

15 May 2020

Department of Justice
Office of the Secretary
PO Box 825
Hobart TAS 7001

via email: haveyoursay@justice.tas.gov.au

Dear Professor Ryan and Professor Alex,

Review of the Tasmanian Planning Commission

Thank you for the opportunity to comment on the review of the Tasmanian Planning Commission (TPC), and its functions as prescribed under *Tasmanian Planning Commission Act 1997* (the Act).

Hydro Tasmania is Australia's largest water manager and renewable energy generator, comprising six large catchments covering 35 per cent of Tasmania's land area. We own and operate 30 hydropower stations in these catchments, responsible for managing 53 lakes and water bodies, 67 major waterways, and around 120,000 hectares of land. As such we have broad interest across Tasmania's Resource Management Planning System in particular assessment and policy development that may affect these operations.

Hydro Tasmania would like to indicate broad support for existing functions and operations of the TPC. In considering the Terms of Reference of the review, there are several matters that we feel should be addressed. The objective is primarily to enable the TPC to improve the coordination of both policy and assessment. In summary, the matters which will be discussed are:

- Role of Tasmanian Planning Commission
 - Policymaking aspect of the TPC
 - Possible expansion of the role of TPC in resource management planning
- State of the Environment Reporting

Role of Tasmanian Planning Commission

The TPC should remain as an independent body and decision-maker, and we believe that this independence is essential in maintaining public confidence in Tasmania's Resource Management System (RMPS).

While the TPC continues to deliver on its current role and functions, consideration should be given to broadening its roles and functions to more closely align with those prescribed under s.6 of the Act, which provides for a broader influence in the setting of policy and assessments under the RMPS.

Structurally, the current separation of policy and assessment functions between the Planning Policy Unit (PPU) and the TPC, seems at odds with the underlying functions provided for under ss.6(1A)(a), and could lead to conflicting advice, standards and outcomes. Therefore it would be appropriate that the policymaking of the PPU are drawn into the TPC. This will also aid in closing the feedback loop between Commission decisions and policymaking, whereby implications from decisions can be incorporated into the more strategic aspect of land use and resource planning.

We believe that there are other opportunities to involve the TPC in more than just an advisory or review role on other matters concerning Tasmania's resource management and planning system.

With particular regard to the ss.6(1A)(c) as it relates to planning for the coordinated provision of transport, and of infrastructure, for land development. The TPC could take a more significant role in leading the development of Regional Land Use Strategies (RLUS). While the Minister of Planning is currently required to consult with the TPC on matters relating to the RLUS, the TPC does not take a proactive role in the development of the RLUS. This has resulted in a lack of coordination between RLUSs and poor consideration of broader resource management policies.

Given the capabilities within the TPC it would be appropriate for the TPC to lead the preparation of RLUSs through either drafting or setting of minimum standards and guidance.

Outside of land use planning, the TPC currently has a delegated role under various processes within the RMPS. For example:

- Review role of water management plans (s.27A of the *Water Management Act 1999*)
- Advisory role for interim protection order (s.35 of the *Threatened Species Protection Act 1995*)
- Review representations and the Director's report, hold hearings for and/or publicly exhibit draft management plans (s.22, s.23 and s.24 of *National Parks and Reserves Management Act 2002* and s.24B, s.24C and s.24D of the *Wellington Park Act 1993*).

We believe that the role of the TPC in the review public consultation of these management plans should be expanded further to include a policy coordination and compliance function. This would allow for the development of coordination with relevant statutory documents which may be in effect, and to ensure that resource management objectives are being met.

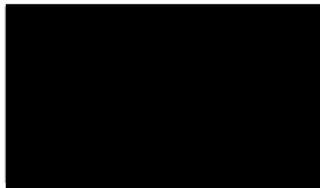
State of the Environment reporting

In consideration of the broad requirement of the State of the Environment Report (SoER) to include the condition, trends, changes and future action to be made in respect of the environment, it is apparent that this does not align with the practical functions of the Tasmanian Environment Protection Authority (EPA).

Given the majority of the matters to be considered SoER are currently monitored and reported upon by the EPA, it would be more appropriate that the responsibility for preparation of the SoER were to be transferred to the EPA. This would be similar to other Australian states like New South Wales (three yearly) and South Australia (five yearly), where the local Environment Protection Authorities are responsible for producing the SoE reports.

Should you require more information, please do not hesitate to contact Ian Jones on [REDACTED] or at [REDACTED]

Yours sincerely,



Gerard Flack
Chief Operations Officer
Hydro Tasmania