

Submission on the review of the Tasmanian Planning Commission

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To whom it may concern

Thank you for the opportunity to comment on this issue.

Since we do not have time to submit a more detailed submission the below borrows from a submission drafted by a group to which we belong: Launceston Heritage Not Highrise. It also relies on recommendations made by Planning Matters Alliance Tasmania. We endorse and agree with the points made.

We are very concerned the Tasmanian Planning Commission (TPC) is at serious risk of losing both its independence, and some of its key functions. We believe the TPC must be completely independent, and at several removes from political and/or corporate influence. Unless this is the case Tasmanians cannot be confident all decision making is truly evidence-based or merits-based.

To achieve this ideal, and so Tasmanians may be completely confident in how the TPC will perform its functions in the future, and make the decisions that will affect our daily lives and the environments in which we live and work, it is imperative the agreed decision-making model is not a government or minister-based model. The community must have the confidence to trust all decisions are made by appropriately qualified and independent experts on the Commission. It is also essential the TPC ensures public hearings are held and conducted in a fair and impartial way.

We are deeply concerned that under the Liberal government the TPC's role in planning has been eroded, reduced, and weakened. We are strongly opposed to a decision that makes the planning minister, and not the TPC, responsible for approving State Planning Provisions, and that requires the minister's approval for the TPC to approve the first Local Provision Schedules in the Tasmanian Planning Scheme (TPS). This seems to suggest the TPS would then dictate the laws of what land use and development can, or cannot, happen across every inch of the state, which cannot be considered either fair or democratic.

We fear the government's intentions are to further restrict the functions and independence of the TPC, and to expand the role of the minister, a move that would also be far from democratic, and must be disallowed and rejected.

STRUCTURE

- It is essential the TPC is able to continue to perform its role as an independent decision maker and advisory body in a fair, just, efficient and effective manner.
- While we have had no particular experience with the Tasmanian Planning Commission, we have had experience with the Resource Planning and Management Appeal Tribunal. We found the RPDC to be an effective and fair minded body and consider that is also characteristic of the current TPC.
- The functions and powers of the TPC should be expanded and current powers used more often e.g. public hearings should be mandatory and not discretionary.
- It is accepted that representatives of State Agencies or bodies, such as TasWater and State Growth, should be members of the TPC. We believe this should continue but in an advisory capacity only, NOT as decision makers since this must compromise any decision emanating from the Commission. That said, it is greatly concerning that individuals who are current members of the Commission have publicly expressed pro-development views. We believe such individuals may - or could - bring undue influence on Commission decisions. It is therefore of the utmost importance the Commission is able to present fair and balanced views, opinions and decisions – and Tasmanians can have the utmost confidence these are free from political or developer interference.
- The Commission should have a policy role so it can advise on regional Planning Strategies and Tasmanian Planning Policies in general.
- The Commission should maintain the State of Environment Reporting Function. This appears to have lapsed in recent years, so the Commission should be provided with necessary funding and facilities to ensure it can independently perform this essential function.
- In order for the Commission to be able to effectively implement holistic integrated planning laws and policies in Tasmania there must be an end to exemptions such as Forestry on public land; Private Timber reserves; Aquaculture, Mining explorations; Dams; utilities; and Agriculture etc.
- The Commission should maintain its role in policy development.
- It is essential the Commission maintains its role in public participation in planning.
- We reiterate the Commission decision-making process must be evidence-based or merit-based and NOT influenced by political pressure or other undue influence.

REGIONAL LAND USE STRATEGIES:

We understand Tasmania’s three existing Regional Land Use Strategies (RLUS) are likely to be reviewed this year. The RLUS guides land use planning in particular in informing the allocation of zoning in planning schemes. The RLUS have a significant role to play in the setting of medium to longer-term strategic directions for each region in the state. As the current RLUS were developed by private consultants they are viewed by some community groups as having too great a business and industry focus, eg. Northern Tasmania Development developed the Northern Regional Land Use Strategy, thus creating a perceived conflict of interest.

We believe legislation should be changed to give the TPC the responsibility to develop, amend and approve RLUS with public notice and hearings.

We believe the TPC must maintain its function of assessing Projects of State and Regional Significance

The TPC must also retain its function of reviewing National Park and reserve management plans

State of the Environment Reporting should remain with the TPC

ONGOING STRUCTURE:

The TPC should be adequately resourced, both financially and with staffing. Without proper resourcing it is simply not possible for the Commission to perform its role. We understand it is currently not properly resourced, which arguably explains the reasons for lengthy delays in processing changes like the Local Provisions Schedules. This is unsatisfactory and should be urgently addressed.

We appreciate having the opportunity to comment.

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