

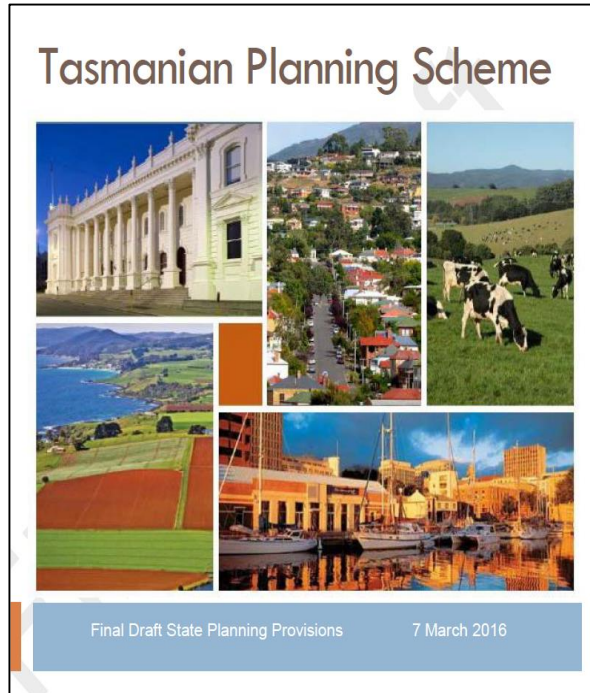
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This article is supported by the ♦Tasmanian Planning Information Network ([www.taspin.net](http://www.taspin.net)) and ♦Blackmans Bay Residents Action Group (BBRAG).

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## Proposed new Tasmanian Planning Scheme—what it will mean

Developers will be happy with proposed changes to Tasmania's State Planning law. But most people haven't even heard of the Tasmanian Planning Scheme and many will be shocked to find out what it means for their local area and living environment. Residents met with Kingborough Council officers on 28 April 2016 to discuss the new Planning Scheme and what the proposed State Planning Provisions will mean for Kingborough. This article is based on that discussion.

### Proposed State Planning reform

The Tasmanian Government is wanting to reform the State's planning system by introducing a single planning scheme for the State—the Tasmanian Planning Scheme law. The aim is "to provide a fairer, faster, cheaper and simpler planning system for Tasmania". Comments from the public on the draft State Planning Provisions must be received by the State Planning Commission **by 18 May 2016**.

### Summary of community concerns

As the fastest growing Municipality in the state, Kingborough is very vulnerable to the impacts of poor Planning.

Residents are very concerned that they have not been adequately involved in processes and decisions that will significantly affect the future character of the places they live in and care about. People want to have a meaningful say in shaping the future character of these places.

Previously, Desired Future Character Statements and Local Area Objectives have helped to guide development consistent with the desired future character of areas. But under the

proposed new State Planning Scheme these are given little weight. Local Area Objectives won't even apply to Residential zones.

There is significant community concern about the weakening of environmental protection, vegetation controls, and biodiversity conservation. For example:

- The Natural Assets Code replaces the Biodiversity Code and it waters down previous provisions for protecting biodiversity. The new code won't apply in Residential Zones, and its assessment in other zones will be through desk-based overlays that are often inaccurate compared to ground-checks.
- The new Scenic Landscapes Code removes existing protections and will not apply to General or Low Density Residential zones.
- Landscape plans will no longer be mandatory in development applications for multiple housing developments.
- The stormwater code and the on-site wastewater codes have been removed.
- Many industrial activities will be exempt from the present requirements for attenuation/buffer zones, and consideration of noise, stormwater, traffic and social impact.
- The Environmental Living Zone (e.g. small bush blocks) has been replaced by the Landscape Conservation Zone which is far more narrowly focused. The Environmental Living Zone has been very popular with the community and its loss will significantly limit the options available for rural living with a conservation focus.
- All zones will allow for some form of permitted or discretionary development and subdivision. Nowhere is fully protected.

Wording in the new Scheme is often vague and weak. For example, phrases such as "must have regard to", or be "appropriate", or "does not cause unreasonable loss of amenity" will give rise to uncertainty and conflicts.

There are major concerns about proposed reductions of minimal lot sizes. For example, in Kingborough:

- Minimum lot sizes in the General Residential Zone will be reduced to 450m<sup>2</sup> from the current 600m<sup>2</sup> in Blackmans Bay.
- Minimum lot sizes in Low Density Residential Zones will be reduced to 1,500m<sup>2</sup> from the current 2,500 or 5,000m<sup>2</sup>. Unit developments will be permitted in the Low Density Residential Zone.

There is strong community opposition to the new Scheme giving **automatic** allowance for:

- much smaller block sizes and much higher dwelling densities in residential zones;
- units "permitted" in all the 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 all zones from the current 5m.

There will be less mandatory public notification of developments and reduced opportunity for community participation in approvals. There are many more uses/developments that are 'exempt' or 'no permit required'.

Bushfire prone areas will be assessed at the building stage, not at the planning stage.

There is significant concern that the draft State Planning Provisions do not support key objectives of the [\*Land Use Planning and Appeals Act 1993\*](#) (LUPAA). These objectives include "to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity", "to encourage public involvement in resource management and planning", "to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land" and "ensuring a pleasant, efficient and safe environment for working, living and recreation".

Residents feel that the proposed Tasmanian Planning Scheme does not clarify and balance land use decisions to achieve community supported outcomes—it appears to be a Development Plan focused on furthering commercial interests. The Scheme will also transfer many costs from the developer to the public (e.g. through Council having to undertake some activities previously required of developers).

It is usual practice for development proposals to be assessed for their anticipated impacts. The proposed Scheme does not appear to have considered the social and environmental impacts it will have on Tasmanian communities and ecosystems.

Residents are concerned that the proposed Scheme is seriously flawed and if applied it will result in huge undesired impacts that will be impossible to undo.

Residents asked "Why is it OK for our garden suburbs, lifestyle and social amenity to be lost or degraded?" "A Planning Scheme that makes it faster and cheaper to degrade our neighbourhood, and more difficult to protect the things we care about, is not needed or wanted". "A Planning Scheme should help to protect and enhance our living environment and lifestyle—not make it worse".

The proposed Scheme is complex and overwhelming for most people (a 429 page document plus 245 pages of explanatory notes). Residents feel that community engagement with the Planning process has been appallingly inadequate. There has been no open public explanation or discussion to allow people to understand what our cities, suburbs, and natural areas might come to look like under the proposed Scheme. What will success look like?

## Residents are calling for action

Concerned citizens are calling for:

- **A better and fairer Tasmanian Planning Scheme that delivers *the optimal sustainable future for Tasmania*.**
- **A Planning Process that *informs, inspires and involves* the community.**

### 10 point call for action:

1. Residents want a meaningful say in shaping the future character of their local areas and the places they care about, including through Desired Future Character Statements that have real effect under the Planning Scheme.
2. The Tasmanian Planning Scheme needs to demonstrate how it will meet the legislated objectives.
3. The Scheme should include clear statements of the intended long-term social, economic and environmental outcomes.
4. The planning process should consider the anticipated social and environmental impacts of the proposed provisions before the Tasmanian Planning Scheme is finalised.
5. Many residents (especially in older established areas with spacious blocks) want provisions that will halt the rapid infill that is occurring in their local areas, whereas the proposed scheme will accelerate that infill and associated impacts. There is community support for creating an additional category of Residential Zone that provides for 'Medium Density' housing with minimum lot sizes of around 750m<sup>2</sup>.
6. A better balance is needed between the administrative efficiency of a state-wide 'one size fits all' planning scheme and the social reality that all circumstances and areas are not the same. Councils need both good strategic guidance from the state-wide planning scheme to further state-wide outcomes and the flexibility to interpret and manage for locally different situations. This would support meeting local community aspirations for the desired future character of their local areas and properly consider where development is appropriate and where it is not.
7. There is a need for much, much more public information and participation so that all Tasmanians can understand what is being proposed and have the opportunity to participate in informed involvement in the development of Tasmania's Planning Scheme. Residents want information and engagement that they can understand.
8. An extension of time is needed beyond the deadline of 18th May 2016 for public submissions on the draft Planning Scheme to allow for further and adequate public consultation and engagement.
9. Tasmania deserves a Planning System that will protect what is special about our unique island state and its wonderful lifestyle. It must also reflect what local communities value, and put in place the appropriate policy settings to deliver the optimal future for our social, economic and ecological well-being.
10. The concerns of the community should be of paramount importance to government. The Minister needs to act on these significant community concerns.

We need to ensure that community values are properly reflected and upheld in the Tasmanian Planning Scheme.

### **What can you do?**

- Get informed about the draft State Planning Provisions (Tasmanian Planning Scheme) at [http://www.planning.tas.gov.au/planning\\_our\\_future](http://www.planning.tas.gov.au/planning_our_future)
- Read submissions from your local council to the Tasmanian Planning Commission to understand their concerns.
- **Write a submission to the Tasmanian Planning Commission before 18th May.** Email to [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au) or post to Tasmanian Planning Commission, GPO Box 1691 Hobart Tasmania 7001.
- **Write letters to your local Member of Parliament and other politicians outlining your concerns and clearly state what you want done.**
- For more information or to join the Tasmanian Planning Information Network, go to [www.taspin.net](http://www.taspin.net).

### **Photos/images**

Some photos and images are provided overleaf.

## Proposed new Tasmanian Planning Scheme law—what it will mean



Most Tasmanians enjoy the lifestyle benefits that come with living in homes with spacious backyards. These provide opportunities for many lifestyle and leisure choices. These include enjoying a beautiful garden, owning pets, having somewhere safe where the kids can play, having private outdoor space for family and friends, having a barbecue, entertaining friends, tending a veggie patch, or perhaps simply sitting in the sun. Backyards also provide important opportunities for utility functions such as off-street parking, a garage/workshop or garden shed, a clothes drying area, and somewhere to store bikes, boats and various other gear.

Photo: Glenys Jones



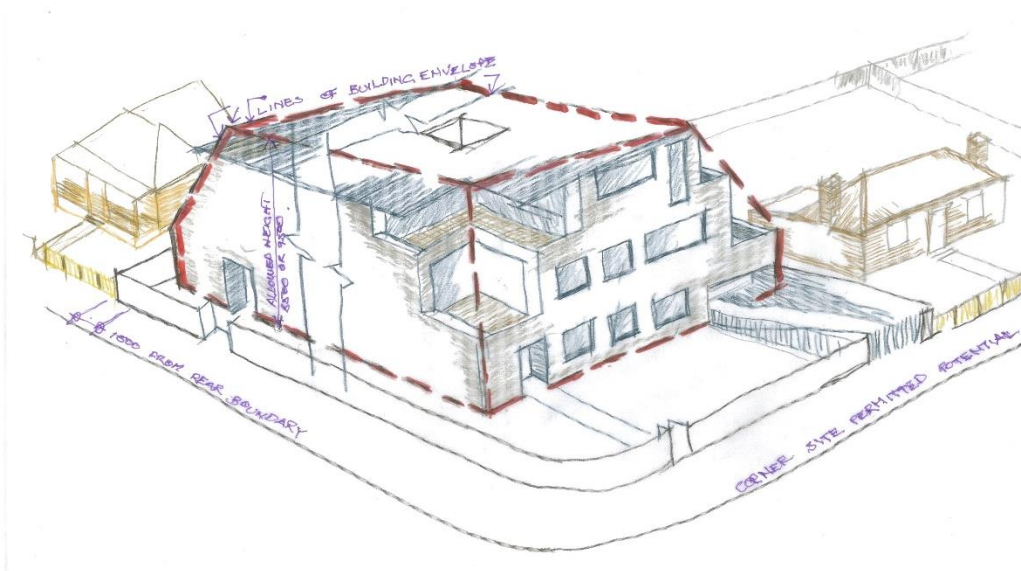
“Love thy neighbour”. Expect more very close living under the new Tasmanian Planning Scheme.

Photo: Anne and Miles Harrison



Tree felling for unit developments is already changing the character of Hobart's green leafy suburbs. Ongoing loss of mature trees and vegetation will be accelerated under the proposed new State Planning Provisions. This will significantly reduce the presence of birds and other wildlife in the suburbs.

Photo: Glenys Jones



Artist's sketch showing potential development and relationship to boundaries of a 3 storey form that fills the allowable building envelope as defined in standard for PD 4.1 of the Tasmanian State Planning Provision (SPP). The red hatched line is the building envelope proposed in the Tasmanian Planning Scheme.

Drawn for TasPIN (Planning Information Network) by Robert Vincent, Architect, Urban & Regional Planner and Urban Activist.