected by human activities; others are highly sensitive to disturbance and require careful management*.'

Recommendation:

[11] For example see Erikstad L 1984 Registration and conservation of sites and areas with geological significance in Norway. *Norsk Geografisk Tidsskriuft* 38: 200-204; Nature Conservancy Council 1989 *Earth Science Conservation. A draft strategy*. NCC, London, UK; Kiernan K 1991 Landform conservation and protection. pp. 112-129 in *Fifth regional seminar on national parks and wildlife management, Tasmania 1991. Resource document*. Tasmanian Parks, Wildlife & Heritage Department, Hobart.

[12] ACIUCN 1996 *Australian natural heritage charter*. Australian Council for the International Union of Conservation, & Australian Heritage Commission, Canberra

1. The SPPs must provide consideration of and protection of geoheritage via the creation of a Geodiversity Code which could be linked to the *Tasmanian Geoheritage Database*.

10. Integration of Land Uses

Forestry, mine exploration, fish farming and dam construction remain largely exempt from the planning system. There is also a new concerning trend to remove rezone subdivisions from the standard statutory planning process.

Recommendation:

1. PMAT considers that the planning system should provide an integrated assessment process across all types of developments on all land tenures which includes consistent provision of mediation, public comment and appeal rights.

11. Planning and Good Design & Loss of Character Statements

Quality design in the urban setting means "doing density better". We need quality in our back yards (QIMBY), an idea promoted by Brent Toderian, an internationally recognised City Planner and Urban Designer based in Vancouver.

Liveable towns and suburbs: For most people this means easy access to services and public transport, a reduced need for driving, active transport connections across the suburb, easily accessible green public open spaces, improved streetscapes with street trees continually planted and maintained, with species which can coexist with overhead and underground services. This means well designed subdivisions where roads are wide enough to allow services, traffic, footpaths and street trees. Cul de sacs should not have continuous roofs. There should be less impervious surfaces, continuous roofs and concrete.

Dwelling design: Apartment living could allow more surrounding green space, though height and building form and scale become important considerations due to potential negative impact on nearby buildings. Passive solar with sun into habitable rooms is a critical consideration.

Individual dwellings: There must be adequate separation from neighbours to maintain privacy, sunlight onto solar panels and into private open space, enough room for garden beds, play and entertaining areas, and this space should be accessible from a living room. The Residential SPPs do not deliver this. New research confirms, reported here *'Poor housing has direct impact on mental health during COVID lockdowns, study finds'* 13 August 2021, that poor housing has direct impact on mental health during COVID lockdowns: *'Your mental health in the pandemic "depends on where you live", new research suggests, with noisy, dark and problem-plagued homes increasing anxiety, depression, and even loneliness during lockdowns.' And 'Lockdowns are likely to continue through the pandemic and other climate change impacts – thus its critical, our housing policy and standards 'make it safe for everyone … to shelter in place without having poor mental health'.*

Building materials: Low cost development will impact sustainability and increase heating/cooling costs, creating a poor lived experience for future owners. There should be stronger building controls. Consider the heat retention effects of dark roofs. There should be less hard surfaces and increased tree canopy. Too often the effect of a development which changes the existing density of a street is allowed to proceed without any consideration for place. Neighbours have rights not just the developer.

Tasmanian Subdivision Guidelines: These voluntary guidelines are an engineering design and construction resource and only provide information on the minimum standards required by participating Tasmanian Councils for the design and construction of roads and utilities as per the relevant statutory requirements. These Guidelines are used by consultants, developers and construction contractors as well as Council professionals. The guidelines standards should be expanded to include quality urban design considerations.

Recommendation: All residential zones in the SPPs should be rethought to

1. Mandate quality urban design in our subdivisions, suburbs and towns;

2. Improve design standards to prescribe environmentally sustainable design requirements including net zero carbon emissions - which is eminently achievable now;
3. Provide a Zone or mechanism which allows apartment dwellings and/or targeted infill based on strategic planning;
4. Deliver residential standards in our suburbs which maintain amenity and contribute to quality of life. PMAT also recommends that subdivision standards be improved to provide mandatory requirements for provision of public open space for subdivisions and for multiple dwellings; and
5. Improve the Tasmanian Subdivision Guidelines to incorporate the above recommendations.
6. Whilst PMAT accepts that *Desired Future Character Statements* and *Local Area Objectives* may be hard to provide in the context of SPPs, which by definition, apply state-wide, we consider that greater latitude could be provided in the SPPs for LPSs to provide these types of statements for each municipality. It is also extremely disappointing that Local Area Objectives and Character Statements such as Desired Future Character Statements have been removed from the Tasmanian Planning Scheme. Currently, there is nothing to guide Councils when making discretionary decisions, (unless in Discretionary Land Use decision as at 6.10.2b). **PMAT recommend s that the Tasmanian Planning Scheme should be amended**: Amend section 6.10.2 of the SPPs to read:

   6.10.2 In determining an application for a permit for a Discretionary use "**and development**" the planning authority must, in addition to the matters referred to in sub-clause 6.10.1 of this planning scheme, "**demonstrate compliance with"**:

   (a) the purpose of the applicable zone;

   (b) any relevant local area objective for the applicable zone;

   (c) the purpose of any applicable code;

   (d) the purpose of any applicable specific area plan;

   (e) any relevant local area objective for any applicable specific area plan; and

   (f) the requirements of any site-specific qualification, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

22 Various Concerns held by PMAT

- Application requirements in cl 6.1 and the need for planning authorities to be able to require certain reports to be prepared by suitable persons (for example, Natural Values Assessments), or for these reports to be mandatory where certain codes apply.
- General exemptions in cl 4.0 of the SPPs particularly those relating to vegetation removal and landscaping.
- The need to better plan for renewable energy and infrastructure.
- PMAT considers that the SPP Acceptable Solutions (i.e. what is permitted as of right) are not generally acceptable to the wider community.
- It is disappointing also that Local Area Objectives and Character Statements such as Desired Future Character Statements have been removed from the Tasmanian Planning Scheme. The*re is nothing to guide Councils when making discretionary decisions.*

Related General Comments/Concerns regarding the SPPs

PMAT also has a range of concerns relating to the SPPs more broadly:

1. Amendments to SPPs - 35G of LUPAA
2. The Process for making Minor and Urgent Amendments to SPPs
3. The SPPs reliance on outdated Australian Standards
4. The SPPs vague and confusing terminology
5. The SPPs were developed without a full suite of State Policies
6. Increased complexity
7. Tasmanian Spatial Digital Twin
8. Protection of local Character via the LPS process

1. Amendments to SPPs - 35G of LUPAA

Under Section 35 G of the *Land Use Planning and Approvals Act 1993*, see here, a planning authority may notify the Minister as to whether an amendment of the SPPs is required. However, the Act does not set out a process that deals with the 35G issues.

Recommendations:

1. It is PMAT's view that the *Land Use Planning and Approvals Act 1993* should set out a transparent and robust process for dealing with 35G issues.
2. Consistent with the Objectives of the *Land Use Planning and Approvals Act 1993*, communities that are going through their Draft Local Provisions Schedule public consultation process, should be allowed and encouraged by their local Council to comment not only on the application of the SPPs but on any issues they may have in regards to the contents of the SPPs. It is logical that this is when communities are thinking about key concerns, rather than only having the opportunity to raise issues regarding the content of the SPPs during the statutory five year review of the SPPs. **PMAT recommends the *Land Use Planning and Approvals Act 1993* should be amended to reflect this.**

2. Process for Making Minor and Urgent Amendments to SPPs

In 2021, the Tasmanian Government amended the *Land Use Planning and Approvals Act 1993* to change the process for making minor amendments to the SPPs and introduce a separate process for making urgent amendments to the SPPs. These amendments give more power to the Planning Minister with no or a very delayed opportunity for public comment. The definition of both a minor and urgent amendment is also unclear. In PMAT's view, amendment processes provide the Minister with too much discretion to make changes to the SPPs and fail to adopt appropriate checks and balances on these significant powers.

Also, our legal advice is that when the Tasmanian Planning Policies are introduced, the minor amendment process does not allow for changes to bring the SPPs into line with Tasmanian Planning Policies.

Recommendations:

1. Amend the *Land Use Planning and Approvals Act 1993* to provide a clear definition of what constitutes a *minor* and *urgent* SPP amendment.
2. Ensure that the process for creating a minor or urgent amendment includes meaningful public consultation that is timely effective, open and transparent.
3. The State Planning Office/the Tasmanian Planning Commission to provide fact sheets on the various SPP amendment process and in particular highlighting where the community

3. The SPPs reliance on outdated Australian Standards

There is a strong reliance in the Tasmanian Planning Scheme on Australian Standards, many of which we understand are outdated and out of touch.

PMAT understands that it is also not possible to easily access the applied, adopted or incorporated documents via the Tasmanian Planning Scheme. There is no hyperlink to the actual documents themselves; and many, such as the Australian New Zealand standards are accessible only via subscription services. PMAT understands that Councils for example their building and plumbing teams, and the engineering department maybe the only areas that have subscription access. This means that if planners want to check on details they need to ask them to print a copy. Subscriptions are not inexpensive, and it is a barrier for community members to participate in the process and understand the Planning Scheme requirements.

Many of the documents are outdated, ranging in publication dates from 3 years (for the most recent) to 23 years (for the oldest). Whilst these may be the most recent version of the documents, it is difficult to believe that they all represent current international best practice. **This raises an important question: if they are now part of the Tasmanian Planning Scheme, which needs to be reviewed every five years, then where are the resources to review and update all of these documents? Or are they some-how exempt from this legislative requirement?** For example, PMAT understands that the least reflective of current realities are the Australian Standards relating to the Car Parking requirements, especially dimensions.

Recommendation:

1. That any third party documents/standards referred to in the Tasmanian Planning Scheme should be at minimum publicly available.
2. That the Tasmanian Planning Scheme should not rely on outdated standards/third party documents.

4. The SPPs Vague and Confusing Terminology

There are many specific words in the SPPs, as well as constructs in the language used, that lead to ambiguity of interpretation. Often this results in sub-optimal planning outcomes for the community and can contribute to delays, unnecessary appeals and increased costs to developers and appellants. Words like SPPs 8.4.2 "provides reasonably consistent separation between dwellings" 8.4.4 "separation between multiple dwellings provides reasonable opportunity for sunlight". Other terms used throughout the SPPs which are highly subjective include "compatible", "tolerable risk", and "occasional visitors" where numbers are not defined.

Similarly, the use of constructs such as 'having regard to' may mean that sub- criteria can effectively be disregarded in decision making. Alternative wording such as 'demonstrate compliance with the following' would provide greater confidence that the intent of such provisions will be realised.

While this ambiguity leads to delays and costs for all parties, it particularly affects individuals and communities where the high costs involved mean they have reduced capacity to participate in the planning process – contrary to the intent of LUPAA objective 1.(c).

Recommendation:

1. That the terminology and construction of the SPPs be reviewed to provide clearer definitions and shift the emphasis under performance criteria towards demonstrated compliance with stated objectives.

5. The SPPs were developed with few State Policies

The SPPs are not about strategic or integrated planning, but are more aptly described as development controls. The creation of the SPPs should have been guided by a comprehensive suite of State Policies. This did not happen before the development of the SPPs by the Planning Reform Task Force. Hence the SPPs exist without a vision for Tasmania's future.

The SPPs are still not supported by a comprehensive suite of State Policies to guide planning outcomes. In 2016, the Tasmanian Planning Commission acknowledged, in particular, the need to review the State Coastal Policy as a matter of urgency, but no action has been taken. Other areas without a strategic policy basis include integrated transport, population and settlements, biodiversity management, tourism and climate change.

In 2018, instead of developing a suite of State Policies, the State Government created a new instrument in the planning system – the Tasmanian Planning Policies. As at 2022, the Tasmanian Planning Polices are still being developed. The Tasmanian Planning Policies are expected to be lodged with the Tasmanian Planning Commission by the end of 2022. The Tasmanian Planning Commission will undertake its own independent review, including public exhibition and hearings.

PMAT's position has been that we need State Policies rather than Tasmanian Planning Polices because they are signed off by the Tasmanian Parliament and have a whole of Government approach and a broader effect. The Tasmanian Planning Polices are only signed off by the Planning Minister and only apply to the Tasmanian Planning Scheme and not to all Government policy and decisions.

Recommendation:

1. That a suite of State Policies be developed to provide a whole of Government and more transparent approach to Tasmania's future.

6. Increased Complexity

The Tasmanian Planning Scheme is very complex, is only available in a poorly bookmarked pdf and is very difficult for the general public to understand. This creates real difficulties for local communities, governments and developers with the assessment and development process becoming more complex rather than less so. Community members cannot even find the Tasmanian Planning Scheme online because of the naming confusion between the Tasmanian Planning Scheme and the State Planning Provisions. PMAT often fields phone enquiries about how to find the Tasmanian Planning Scheme.

Repeated amendments to Tasmania's planning laws and thus how the Tasmanian Planning Scheme is being rolled out is also unbelievably complicated. From a community advocacy point of view, it is almost impossible to communicate the LPS process to the general public. For example, see PMAT Media Release: Solicitor General's Confusion Highlights Flawed Planning Change Nov 2021.

Recommendations:

1. It is recommended that illustrated guidelines are developed to assist people in understanding the Tasmanian Planning Scheme.
2. The Tasmanian Planning Scheme to be made available as with previous interim schemes through iPlan (or similar) website. This should also link the List Map so there is a graphical representation of the application of the Tasmanian Planning Scheme (which expands when new LPSs come on board). It should also be noted, that for the average person, iPlan is difficult to use.
3. Create a user friendly version of the Tasmania Planning Scheme such as the provision of pdfs for the SPPs plus every LPS and associated maps. **iPlan is impenetrable for many users.**
4. The system and Tasmanian Planning Scheme language is also highly complex and analytical and most of the public are not well informed. More is required in the way of public education, and a user friendly document should be produced, if our planning system is to be trusted by the wider community.

7. Tasmanian Spatial Digital Twin

Digital Twin, a digital story telling tool, would revolutionise planning data and public consultation in Tasmania. The Spatial Digital Twin could bring together data sources from across government including spatial, natural resources and planning, and integrate it with real time feeds from sensors to provide insights for local communities, planners, designers and decision makers across industry and government.

It enables communities, for example, to gain planning information about their streets, neighbourhoods and municipalities. It would allow the general public to visualise how the SPPs are being applied and to how a development looks digitally before it is physically built. This would make it easier to plan and predict outcomes of infrastructure projects, right down to viewing how shadows fall, or how much traffic is in an area.

See a NSW Government media release by the Minister for Customer Service and Digital Government: *Digital Twin revolutionises planning data for NSW*, December 2021.

From a community point of view, it is almost impossible to gain a landscape/municipality scale understanding of the application of the SPPs from two dimensional maps. One of PMAT's alliance member groups, Freycinet Action Network (FAN), requested the shape files of Glamorgan Spring Bay Council's draft LPS but was unable to obtain a copy. This would have enabled FAN to better visualise how the Draft LPS was being proposed to be applied over the landscape and allowed for greater consideration of the implications of the Draft LPS.

Recommendation:

1. To introduce a Tasmanian Spatial Digital Twin to for example aid community consultation with regards to general Development Applications as well as the application of the Tasmanian Planning Scheme via each Council's LPS process and public consultation broadly.

8. Protection of local Character via the LPS process

Whilst uniformity/homogeneity might be efficient for the development sector, the SPPs have the very significant potential to destroy the varied and beautiful character of so much of Tasmania.

In 2016, the Tasmanian Planning Commission via its report, *Draft State Planning Provisions Report: A report by the Tasmanian Planning Commission as required under section 25 of the Land Use Planning and Approvals Act 1993, 9 December 2016*, acknowledged that the SPPs were designed to limit local variation.

The then Planning Minister Peter Gutwein however promised the community they would be able to protect local character through the application of Particular Purpose Zones (PPZs), Specific Area Plans (SAPs) and Site-Specific Qualifications (SSQs).

However, from a community point of view the process of protecting local variation is difficult to navigate for non-planners. As the SAP/PPZ/SSQ are the only mechanisms the community has to preserve character in the Tasmanian Planning Scheme, it is essential that the process is not a barrier to engagement.

For example, one of PMAT's member groups, the Freycinet Action Network, evocated for the application of a PPZ over a spatial area known as 'The Fisheries' (Figure 4). The Fisheries is visually prominent within the iconic landscape of The Hazards which form part of the globally famous Freycinet National Park on Tasmania's east coast. Under the Draft Local Provisions Schedule, the area was to be zoned Low Density Residential Zone – which over time would have eroded the character of The Fisheries.

Given the visual context and character of The Fisheries, it is disappointing that Freycinet Action Network, and others, had to fundraise approximately $20,000 (to help cover expert planning and mapping advice) and engage in about a two year process to achieve the application of a PPZ over the Fisheries to help maintain its values. This is especially concerning given The Fisheries is one of Tasmania's most iconic local areas where one would think that there would be no need to advocate for the application of a PPZ.

Recommendation:

1. Ensure that the community is more easily able to advocate for areas they care about via a more user friendly process for applying SAPs, PPZs or SSQs.

Figure 4 - Visual perspective of "The Fisheries" in context of the Hazards.

Appendix 1 – PMAT's Talking Point: 'Let's imagine a planning system which benefits all the community", The Mercury 11 August 2022.

THURSDAY, AUGUST 11, 2022
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Inhumane practices

It's unlawful, cruel and incredibly expensive. Why then does Australia persist with its policy of indefinite and arbitrary detention of asylum seekers? asks **Andrew Wilkie**

A LITTLE girl in a flowery frock and pink tiara enjoying her fifth birthday with a koala-topped cake is an image guaranteed to soften even the hardest of hearts.

But when Tharnicaa Nadesalingam smiled sweetly for the cameras recently in a Queensland park, it also marked the end of a four-year ordeal as it was the first time she had ever celebrated a birthday outside of immigration detention.

Indeed, the federal government squandered more than $7m keeping "Tharni", big sister Kopika, dad Nades and mum Priya behind bars, despite the fact the Queensland community of Biloela was more than happy to continue providing them with a safe haven.

Nades and Priya arrived by boat in Australia separately a decade ago as Tamil asylum seekers fleeing Sri Lanka. They later met in Biloela, married and welcomed two daughters. But when their asylum claims were rejected, authorities tried twice to deport them while detaining the family like criminals.

It took a change of government to enable their recent return to Queensland from Western Australia, where they had been living in legal limbo after Tharni became gravely ill while on Christmas Island and was flown to Perth for emergency treatment.

Showing compassion that was so conspicuously absent during the Coalition's reign, the new Labor government first granted the young family bridging visas followed by permanent residency on August 5.

For his part, Prime Minister Anthony Albanese has described the whole sorry saga as something "Australia can't be proud of". "We are a better country than that, we can do better than that," he said.

He's right, we can do better and it's beyond time we did. No one should have to go through the trauma this Sri Lankan family has faced for simply fleeing danger and seeking to become fully fledged, productive members of our society.

That's why I have reintroduced a private member's Bill to federal parliament designed to end Australia's policy of mandatory detention for asylum seekers and refugees, a practice at odds with numerous international agreements to which Australia is a party. As the Asylum Seeker Resource Centre rightly noted, it's time to put humanity back into home affairs.

According to the most recent government figures, as of March 31, 2022, there were 1512 people held in Australian immigration detention facilities. Another 563 people were living in the community after being approved for a residence determination and 10,993 "Illegal Maritime Arrivals" were living in the community after being granted a bridging visa.

As at June 30, there were 112 people on Nauru. Just last year, Australia signed a new agreement to continue an "enduring" form of offshore processing for asylum seekers on the remote Pacific island – locking us into more of the same out-of-sight, out-of-mind approach.

Australia's regional processing arrangements with PNG, meanwhile, ended on December 31, 2021, and the 105 people who remained in PNG at this date are now considered the responsibility of the PNG government.

Offshore detention is not only cruelty on steroids but staggeringly expensive, with the government blowing $9.65bn of taxpayers' money on the punitive practice since July 2013.

It costs about $360,000 per year to hold someone in immigration detention in Australia and an eye-watering $460,000 to keep a person in hotel detention, as was the case with the poor souls kept in limbo for years on end at Melbourne's Park Hotel. Compare this to $4429 for a refugee or asylum seeker to live in the community on a bridging visa.

My Ending Indefinite and Arbitrary Immigration Detention Bill provides alternatives to detention by moving asylum seekers and refugees into the community almost always in preference to

Let's imagine a planning system which

The current review of the State Planning Provisions closes on August 12, and is the best chance we have for improving our planning system, writes **Sophie Underwood**


Sophie Underwood

THE Planning Matters Alliance Tasmania's (PMAT) vision is for lutruwita/Tasmania to be a global leader in planning excellence.

We believe best practice planning must embrace and respect all Tasmanians, enhance community wellbeing, health and prosperity, nourish and care for Tasmania's outstanding natural values, recognise, protect and enrich our cultural heritage and, through democratic and transparent processes, deliver sustainable, integrated development in harmony with the surrounding environment.

Contrast this with the vision of vested interests, international and other developers and those who will put profit before people and place. Their aim is to shift planning from local councils and replace them with 'independent' panels, while removing more and more checks and balances, including the public's right to appeal. The former head of the developer's lobby group, the Property Council, oversaw the creation of the incoming Tasmanian Planning Scheme and delivered a planning system that is skewed towards the development sector at the expense of the whole community. PMAT, an alliance of about 70 community groups, formed in 2016, united by shared concerns with the unbalanced new Tasmanian Planning Scheme.

The current review of the State Planning Provisions (the rules that form the core of the incoming Tasmanian Planning Scheme) closes on August 12 and is the best chance the community has for the next five years to improve our planning system.

Let's imagine a planning system which truly benefits all the community, prioritising the special values that underpin our brand and economy and continue to set us apart globally.

This is why PMAT's submission to the State Planning Provisions review is calling for significant improvements to our planning system, and we hope that others will join our call, to:

ENSURE the community has a right of say and access to planning appeals especially in our residential areas and National Parks and Reserves.

ADDRESS adaptation to climate change, by ensuring Tasmania's risk mapping is based on the best available science. The state government has a responsibility to ensure the planning system does not allow the building of homes in areas that will become uninsurable.

PROVIDE greater housing choice including making provision for social and affordable housing, for example by ensuring new developments contain a proportion of social and/or affordable housing.

ONLY consider appropriately placed wind farms, after careful modelling of all environmental and cultural heritage data.

EMBED sustainable transport and green design of buildings and subdivisions into planning processes, including better protection of solar panels and provision for future solar access.

INCLUDE a liveable streets code and a public open space code to promote better physical/mental health for all Tasmanians, such as facilitation of walking and cycling opportunities across

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cannot go on

People gather outside the Park Hotel Immigration detention facility, in Melbourne, to protest against the inhumane practice of detaining asylum seekers indefinitely.
Picture: NCA NewsWire / Andrew Henshaw

being behind bars. It will also ensure they have full access to housing and financial support, education, health care and other government services, as well as the right to work, as is required under international law.

Importantly, the Bill outlines specific conditions on how and why a person can be detained and will rule out long-term and arbitrary detention by setting limited time frames.

I moved a similar Bill during the previous parliament. When considered by the Joint Standing Committee on Migration, it attracted 437 public submissions that were overwhelmingly supportive. Given this appetite for change, why are there still so many people still being held in immigration detention in Australia and more than 100 languishing on Nauru?

The bipartisan policy of mandatory detention is immoral, illegal and should have been ditched years ago. With the Biloela bungle thankfully behind us, let's commit to doing better, Mr Albanese, and never make the same hideous mistake again.

Andrew Wilkie is the federal independent member for Clark.

benefits all the community

suburbs, ensuring local access to recreation areas and public open space. Include a neighbourhood code to protect and enhance urban amenity and liveability.

IMPROVE residential zones/codes to better adapt to the impacts of climate change and improve the quality of densification and health outcomes. Reinstate local area objectives and character statements to guide councils when making discretionary decisions.

INCLUDE an Aboriginal Heritage Code to ensure Tasmanian Aboriginals can comment on or object to a development or use that would adversely impact their cultural heritage, including appeal rights.

ENSURE the local historic heritage code is consistent with the gold standard Burra Charter.

INCLUDE a stormwater code to ensure councils can consider stormwater run-off implications of new developments.

ADDRESS waste water issues – at present there is no provision for on-site waste water.

MAINTAIN Tasmania's countryside and food bowl by not allowing inappropriate commercial and extractive uses.

INCLUDE stronger protections for our beautiful coastlines and small coastal settlements including applying the planning system to coastal waters, rather than just to the low water mark, as used to be the case.

MAINTAIN healthy landscapes by ensuring the Landscape Conservation Zone properly protects natural values on private land; the natural assets code maintains ecological processes and conservation of biodiversity and the scenic protection code actually protects scenic landscape values. Include a significant trees code to protect a broader range of values and a geodiversity code to give better consideration of and protection of geoheritage; and

MAKE it easier for communities to protect/enhance local character.

Planning affects every inch of Tasmania, every title on both private and public land.

Our wellbeing and mental health, our homes, our neighbour's house, our local shops, work opportunities, schools, parks and transport corridors are all influenced, for better or worse, by planning decisions.

Planning shapes our cities, towns and rural landscapes. Well thought through strategic planning can build strong, thriving, healthy and sustainable communities and to achieve it, those communities now have an opportunity to comment and help create the future they desire.

Sophie Underwood is the state co-ordinator of the Planning Matters Alliance Tasmania.

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Police need time to keep us all safe

Police Association hopes the new Commissioner will assist members focus on core responsibilities, says **Colin Riley**

THE outgoing Commissioner of Police Darren Hine has been a member of the Police Association of Tasmania for more than 40 years.

As Commissioner Darren has been closely involved with the Police Association in developing and implementing several key strategies and for that we pay tribute to his service and tenure in this key role for Tasmania.

These have included:

THE Operational Response Model which ensured when police responded to an incident, there was the appropriate dispatch of officers to incidents to ensure the safest possible operational environment.

MANDATED safe staffing levels at the seven 24-hour police stations.

IMPLEMENTED a policy to make sure there were no absences that did not have to be back filled to ensure officer safety – for the 38 police officers at the 28 most remote police stations.

BROAD introduction in the past few years of roster reform.

THE proposed Fatigue Management Policy that has been in the making since 2019 and is now about to be approved.

Darren Hine has always spoken with respect to officers in all his dealings with them. He has always demonstrated empathy and understanding.

The Police Association welcomes the newly appointed Police Commissioner Donna Adams.

We expect that Commissioner Adams will – in consultation with police officers – develop a strategic plan for Tasmania Police.

She will need to engage and empower managers to deliver on the Strategic Plan's outcomes and make them accountable for that delivery.

Other priorities we expect to be included are:

THE management of all assets, providing analysis as to replacement of equipment, forecasting expenditure and spreading costs across financial years.

FULLY deliver on the recruitment of the Liberal government's commitment of a 31 per cent growth in police officer numbers from 2014 to 2026.

SIXTEEN police officers for the full-time Special Operations Group.

TEN police officers for Multi-disciplinary Centres for sexual assault investigations.

SIX police officers for mental health response teams.

THE first 10 of 50 police officers from the 2021 election commitment.

One of the serious issues facing Tasmania Police is understanding and remediating the annual 5 per cent separation rate of police officers.

Commissioner Adams must also implement employment reforms, inclusive of police officers as casuals, identified in the 2019 Tasmania Police Capability Review.

We must also ensure ongoing sustainability of minimum safe staffing levels of 44 police officers on duty at any one time at the state's seven 24-hour police stations.

Tasmania Police needs to implement the government's 2018 commitment of a remote police station relief policy, fully funded with $2.5m a year from 2021.

The association notes that 4.5 per cent, or 63, of all police officers in Tasmania are fully off work incapacitated, with a further 10 per cent of all police officers on open workers compensation claims.

In 2021, Tasmania Police commissioned an independent review into workers compensation and wellbeing – we need to implement the 23 recommendations as soon possible.

We must address police officer wellbeing issues contributing to police suicides, leveraging factors identified from the coronial hearing to be conducted later this year into the four police officer suicides in the past five years.

We must reform the neglected diverse powers spread across more than 50 legislative acts which has already occurred in other states.

One of our priorities is to investigate and implement strategies with other government agencies so that police officers are not being absorbed into the other agencies' core response functions.

We need to free up police time to focus on traffic enforcement and our own core responsibilities – primarily keeping Tasmanians and their families safe.

Colin Riley is president Police Association of Tasmania.

Appendix 2 - Talking Point: *Planning reform the Trojan horse*, The Mercury, Michael Buxton, December 2016

AUSTRALIAN states have deregulated their planning systems using a national blueprint advanced largely by the development industry. Tasmania is the latest.

Planning system change is always disguised as reform, but the real intent is to advantage the development industry.

In Tasmania, this reform introduces a single statewide planning system. This allows the government to dictate planning provisions regardless of differences in local conditions and needs.

State provisions can easily be changed. In some states, standard statewide provisions have been weakened over time to reduce citizen rights and local planning control.

The Tasmanian planning minister will be able to alter them without reference to Parliament, and potentially gain greater power from the Planning Commission and councils. It is yet to be seen whether the government will permit strong local policy to prevail over state policy.

Some states have allowed a wide range of applications to be assessed without need for permits under codes and by largely eliminating prohibited uses. The Tasmanian system has continued much of the former planning scheme content, but introduces easier development pathways.

An application for development or use need not be advertised if allowed without a permit or considered a permitted activity.

Alternative pathways allow public comment and appeal rights, but these often reduce the level of control.

Serious problems are likely to arise from the content of planning provisions.

For example, while the main residential zone, the General Residential Zone, mandates a minimum site area of 325 square metres and height and other controls for multi-dwelling units, no minimum density applies to land within 400m of a public transport stop or a business or commercial zone. This will open large urban areas to inadequately regulated multi-unit development.

The main rural zones allow many urban uses, including bulky goods stores, retailing, manufacturing and processing, business and professional services and tourist and visitor accommodation complexes.

This deregulation will attract commercial uses to the rural edges of cities and the most scenic landscape areas. Such uses should be located in cities or in rural towns to benefit local jobs instead of being placed as isolated enclaves on some of the state's most beautiful landscapes.

Use and development standards will prove to be useless in protecting the agricultural, environmental and landscape values of rural zones from overdevelopment.

Fast tracking inappropriate developments will force the Tasmanian people to pay a high price for the individual enrichment of a favoured few.

Codes are a particular concern. The heritage code is intended to reduce the impact of urban development on heritage values.

However, performance criteria for demolition are vague and development standards criteria do not provide adequate protection.

The nomination of heritage precincts and places is variable, leaving many inadequately protected.

The National Trust and other expert groups have raised similar concerns.

The potential of the Natural Assets and the Scenic Protection codes to lessen the impacts of some urban uses on rural and natural areas also will be compromised by vague language, limitations and omissions.

Interminable legal arguments will erupt over the meaning and application of these codes, with the inevitable result that development proposals will win out.

The State Government can learn from the disastrous consequences of other deregulated planning systems. It should strengthen regulation and listen to the public to ensure a state system does not destroy much that will be vital for a prosperous and liveable future for citizens.

The Government argues the new system is vital to unlock economic potential and create jobs, but the state's greatest economic strengths are the amenity and heritage of its natural and built environments. Destroy these and the state has no future.

While planning for the future is complex, the hidden agendas of planning reform are evident from the massive impacts from unregulated development in other states.

Fast tracking inappropriate developments will force the Tasmanian people to pay a high price for the individual enrichment of a favoured few.

Tasmania's cities, towns, scenic landscapes and biodiversity are a state and national treasure. Lose them and the nation is diminished.

Michael Buxton is Professor Environment and Planning, RMIT University, Melbourne.

Appendix 3 – Mr Brick Wall

This tragic story was submitted to the Tasmanian Planning Commission as part of the public exhibition of the draft SPPs in 2016.

PMAT calls it the tragic story of Mr Brick Wall

Mr Brick Wall states:

"*We are already victims of the new planning scheme. We challenged and won on our objection to a large over-height proposed dwelling 3 metres from our back boundary on an internal block under the previous planning scheme. We won on the grounds that the amenity to our home and yard would be adversely affected by this proposed dwelling under the previous planning scheme.*

However, this all changed under the new interim planning scheme and the dwelling was allowed to be constructed. As a result we now have an outlook from our outdoor entertaining area, living room, dining room, kitchen, playroom and main bedroom of a brick wall the full length of our back yard on the maximum new height allowed.

We can see a bit of sky but no skyline as such. The dwelling has obscure windows for our so called privacy, which are absolutely useless as they have been allowed to erect commercial surveillance cameras all around their house, 2 of which are on our back boundary. No problem you think! These cameras can be operated remotely, have 360 degree views at the click of a mouse and we understand they have facial recognition of 4 kilometres distance. So where is our privacy and amenity?

The Council was approached by us and our concerns prior to the new changes proceeding and we were told that there was nothing we or the Council could do to stop these changes as all changes to the planning scheme have to be accepted by Councils and they have no say in the matter. As a result we no longer feel comfortable or relaxed when in our own backyard and our young teenage daughters will not use the yard at all. We also have to keep our blinds drawn on the back of our house to ensure some privacy is maintained.

We also had our house listed for sale for almost 6 months, 8 potential buyers no one bought it because everyone of them sighted that the house next door was too close to our boundary. This is our north facing boundary and as such has all our large windows on this side to take advantage of the sun. '

Mr Brick Wall ends by saying that .the Government needs to realise what's on paper doesn't always work out in the real world and that real people are being adversely affected by their decision making.