



15 May 2020

Department of Justice
Office of the Secretary
GPO Box 825
Hobart TAS 7001
Via email: haveyoursay@justice.tas.gov.au

To whom it may concern

Thank you for the opportunity to make a submission regarding the Terms of Reference for the review of the Tasmanian Planning Commission. The East Coast Alliance Inc. (ECA) is a community organisation that supports sustainable planning and development initiatives that protect and enhance the irreplaceable social, cultural, environmental and economic characteristics of the East Coast and communities across Tasmania.

The ECA recognises and supports the trust the community places in the Tasmanian Planning Commission's expertise, integrity, transparency and independence.

Independence from government

The East Coast Alliance notes the Minister for Planning has called for the review of the Commission's roles and function "in order to ensure its on-going statutory independence".

That statutory independence has allowed the Tasmanian Planning Commission to play a vitally important role within Tasmania's planning system. Independence from government has been the basis of the Commission's capacity to make judgement on planning schemes and planning scheme amendments that have the potential to impact individuals, communities and Tasmania's rich heritage, social fabric and natural wonders.

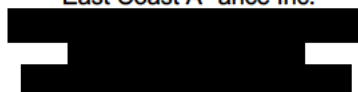
The ECA believes it is critical the Commission retains its capacity to perform its roles independently of government and that its governance remains free from Ministerial influence.

Protecting community interests

Enshrined within the Commission's role has been the right for communities and members of the public – ordinary citizens – to have a say in Tasmania's planning and land use.

It is essential local communities are not locked out of significant planning decisions and the Commission retains the capacity, in its relevant roles, to review public representations and hold public hearings.

East Coast Alliance Inc.



Structure of the Commission and adequate resourcing

The ECA fully endorses the Terms of Reference 1.a. that: *The Commission is able to continue to perform its role as an independent decision maker and advisory body, in a fair, just, efficient and effective manner.* The ECA and East Coast community can attest to the fair, considered and inclusive operations of the Commission in undertaking public hearings, and its rigorous, expert assessment of a complex planning scheme amendment.

Terms of Reference 1.c. states to ensure that: *The ongoing structure of the office of the Commission and its resourcing and work allocation is reflective of its extended role in the planning system as an independent decision maker and advisory body on the new components of the Tasmanian planning system.* This is potentially counteracted by Terms of Reference 3., to examine: *the ongoing structure of the office of the Commission, including staffing profile and required capabilities.*

To continue to carry out these and all other existing statutory roles, it is critical the Commission is properly funded, staffed by experts and well-resourced.

Planning Policy

The *Tasmanian Planning Commission Act 1997* (including Section 6 (1A)) supports the function of the Commission in developing planning policy and advising the government on state and regional strategic land use planning. It is concerning a key reason stated for calling this review is to consider “administrative changes to the Commission’s role in policy making”. We believe the Commission must retain the capacity to apply its expertise and independence to future Tasmanian planning policy.

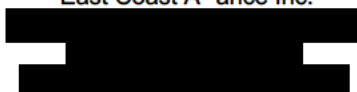
Projects of state and regional significance

The TPC has played a crucial role in assessing Projects of State and Regional Significance, and providing advice and recommendations to the Minister. We urge the reviewers to ensure this role is not removed from the Commission. These projects are often contentious and divisive, and regardless of the outcome of a TPC assessment, under current processes the community will have had the opportunity to have a say in a fair and just manner. This would not be guaranteed should this function be removed from the TPC’s responsibilities.

State of the Environment reporting

The ECA understands State of the Environment reporting is legislated to be prepared every four years, with the last report delivered in 2009. This reflects a failure of government to meet legislated requirements. We understand the Commission made comment regarding this report as far back as 2013 and these issues have not been addressed.

We are concerned the Terms of Reference at 1.d. (*its functions are not undermined by the demands of historically designated roles under other legislation that might better be reallocated to another agency or body, in particular the State of the Environment Reporting function*) infer this responsibility will be removed from the Commission. Removing this function from the Tasmanian Planning Commission to a government agency would lead to the potential for Ministerial influence and a loss of statutory independent reporting on what is a fundamental and important assessment of State well-being.



Review Process

The ECA has concerns regarding the process of this review. We understand the intention of the government is to invite public comment to the initial review of the Terms of Reference by independent consultants.

We recommend the public also be given an opportunity to provide comment on the draft report before it is finalised and publicly released by the government.

Conclusion

The East Coast Alliance urges the reviewers to consider how the Tasmanian Planning Commission, through its independence, is critical to ensuring Tasmania's future planning embraces social, environmental and economic considerations. The Commission has been instrumental in achieving these objectives. It needs to be strengthened, well-resourced and its independence from government protected.

I am available to discuss further the ECA's opinion of, and significant experience with, the Tasmanian Planning Commission.

Kind regards



Anne Held
President

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e: [REDACTED]

