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**ENVIRONMENT**  
TASMANIA

**Briefing Paper – Sept 2016**

## **TASMANIAN PLANNING SCHEME AND ASSOCIATED PLANNING PROVISIONS**

### **Overview**

The Tasmanian Government is amending the way development is assessed and approved in Tasmania by creating a single, statewide planning scheme to replace the current schemes. This involves the development of State Planning Provisions and other local provisions that will fundamentally change the way development assessments are made, what is permitted and how the public participates in development decisions in their community or area of interest.

This is the most significant legislative change to planning law since the introduction of the Resource Management and Planning System in 1993. It counters many of the objectives that system was designed to implement and has the potential to profoundly change the physical character of our communities, the public amenity within those communities and the capacity for public engagement in development and planning decisions.

### **Process**

The process of amending LUPAA and establishing cascading planning provisions is deemed inadequate by many because:

- The Planning Minister (Peter Gutwein) is responsible for both drafting and approving the scheme and its provisions;
- The ministerially appointed body overseeing the drafting is chaired by the former head of the Property Council<sup>i</sup>, an lobby group representing the sector most likely to benefit and who's 'top priority is to assist in delivering a single state-wide planning scheme'<sup>ii</sup>
- Just two months was allowed for community consultation on profound and wide-reaching changes that are complex, difficult to communicate and impact on all Tasmanians.

### **Developments in National Parks and conservation reserves**

The Tasmanian Government has an active policy of weakening environmental protections for conservation reserves to facilitate private commercial tourism development. This has already seen controversial changes proposed for the management plans of the Freycinet and Narawntapu National Parks and the Tasmanian Wilderness World Heritage Area following a non-statutory Expressions of Interest (EOI) process.

Parallel with a Government propensity to change park management plans to suit private commercial development proposals, the Tasmanian Planning Scheme and associated provisions would:

- Make private commercial developments within parks and reserves a 'permitted activity' once approved under an internal Parks and Wildlife Service RAA<sup>iii</sup> process;
- RAA approved private development on public land that is recognised as having high natural and or cultural values will not be able to be refused by local councils, even where they consider the development will have negative impacts on the reserve, or the broader area.
- The RAA is a non-statutory process that does not guarantee public participation or have third party rights of appeal. This actively avoids the rights of appeal available under LUPAA,

and removes independence and capacity by placing assessment decisions in the hands of a Government agency that is already acknowledged as inadequately resourced;

- The Minister has executive power to approve a development irrespective of assessment recommendations.

### **Private land development and 'Natural Assets Code'**

Development on private land for pasture, plantation or irrigation infrastructure is already inadequately addressed under LUPAA with many activities already exempted from its provisions. The planning changes take this further, including by:

- Making many applications requiring a Forest Practice Plan exempt from planning assessments. This limits Council oversight of local vegetation loss and removes public rights to comment on and challenge such proposals;
- Permitted vegetation clearance in the Rural Living Zone is to be increased by a factor of six, from <500m<sup>2</sup> to <3000m<sup>2</sup>)
- Introducing a Natural Assets Code that weakens biodiversity assessment by:
  - Constraining the notion of natural landscape health and opening up a 'block by block' assessment that allows for a 'death by a thousand cuts' outcome;
  - Limiting 'priority habitat' to that for threatened species/ecological communities and ignoring connectivity and other issues critical in contemporary conservation land management planning;
  - Exempting a range of activities, including vegetation clearance on agricultural land.

### **Urban and other developments**

Alongside our parks and reserves, the local character, amenity and liveability of Tasmania's towns and cities helps set it apart from other states. The abandonment of individualised local planning schemes and the adoption of a single statewide scheme risks generalising Tasmania's approach to planning and affecting unique local character and other important values. Concerns include:

- Development in Residential Zones are generally exempt from the application of the Natural Assets Code;
- Coastal subdivisions or ribbon development is allowed within 1km of the coast, contrary to the State Coastal Policy;
- The new Scenic Protection Code removes existing protections and will not apply to General or Low Density Residential zones;
- Units are "permitted" in all the Inner Residential Zones with minimal requirements for outdoor space;
- The large size of buildings permitted under the new building envelopes. For example, height limitations will be increased to 8.5m (in some cases 9.5m) in all zones from the current 5m.

### **Conclusion**

The proposed new Tasmanian Planning Scheme reduces protections, scrutiny and public participation and is inconsistent with the objectives of LUPAA (Schedule 1) because:

- It reduces the ability of the public to participate in resource management and planning by increasing exemptions and shifting assessment responsibility;
- It is moving away from, rather than towards, a planning system which maintains ecological processes and genetic diversity;
- It does not take a precautionary approach towards safeguarding, protecting and avoiding impacts on the natural or built environment.

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<sup>i</sup> <http://www.examiner.com.au/story/2227956/massina-in-top-planning-role/>

<sup>ii</sup> <https://www.propertycouncil.com.au>

<sup>iii</sup> <http://dpijwe.tas.gov.au/Documents/RAA%20Overview.pdf>