



**Planning Policy Unit
Department of Justice**

By email to haveyoursay@justice.tas.gov.au

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Tasmanian Planning Commission Review

Thank you for the opportunity to make this submission.

Firstly **Launceston Heritage Not Highrise (LHNH)** believes there are no proper reasons for this review. The Tasmanian Planning Commission (TPC) is not broken so what are the problems to fix other than perhaps properly resourcing it and reversing previous (and future) diminishment of its roles? Coming at the same time as the Draft Major Projects Bill suggests to **LHNH** that there must be connection and that this has not been properly explained. It seems perhaps the review could be meant to pave the way to disempower the TPC, destroy its independence and politicise planning decisions. Therefore we do not have confidence in this review.

Any weakening of the independence of the TPC is a backward step in the democratic planning processes that exist in Tasmania and this will undermine public confidence in planning decisions that are made without the independence of a properly resourced TPC.

It could and should be expanded to take a greater role in public decision-making: For example reserve and water management plans; transport and climate change. **LHNH** fear that the government intention is to strip the TPC of its advisory role on policy development and instead rely on the government's Planning Policy Unit. The TPC should be the body responsible for making planning scheme controls and amendment decisions for State Planning Provisions and for Local Provisions Schedules. Ministerial oversight should be removed. This would provide the TPC with an important role in influencing planning policy and this is desirable.

Currently planning laws give good opportunities for the community to participate in the land use decision making process. This is not red tape to be removed which seems to be the rationale for the review. It is certainly the message coming from the development/property/building community in recent years. During this current health crisis this has

stepped up in the media to almost a frenzy with many pleas to the government to get things done to enable 'shovel ready' projects to start as soon as possible. This is frightening.

Considering the ongoing TPP and LPS process currently underway it seems to **LHNN** that by having all these things going on - and at a time when public involvement and response is not easy - the opportunity for a complete mess is significant. This will affect all Tasmanians not just the development/property/building community who are pleading for their 'shovel ready' fast track.

It is clear that the review is motivated primarily as an opportunity to further weaken and diminish the role of the TPC in order to reduce so called "red tape". In other words to fast track and increase the number of approvals for development proposals in the system by favouring the vested interests of developers over due process while bypassing or reducing the roles of Local Government and the TPC as well as decreasing community participation in the planning decision making process.

Reinstate all of the TPC's former powers, roles and functions as well as recommend an expansion of those powers, roles and functions so that it can fulfil its charter as the key institution for assessing strategic land use planning in Tasmania. Ensure Tasmania has a democratic planning process.

The TPC should:

- Continue to be responsible for the State of Environment report which should be delivered in a timely manner.
- Be fully independent (ie no Ministerial intervention/interference).
- Carry on its current roles including Reviews of municipal Planning Schemes and applications to rezone land. Noting that this allows the Community, Local Government and Development Proponents an opportunity to make their case in an affordable and accessible independent forum.
- Assess and run all Regional Land Use Strategy processes including public notice and hearings.
- Assess all Master Plans, Land Use Strategies, Structure Plans and any other strategic planning documents that have significant land use planning implications.
- Assess all projects under of State and regional significance. This should not be undermined e.g. through the draft Major Projects Bill.

- Conduct Public Land Use, Marine Protected Areas Inquiries and any other related public interest land use assessment processes.
- Conduct Public Hearings for all matters that come before it.
- Retain review of reserve management plans and legislate to clarify that the TPC may make recommendations for changes to reserve management plans.
- Be given a level of resourcing that ensures all the above can be carried out to a high standard and in a timely manner.

The TPC should be:

Properly funded to allow it to carry out existing statutory roles, including the State of Environment Report and expanded to develop new State Policies in regard of reserve and water management, transport and climate change.

In addition to the above points there are two other key requirements to ensure that holistic, integrated planning based on the principles espoused in Schedule 1 of Land Use Planning and Approvals Act 1993 (LUPA) can be fully realised through the TPC process.

1. All land uses in Tasmania must be subject to LUPA and the requirements of Schedule 1 (ie no exemptions). The current situation of increasing exemptions and permitted uses means that integrated planning is impossible. Planning laws can only work if all land uses are subject to those laws
2. An effective Anti Corruption Commission must be established in Tasmania to ensure the highest levels of integrity are maintained in all levels of Government and in the public service. For example property development including rezoning of land is one of the most lucrative industries in Australia with over 25% of Australia's 250 wealthiest people being property developers. It is also an area because of the potential monetary gain involved that is most likely to be subject to corrupt behaviour (see Casey Council Victoria). The State Government policy of encouraging population growth and industrial tourism numbers means there will be more development pressure and as such an Anti Corruption Commission with teeth is more important than ever. The combination of having a fully independent TPC and an effective Anti Corruption Commission significantly decreases the risks of corruption in the area of land use planning such as land rezonings. **The Tasmanian Integrity Commission is not an effective anti corruption watchdog.**

In SUMMARY

The TPC provides the community with appropriate rights to formally be heard in respect of decisions it makes, or policy reviews it undertakes, including being able to appear

personally to make representations at public hearings without needing a lawyer or experts. It runs its own processes, which have enabled public participation in a way that is fair and accessible. My own experience of a recent appeal through RMPAT was a valuable first-hand view of this process. That insight informs my concern that the independence of the TPC is vital to all Tasmanians.

The TPC acts independently from government, and has for its more than 20 years of operation developed a high level of trust within the Tasmanian community. Governments have reduced the TPC's role in planning, critically making the Planning Minister and not the TPC responsible for approval of the single most important element of the statewide planning scheme – the State Planning Provisions. While the TPC can provide advice to the Minister, and retains an important hearing role, there is nothing requiring the Minister to act on that advice. This is an important time for planning in Tasmania let it go underground now and the only winners will be the money makers looking to maximise investments on whatever they can get their hands on.

Submitted on behalf of

'LAUNCESTON HERITAGE NOT HIGHRISE'

by

Linda Collier

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