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8 March 2023

State Planning Office
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

By email: yoursay.planning@dpac.tas.gov.au

Dear State Planning Office,

RE: Regional Planning Framework Discussion Paper and Draft Structure Plan Guidelines

The [Planning Matters Alliance Tasmania](http://www.planningmatterstas.org.au) (PMAT) thanks the Department of Premier and Cabinet 's State Planning Office for the opportunity to comment on the [Regional Planning Framework Discussion Paper](#) and the [Draft Structure Plan Guidelines](#).

Regional Planning Framework

The regional planning framework refers to the legislative, regulatory or administrative arrangements that support Tasmania's three [Regional Land Use Strategies](#) (RLUSs) which provide a high-level component of the planning system (see Figure 1).

The State Planning Office wants to create a new framework ready for a review of the three Regional Land Use Strategies. The new framework will govern the scope, purpose, preparation, assessment, declaration, amendment and review of Regional Land Use Strategies.

There is a concern that that the Regional Land Use Strategies to date have been developed by private consultants via non-independent ad hoc processes that have not properly considered ecological, social and economic information.

Structure Planning

Structure Plans for example provide a vision and recommended actions for land use, transport, built form and public spaces in the respective towns for over for example a 20 year period.

The State Planning Office wants to create new *Structure Plan Guidelines* to assist with the preparation of Structure Plans.

PMAT's Submission

Our submission covers:

- 1) What is PMAT;
- 2) Hierarchy of Tasmania's planning instruments;



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- 3) What is the Regional Planning Framework?
- 4) What are the Structure Plan Guidelines? and
- 5) PMAT's recommendations.

Recommendations

PMAT's recommendations are explained in more detail in Section 5 below.

1. The Regional Land Use Strategies and Structure Plans should be created through an independent transparent Tasmanian Planning Commission process.
2. Structure Plans should also be statutory instruments with legislation setting out what they constitute rather than voluntary guidelines.
3. The Tasmanian Planning Commission process should include a 60 day public comment period, where all submissions are made public and with public hearings.
4. The Tasmanian Planning Commission should be responsible for deciding whether a Regional Land Use Strategy or Structure Plan be approved, not the Minister.
5. The Regional Land Use Strategies and Structure Plans must reflect best practice land use planning and meet the highest standards of governance and genuinely comply with Schedule 1 of *Land Use Planning and Approvals Act 1993*, State Policies under the *State Policies and Projects Act 1993* and State of Environment Reports and their recommendations.
6. Criteria should be developed to ensure that amendments to Regional Land Use Strategies and Structure Plans are not allowed for short-term economic or electoral priorities and that they do not undermine the broader strategic planning framework.

We would be happy to meet to discuss our submission further and for our submission to be made public.

Please confirm that you have received our submission.

Yours sincerely,

Sophie

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1. 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, ratepayers 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 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.



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2. HIERARCHY OF TASMANIA'S PLANNING INSTRUMENTS

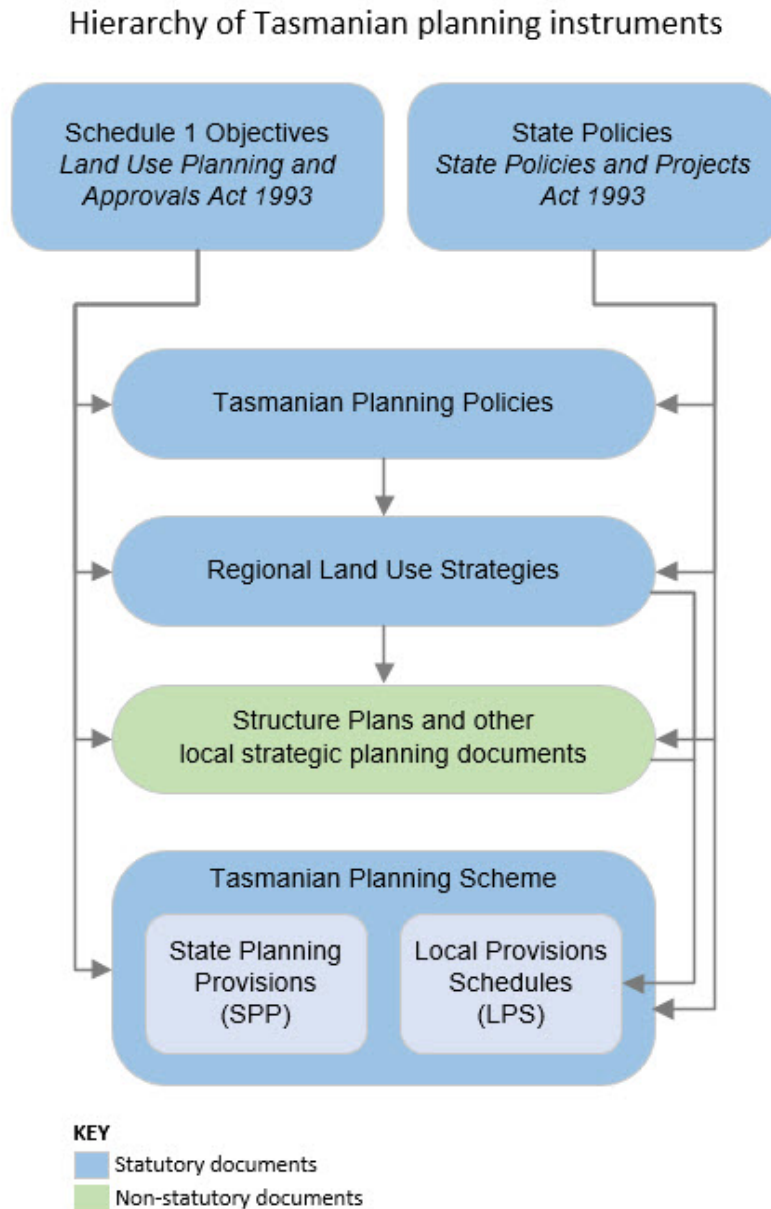


Figure 1 – This graphic shows the hierarchy of Tasmania's planning instruments. Note that every component has a statutory basis except the structure plans and other local strategic planning documents. Graphic provided with thanks to the State Planning Office.



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3. WHAT IS THE REGIONAL PLANNING FRAMEWORK?

The regional planning framework refers to the legislative, regulatory or administrative arrangements that support Tasmania's [Regional Land Use Strategies](#) which provide a high-level component of the planning system.

As outlined in Figure 1, the Regional Land Use Strategies provide a link between the Schedule 1 Objectives of the [Land Use Planning and Approvals Act 1993](#), State Policies and the future Tasmanian Planning Policies with the current interim and *Tasmanian Planning Scheme* and Local Provisions Schedules.

With regards to the *Tasmanian Planning Scheme* for example the Regional Land Use Strategies must be considered in the preparation of each Council's draft Local Provisions Schedules and or amendments to their Local Provisions Schedules or Interim Planning Schemes, such as with the rezoning of land.

As outlined in the [Information Sheet RLUS 1 – Reviewing and Amending the Regional Land Use Strategies](#) 'The regional land use strategies set out the key agreed strategic directions for a region over the medium to longer-term. They aim to provide certainty and predictability for Government, local councils, developers and the community on where, when and what type of development will proceed.'

There are three regional land use strategies currently in effect in Tasmania, which were all originally declared in 2011:

1. [Cradle Coast Regional Land Use Planning Strategy 2010-2030](#);
2. [Northern Tasmania Regional Land Use Strategy](#) ;and the
3. [Southern Tasmania Regional Land Use Strategy 2010-2035](#).

Creating Regional Land Use Strategies

At present, when developing a new Regional Land Use Strategy the process is flawed because:

- The process does not guarantee public consultation. The Minister only needs to consult with the Tasmanian Planning Commission, planning authorities and relevant State agencies/authorities.
- The process is not independent. There is a concern that that the Regional Land Use Strategies to date have been developed by private consultants via non-independent ad hoc processes that have not properly considered ecological, social and economic information.

Amending Regional Land Use Strategies

See details here [Information Sheet RLUS 1 – Reviewing and Amending the Regional Land Use Strategies](#).



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Regional Land Use Strategies maybe amended for example to facilitate development beyond the urban growth boundary. An example of this is the *Skylands Masterplan* at Droughty Point within Clarence City Council Municipality in southern Tasmania.

Reviewing Regional Land Use Strategies

A comprehensive review must be taken of all three Regional Land Use Strategies after the declaration of the future Tasmanian Planning Polices.

However at present there is no robust statutory process for reviewing Regional Land Use Strategies.

See details here [Information Sheet RLUS 1 – Reviewing and Amending the Regional Land Use Strategies](#)

An example of why the Regional Land Use Strategies matter with regards to planning scheme amendments

A key argument against the highly contentious over 3000 hectare Cambria Green planning scheme amendment on Tasmania's east coast is that it is inconsistent with the *Southern Tasmania Regional Land Use Strategy 2010-2035*. **Thus the Regional Land Use Strategies are key in setting the future direction of development in Tasmania – for 'good' or for 'bad'.**



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4. STRUCTURE PLAN GUIDELINES

What are Structure Plans?

Structure Plans for example provide a vision and recommended actions for land use, transport, built form and public spaces in the respective towns for over for example a 20 year period.

According to the State Planning Office and Figure 1 Structure Plans:

- Are non-statutory instruments, but inform or deliver other statutory documents
- Provide finer-grain planning to Regional Land Use Strategy policy objectives
- Inform Local Provisions Schedule and planning scheme amendments
- Can be prepared independently of an Regional Land Use Strategy requirement
- Guide the management of settlement and land use and development changes
- Integrate and coordinate future land uses, development and infrastructure at the local level
- Strengthen communities through shared vision
- Spatial representation of future use and physical attributes
- Policy objectives
- Provide important link between Regional Land Use Strategy and Local Provisions Schedule

Why do we need Structure Plans Guidelines?

According to the State Planning Office, we need guidelines to:

- Provide general guidance to assist with the preparation of structure plans (and potentially other local strategic planning documents)
- Prepare for the comprehensive reviews of the Regional Land Use Strategies and their planning outcomes
- Improve strategic planning outcomes across the State –recent increases in growth
- Robust structure planning allows issues to be resolved early on in the planning processes – rather than during the Tasmanian Planning Commission assessment and hearing phase

Structure Plan Examples

[Coles Bay Township Structure Plan](#)

Glamorgan Spring Bay Council

[Swansea Township Structure Plan](#)

Glamorgan Spring Bay Council

[Perth Structure Plan](#)

Northern Midlands Council

[Longford Development Plan](#)

Northern Midlands Council



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5. PMAT RECOMMENDATIONS

1. **The Regional Land Use Strategies and Structure Plans should be created through an independent transparent Tasmanian Planning Commission process.** We need to ensure the highest standards of independence, transparency and accountability where there are no real or perceived conflicts of interest.
2. **Structure Plans should also be statutory instruments with legislation setting out what they constitute rather than voluntary guidelines.** As shown Figure 1 the Structure Plans are the only part of the hierarchy of Tasmania's planning instruments that are non-statutory. It is unclear why the Structure Plans are non-statutory. The Tasmanian Planning Commission decisions regarding for example land rezone applications are informed by Structure Plans – thus giving them a legal basis. It should follow that these plans should be statutory.
3. **The Tasmanian Planning Commission process should include a 60 day public comment period, where all submissions are made public and with public hearings.**
4. **The Tasmanian Planning Commission should be responsible for deciding whether a Regional Land Use Strategies or Structure Plan be approved, not the Minister. The Planning Minister should not have the ultimate say.** From a community point of view, we experienced the failure of this process in the past, where the Planning Minister had the ultimate say over the development of the State Planning Provisions. There were many issues raised by the Tasmanian Planning Commission when the State Planning Provisions were first created in 2017 that were not addressed, or adequately addressed, by the then Planning Minister. However, there was no recourse the community could take to ensure that the Planning Minister adopted the Tasmanian Planning Commission's advice. PMAT originally formed because of all the problems associated with the State Planning Provisions ([see our key concerns here](#)). We fear that if the Planning Minister has the ultimate say on the approval of Regional Land Use Strategies and Structure Plans, rather than Tasmania's top Planning body that similar problems will arise.
5. **The Regional Land Use Strategies and Structure Plans must reflect best practice land use planning** and meet the highest standards of governance and genuinely comply with Schedule 1 of *Land Use Planning and Approvals Act 1993*, State Policies under the *State Policies and Projects Act 1993* and State of Environment Reports and their recommendations.
6. **Criteria should be developed to ensure that amendments to Regional Land Use Strategies and Structure Plans are not allowed for short-term economic or electoral priorities and that they do not undermine the broader strategic planning framework.**