



Environmental
Defenders Office

Submission in response to the Tasmanian Planning Policies

26 June 2023

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record of achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

Environmental Defenders Office is a legal centre dedicated to protecting the environment.

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A Note on Language

We acknowledge that there is a legacy of writing about First Nations people without seeking guidance about terminology. In this submission, we have chosen to use the term 'First Nations' to refer to Aboriginal and Torres Strait Islander peoples across Australia. We also acknowledge that where possible, specificity is more respectful. When referring to Tasmanian Aboriginal / palawa / pakana people in this submission we have used the term 'Tasmanian Aboriginal'. We acknowledge that not all First Nations peoples may identify with these terms and that they may instead identify using other terms.

Acknowledgement of Country

The EDO recognises First Nations peoples as the Custodians of the land, seas, and rivers of Australia. We pay our respects to Aboriginal and Torres Strait Islander Elders past, present and emerging, and aspire to learn from traditional knowledge and customs so that, together, we can protect our environment and cultural heritage through law. In providing these submissions, we pay our respects to First Nations across Australia and recognise that their Countries were never ceded and express our remorse for the deep suffering that has been endured by the First Nations of this country since colonisation.

EDO gratefully acknowledges the assistance of Kate Johnston in the preparation of this submission.

EDO submission in response to the Tasmanian Planning Policies

Executive Summary

Environmental Defenders Office (**EDO**) welcomes the opportunity to provide comment on the Tasmanian Planning Policies (**TPPs**). In doing so, EDO notes it has provided comments to the Tasmanian State Planning Office in November last year on a previous draft of the TPPs.¹ To the extent our previous comments on the draft TPPs remain relevant, they are repeated in this submission.

The purpose of the TPPs is to “set out the aims, or principles, that are to be achieved or applied” by the Tasmanian Planning Scheme; and the regional land use strategies.² TPPs may relate to:³

- (a) the sustainable use, development, protection, or conservation of land;
- (b) environmental protection;
- (c) liveability, health, and wellbeing of the community;
- (d) any other matter that may be included in a planning scheme or a regional land use strategy.

The TPPs may also specify the way the TPPs are to be implemented in the State Planning Provisions (**SPPs**), Local Provisions Schedules (**LPSS**) and regional land use strategies (**RLUSS**).⁴ The TPPs must seek to further the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993* (**LUPA Act**) and be consistent with any relevant State Policy.⁵

We note the context of the TPPs is important to understanding the opportunity implementation of new TPPs represents. The TPPs are proposed to be introduced at a time when:

- There have been numerous complex reforms to the *Land Use Planning and Approvals Act 1993* (Tas) (**LUPA Act**) which have had the effect of curtailing public participation in the Resource Management and Planning System (**RMPS**).
- There is a review of the SPPs underway. It is anticipated that any TPPs created will provide clear direction to the final form of any amendments to the SPPs under that review.
- There has been no State of Environment report published since 2009 to provide a clear indication of whether lutruwita/Tasmania’s RMPS is achieving its objectives, including the maintenance of ecological processes and diversity.
- The *Climate Change 2023: Synthesis Report of the Intergovernmental Panel on Climate Change* (**IPCC**) has provided an urgent warning that a substantial ‘emissions gap’ exists between forecast global GHG emissions in 2030 and those associated with modelled mitigation pathways that limit warming to the Paris Agreement target of 1.5° degrees Celsius (°C) above pre-industrial levels. The Report warns that “every increment of global warming will intensify

¹ See EDO’s [Submission on the draft Tasmanian Planning Policies](#) (November 2022)

² *Land Use Planning and Approvals Act 1993*, s 12B(1)

³ *Land Use Planning and Approvals Act 1993*, s 12B(2).

⁴ *Land Use Planning and Approvals Act 1993*, s 12B (3).

⁵ *Land Use Planning and Approvals Act 1993*, s 12B(4).

multiple and concurrent hazards”, resulting in increased bushfire weather, floods, droughts, sea-level rise, and heatwaves.⁶

- Biodiversity in Australia is facing increased pressures, with habitat loss, degradation and invasive species resulting in persistent and sometimes irreversible impacts in all areas of Australia (including lutruwita/ Tasmania). Many of these pressures are cumulative and compounding and may lead to ecosystem collapse. These pressures are expected to worsen.⁷
- lutruwita/Tasmania’s Aboriginal cultural heritage protection legislation remains woefully inadequate and provides no role for Tasmanian Aboriginal people to determine the management and protection of their cultural heritage.
- The UN General Assembly recognised the human right to a healthy environment on 28 July 2022.⁸ Australia voted in favour of the UN resolution, opening the door to domestic action.

Last year, EDO released its report *A Healthy Environment is a Human Right*.⁹ The report calls for Australian Commonwealth, state and territory governments to provide for and act consistently with the right to a healthy environment when exercising their functions under legislation that affects the environment and human health.¹⁰ While lutruwita/Tasmania is yet to implement the Tasmanian Law Reform Institute's recommendation to legislate a Charter of Human Rights,¹¹ planning policy can play an important role in achieving environmental justice through the recognition of the human right to a healthy environment.¹²

Consistent with the UN recognition of the human right to a healthy environment, EDO considers that TPPs and their implementation must seek to give effect to this human right by making clear that every Tasmanian has a right to access clean air, safe and sufficient water, healthy and sustainably produced food, and non-toxic environments for work, life, and play. TPPs should also recognise the disproportionate impact of environmental harms – including harm from climate change, pollution, extractive industries, and natural disasters – are imposed on overburdened people and communities, including First Nations Peoples. TPPs can create policy settings to ensure that these environmental harms are preferably avoided, or if they cannot be avoided, mitigated, and empower overburdened peoples and communities to exercise their right to a healthy environment.

⁶ IPCC, *2023: Summary for Policymakers. In: Climate Change 2023: Synthesis Report. A Report of the Intergovernmental Panel on Climate Change. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Core Writing Team, H. Lee, and J. Romero (eds.)]. IPCC, Geneva, Switzerland, 36 pages. (in press).

⁷ Commonwealth Department of Climate Change, Energy, Environment and Water, *State of Environment Report: Biodiversity* (Report, 2022).

⁸ UN General Assembly, *The human right to a clean, healthy, and sustainable environment*, UN Doc. A/RES/76/300 (28 July 2022).

⁹ EDO, *A Healthy Environment is a Human Right* (Report, August 2022).

¹⁰ See recommendations 1- 4 in EDO, *A Healthy Environment is a Human Right* (Report, August 2022).

¹¹ Tasmanian Law Reform Institute (2007) *A Charter of Rights for Tasmania*.

¹² EDO explores the concept of environmental justice, and the importance of applying an environmental justice framework to environmental protection in *Implementing effective independent Environmental Protection Agencies in Australia: Best practice environmental governance for environmental justice* (Report, January 2022).

Given their strategic importance and potential scope, it is vital that the TPPs adequately reflect and respond to the key issues facing lutruwita/ Tasmania in the context of the triple crises of climate change, nature (biodiversity extinction) and pollution.

While it is pleasing that some of the previous feedback provided by EDO and other community members in response to the draft TPPs has been taken on board by the Tasmanian Government, EDO considers that further work is required for the draft TPPs to meet the challenges we currently face.

The following submission responds to the draft TPPs, including the scope and structure of the TPPs. In addition to providing specific recommendations on the various TPPs in Appendix 1, EDO's submissions provide detailed comments on:

1. [Strengthening and clarification of the TPPs](#)
2. [The need for the TPPs to link to the State Policies](#)
3. [The need for implementation guidelines](#)
4. [Climate change and the TPPs](#)
 - 4.1. [Overview of the need for a planning response to climate change](#)
 - 4.2. [The need for overarching Climate Change TPP](#)
5. [Aboriginal Cultural Heritage policy of the Cultural Heritage TPP](#)
6. [Sustainable development and the TPPs](#)

A **summary** of EDO's key recommendations in response to the Draft TPPs is outlined below.

Summary of Recommendations

Recommendation 1: The TPPs be significantly strengthened and clarified.

Recommendation 2: EDO's specific recommendations on TPP issues and implementation guidelines outlined in **Appendix 1** be adopted.

Recommendation 3: Ensure the TPPs are fully consistent with existing State Policies.

Recommendation 4: Implementation Guidelines are included in the TPPs to provide detailed guidance on how strategies outlined in the TPPs can be delivered through the SPPs, LPSs and RLUSs.

Recommendation 5: An overarching TPP on climate change be created that explicitly incorporates clear and mandatory strategies to give effect to statutory GHG emissions reduction targets, risk assessments, and sectorial plans, and provides clear guidance on how these are to be implemented through the SPPs, LPSs and RLUSs.

Recommendation 6: All the TPPs provide strategies that address climate change adaptation and GHG emission mitigation in line with legislated targets, climate risk assessments, and sectorial plans and provide implementation guidelines.

Recommendation 7: The Aboriginal Cultural Heritage policy in the Cultural Heritage TPP better provide for the recognition and protection of Aboriginal cultural heritage values consistent with the United Nations Declaration on the Rights of Indigenous Peoples, including through:

- (a) the recognition of the values in Aboriginal cultural heritage in landscapes (not just places and objects);
- (b) the reflection in the TPPs strategies of Tasmanian Aboriginal people’s ongoing connection to and reliance on Country and Sea Country;
- (c) the provision of clear, mandatory strategies and implementation guidelines to spell out how the SPPs, LPSs and RLUSs will provide for Tasmanian Aboriginal custodianship of Aboriginal cultural heritage and decision-making concerning any impacts on this heritage; and
- (d) the provision of clear definitions of key terms.

Recommendation 8: Replace the proposed topic heading of “Sustainable Economic Development” TPP with “Sustainable Development” and amend all TPPs to better ensure the further the RMPS objectives.

Recommendation 9: Ensure issues covered by all TPPs, including the Sustainable Development TPP, align with the UN Sustainable Development Goals.

1. Strengthening and clarification of the TPPs

EDO provides the following general comments in response to the draft TPP topics, with further specific recommendations on each of the proposed TPP topics provided in **Appendix 1** to this submission.

EDO considers that the draft TPPs could be significantly strengthened and clarified by:

- (a) Providing recognition of Tasmanian’s right to a clean and healthy environment throughout all the TPPs.
- (b) Clearly linking all the TPPs to the objectives of the RMPS, and most particularly, the objectives concerning sustainable development and maintaining ecological processes and genetic diversity (this is discussed in further detail below).
- (c) Ensuring the TPPs link to and support the objectives of existing State Policies (this is discussed in further detail below).
- (d) Providing clear guidance on how the TPPs are to be implemented in the SPPs, LPSs, and RLUSs (this is discussed in further detail below).
- (e) Providing a TPP dedicated to climate change – with a focus on providing clear strategies for the mitigation of GHG emissions and adaptation (this is discussed in further detail below).
- (f) Providing better recognition and protection of Aboriginal cultural heritage values consistent with the United Nations Declaration on the Rights of Indigenous Peoples (this is discussed in further detail below).

- (g) Strengthening the language in the strategies in the TPPs and moving it away from “encouraging” or “aspirational” language to more direct language that provides clear guidance on the planning outcomes sought to be achieved.¹³

For example, the Tasmanian Government has a stated policy objective of building 10,000 social and affordable homes and dwellings in the next decade.¹⁴ However, instead of incorporating this explicit policy objective in the TPPs, the current Settlement TPP dealing with Housing only provides a strategy to “Facilitate social and affordable housing to meet the needs of the community that is located close to services, employment and public transport networks” and states that it will “Plan and provide for a diverse range of quality housing types that meet the needs of the community” by “supporting the provision of well-designed social and affordable housing” (emphasis added). The problem with the draft TPP is that it does not link to the Tasmanian Government’s committed target of the provision of 10,000 social and affordable homes in ten years.

In another example, the Tasmanian Government has a legislated target of net zero greenhouse gas (GHG) emissions, or lower, from 2030.¹⁵ Yet this target is not referred to in any of the TPPs. Instead, references to lowering GHG emissions are contained in the climate change statements for the Settlement, Sustainable Economic Development, Physical Infrastructure, and Environmental Values TPPs but the current strategies within these TPPs do not explicitly aim to contribute to the achievement of the goal of net zero emissions or lower by 2030. For example, the Roads TPP does not provide any strategies which direct consideration of the GHG emissions associated with the construction and use of roads by fossil fuel-powered vehicles, nor does it refer to the sector emissions reduction and adaptation plan for transport (due to be published in 2024). The TPPs need to do more than “minimise the environmental, heritage and social impacts associated with new and upgraded transport infrastructure and services”, they need to provide for the increased uptake of sustainable, non-fossil fuel-powered and active transport and actively work to reduce transport-related emissions consistent with the legislated goal of net zero GHG emissions, or lower, from 2030.

- (h) Clarifying the drafting of many of the strategies in the TPPs to ensure they use plain English and are easily interpreted. By way of example, the following non-exhaustive list of strategies lack clarity: in the Environmental Values TPP, clauses 2.1.3 (4), 2.1.3 (8), 2.1.3 (9), 2.1.3 (10), 2.1.3 (12), 2.2.3 (2); in the Sustainable Economic Development TPP clauses 4.2.3(1), 4.3.3 (5), 4.3.3 (6), 4.5.3 (1), 4.5.3 (5); in the Physical Infrastructure TPP, clause 5.4.3 (11); in the Cultural

¹³ The shift in language in the latest draft of the TPPs was explained in State Planning Office, 2023, [Draft Tasmanian Planning Policies: Background Report and Explanatory Document](#), Department of Premier and Cabinet, at pp13-14: *The TPPs are an expression of policy, they are not a regulatory planning instrument and therefore are not drafted in a definitive or absolute way. The TPP strategies are typically drafted with a verb at the beginning of the sentence. These are mostly expressed as encouraging verbs that help the strategies work towards achieving the aspirational outcomes expressed through the objective of the policy. The verb used helps set the direction, strength, and intent of the policy statement.*

¹⁴ Barnett, Guy, 2022, [Media release: Building more homes and creating opportunities with Homes Tasmania.](#)

¹⁵ *Climate Change (State Action) Act 2008*, section 5.

Heritage TPP, clauses 6.0.1, 6.1.3 (3); and in the Planning Processes TPP, clauses 7.3.3 (3), 7.3.3 (5).

- (i) The provision of more definitions of key terms used in the TPPs in the glossary. For example, terms and phrases used in the TPPs without any clear meaning or definition include “Aboriginal Cultural Heritage values”; “Aboriginal Cultural Heritage place”, “Aboriginal Cultural Heritage object”, and “Regional settlement hierarchies”. A list of terms requiring definition is provided in **Appendix 1**.

Recommendation 1: The TPPs be significantly strengthened and clarified.

Recommendation 2: EDO’s specific recommendations on TPP issues and implementation guidelines outlined in **Appendix 1** be adopted.

2. The need for the TPPs to link to the State Policies

The State Planning Office has assessed the TPPs as being consistent with all State Policies.¹⁶ While EDO agrees that aspects of the State Policies have been sufficiently addressed in the TPPs, some of the TPPs scarcely mention or refer to relevant provisions of the State Policies, or where they do reference the State Policies, they water down their requirements and intent.

For example, the Waterways, Wetlands and Estuaries policy of the Environmental Values TPP does not explicitly mention or link to the *State Policy on Water Quality Management 1997*. In that State Policy, there are explicit requirements for consideration of Protected Environmental Values, Water Quality Objectives, the control of erosion and stormwater runoff from land disturbance, and best practice environmental management in planning schemes and related decision-making, yet these matters are not mentioned (or scarcely mentioned) in the TPPs.

For example, clause 31.1 of the *State Policy on Water Quality Management 1997* states that:

Planning Schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material, or serious environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.

The State Planning Office asserts that the TPPs are consistent with this clause,¹⁷ as strategy 2.2.3(4) of the Waterways, Wetlands and Estuaries policy in the Environmental Values TPP states:

Use and development, located on land in, or around, waterways, wetlands and estuaries will:

- a) minimise the clearance of native vegetation;
- b) promote the retention and restoration of, and linkages between, terrestrial and aquatic habitats;

¹⁶ See State Planning Office, (2023) [Draft Tasmanian Planning Policies State Planning Office opinion of compliance with TPP criteria](#).

¹⁷Ibid at p 21.

- c) protect the natural form and process of the landform assemblage, including aquatic areas;
- d) avoid land disturbance or manage soil erosion and changes in sediment loads entering the water caused by land disturbance;
- e) not significantly change the rate and quantity of stormwater or increase pollutants entering the water; and
- f) be designed and sited to maintain or enhance significant views and landscape values.

However, there is no mention in strategy 2.2.3(4) of the need for the SPPs and/or LPSs to require the development of stormwater management strategies for development proposals to reduce the transport of pollutants off-site. This matters as the SPPs presently have limited prescriptions relating to the management of stormwater pollution.¹⁸

For the provisions in the *State Policy on Water Quality Management 1997* concerning urban runoff, the State Planning Office defers to the State Stormwater Strategy to explain why the TPPs don't have to address the State Policy requirements.¹⁹ EDO notes that the State Stormwater Strategy is non-binding and out of date (it was published in 2010) and has apparently not been reviewed since.²⁰ EDO recommends that, instead of deferring to non-binding and outdated instruments, the TPPs should seize this opportunity to provide practical guidance on how the SPPs, LPSs and RLUSs can provide for the management of stormwater pollution consistent with the *State Policy on Water Quality Management 1997*.

The State Planning Office also asserts that the TPPs are consistent with all relevant provisions of the *State Coastal Policy 1996*. However, EDO considers that the TPPs are not consistent with the Policy's provisions concerning Aboriginal cultural heritage. For example, this Policy provides:

1.2.1 Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.

1.2.2 All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.

1.3.1 Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.

3.1.4 Provision for effective and greater involvement of Aboriginal people in areas of particular interest to Aboriginal people will be made as part of community participation processes.

While the State Planning Office asserts that these outcomes are “supported by the Aboriginal Cultural Heritage policy of the Cultural Heritage TPP”, in EDO's view, the TPPs do not practically seek to legally protect or conserve Aboriginal cultural heritage nor provide for the management of that heritage in consultation and with greater involvement of Tasmanian Aboriginal people. The

¹⁸ For example, clause C7.6.1 A3 and P3 only apply to a development (not a use) in a waterway and coastal protection area or a future coastal refugia area.

¹⁹ See State Planning Office, (2023) [Draft Tasmanian Planning Policies State Planning Office opinion of compliance with TPP criteria](#) from p22.

²⁰ See EPA Tasmania website at <https://epa.tas.gov.au/environment/water/stormwater/state-stormwater-strategy>

other failings of the Aboriginal Cultural Heritage TPP are discussed in further detail in the submission below.

Finally, the *State Coastal Policy 1996* provides:

2.1.5 The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied, or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.

The State Planning Office asserts that this outcome is “expressed” through strategy 7.2.3(1) of the Strategic Planning TPP, which states:

Support the application of the precautionary principle where the implications of planning decisions on the environment, now and into the future, is not fully known or understood.

In EDO’s view, this clause of the TPPs is not fully consistent with the *State Coastal Policy 1996* outcome concerning the precautionary principle as it uses non-mandatory language (i.e., “support”), does not deal with the need for remedy of environmental degradation, and fails to articulate the need for developments to include strategies to “avoid or mitigate potential adverse environmental effects”. While other provisions in the Environmental Values TPP do deal with the avoidance or mitigation of some harms (although, oddly, not the in the Coasts policy), they are not expressed in such encompassing terms as in the *State Coastal Policy 1996*.

By failing to deal with these issues and by failing to provide strategies or implementation guidance consistent with the State Policy, the TPPs arguably fail to comply with section 12B (4) of the LUPA Act.

Recommendation 3: Ensure the TPPs are fully consistent with existing State Policies.

3. The need for implementation guidelines

Feedback from the consultation on the Scoping of the TPPs and the initial draft of the TPPs emphasised the need for Implementation Guidelines to be included under each TPP. For example, the Planning Institute of Australia submitted that Implementation Guidelines would provide a critical tool for encouraging public involvement and sharing responsibilities between all levels of government and the community, in line with the RMPS Objectives, because they would provide detailed guidance on how a TPP will be implemented through the SPPs, LPSs and RLUSs.²¹ The Planning Institute of Australia also emphasised that Implementation Guidelines could guide how internal conflicts within and between policy areas would be managed and that this is important because internal conflicts due to a lack of clarity can result in unnecessary delays and blockages within the planning system.

Given this feedback, EDO was disappointed in the decision to remove the Implementation Guidelines from the draft TPPs (albeit in the previous draft the only Implementation Guidelines were provided for the Growth Policy of the Settlement TPP). In EDO’s view, the General Application section at the beginning of the TPPs does not adequately replace the need for clear and specific

²¹ The Planning Institute of Australia’s submission on the draft TPPs can be accessed [here](#), at pp 626 – 631.

Implementation Guidelines for the TPPs. EDO does not agree that the strategies provide enough detail to guide the implementation of the TPPs, nor that having Implementation Guidelines might restrict other reasonable approaches from being considered by planning authorities. EDO maintains that there is a real need for the TPPs to assist those responsible for implementing the TPPs to understand how the strategies outlined in the TPPs can be delivered through the SPPs, LPSs and RLUSs.

Recommendation 4: Implementation Guidelines are included in the TPPs to provide detailed guidance on how strategies outlined in the TPPs can be delivered through the SPPs, LPSs and RLUSs.

4. Climate change and the TPPs

4.1 Overview of the need for a planning response to climate change

Anthropogenic climate change is having significant impacts in Australia and across the globe. The annual global temperature in 2022 was 1.15 degrees Celsius (°C) warmer than in pre-industrial times.²² Australia's average annual temperature has warmed by around 1.5°C since 1850,²³ and the best available science tells us that average temperatures are projected to rise further. Australia is already experiencing the impacts of climate change, which include increasing temperatures, the warming and acidification of oceans, sea level rise, decreased rainfall in southern parts of the country and increased and more extreme rainfall in the north, longer dry spells, a greater number of extreme heat days and the long-term increase in extreme fire weather.

In the future, it is projected lutruwita/Tasmania will experience higher average temperatures all year, with more hot days and warm spells and harsher fire weather. lutruwita/Tasmania will also experience sea level rise, an increase in extreme rainfall events and flooding, but a decrease in rainfall in spring and with the possibility of less rain in autumn and summer.²⁴

The contribution of urban development to GHG emissions and its vulnerability to climate change impacts is well established. As Caparros-Midwood, et al. (2019) observed:²⁵

... urban areas are already responsible for approximately 70% of global greenhouse gas emissions and new urban development must reduce greenhouse gas emissions if the Paris Agreement to limit global warming are to be achieved. There is an urgent need for urban development to reduce resource consumption and emissions, whilst also enhancing resilience to climatic risks such as flooding and heatwaves. (Citations omitted)

²²See United Nations News, [2022 confirmed as one of warmest years on record: WMO](#), published on 12 January 2023.

²³ See CSIRO, [Response to Notice to Give Information 21 April 2020 for the Royal Commission into National Natural Disaster Arrangements](#), 21 April 2020.

²⁴ CSIRO, [Climate change in Australia - Projections for Australia's NRM regions- Southern Slopes](#), accessed on 23 June 2023.

²⁵ Caparros-Midwood, Dawson, Barr, "[Low Carbon, Low Risk, Low Density: Resolving choices about sustainable development in cities](#)", *Cities*, Volume 89, 2019, Pages 252-267.

It is therefore critical that land use planning policies effectively address these issues:²⁶

... it must be acknowledged that past and current urban planning activities have resulted in climate change impacts and path dependency. Thus, significant changes to the status quo of urban planning activities are required in many locations across the world to achieve the goal of limiting warming to 1.5°C but also to avoid the risk and harm attributable to even this amount of warming. (Citations omitted)

The important role of planning policies in climate change mitigation and adaptation was identified in Professor Barbara Norman's 2010 report *A Low Carbon and Resilient Urban Future - A Discussion Paper on an Integrated Approach to Planning for Climate Change*. This report, prepared for the Australian Government, concluded that "A close connection between urban and regional planning, climate change mitigation and adaptation, and emergency management is essential in Australia."²⁷ In looking at the interconnections between climate change and planning, Professor Norman emphasised that planning policies - such as policies around the renovation and retrofitting of existing building stock, and water and energy efficiency measures - provide an effective means to build adaptive measures at the state and local government level.²⁸

In lutruwita/Tasmania, much more must be done through land use planning to both mitigate GHG emissions and adapt to climate change risks.

Based on the available data, lutruwita/Tasmania achieved net zero GHG emissions in 2013 and this has been maintained up to the latest reported year, 2021.²⁹ However, we note that this achievement is entirely attributable to the carbon stored in native forests (otherwise referred to as the land use, land use change and forestry sector (**LULUCF**)).³⁰ Reliance on the LULUCF sector alone to mitigate Tasmania's GHG emissions is risky as it is vulnerable to rapid change, for example through large bushfires, changes to land use practices arising from policies such as the Agri-Vision 2050 and Rural Water Use Strategy,³¹ the relaxing of planning scheme restrictions on vegetation clearing, and the "reinvigoration" of the forestry sector³². Furthermore, reliance on the emissions reductions from the LULUCF sector masks lutruwita/Tasmania's failure to reduce GHG emissions in other sectors. For example, lutruwita/Tasmania's population, and its associated GHG emissions in transport, stationary energy, and waste, are expected to increase by 2050.³³ Point Advisory has modelled that if lutruwita/Tasmania continued on a "business as usual" path, its

²⁶ Hurlimann, Moosavi & Browne, "[Urban planning policy must do more to integrate climate change adaptation and mitigation actions](#)", *Land Use Policy*, Volume 101, 2021

²⁷ Norman, Barbara, 2010, [A Low Carbon and Resilient Urban Future - A Discussion Paper on an Integrated Approach to Planning for Climate Change](#), p49.

²⁸ Ibid, p41.

²⁹ Australian Government, [State and territory greenhouse gas inventories: annual emissions](#), accessed on 22 June 2023; and Renewables, [Climate and Future Industries Tasmania, Tasmanian Greenhouse Gas Emissions Report 2023](#), accessed on 22 June 2023.

³⁰ Ibid.

³¹ Ibid. See also DPIPWE (2019) [Tasmanian Sustainable Agri-Food Plan 2019-23](#), accessible at <https://dpiuwe.tas.gov.au/agriculture/tasmanias-agri-food-plan>

³² See <https://tas.liberal.org.au/securing-tasmanias-future-growing-forestry-jobs>

³³ Jacobs, [Discussion Paper on Tasmania's Climate Change Act: Independent Review of the Climate Change \(State Actions\) Act 2008](#) March 2021 at p 18.

emissions could sharply increase by 2050.³⁴ This modelling underscores the need for urgent action to mitigate GHG emissions across all sectors. **Land use planning policy and controls provide the best opportunity for such action to be taken to mitigate GHG emissions and adapt to a changing climate.**

lutruwita/Tasmania has been taking steps towards planning to adapt to a rapidly warming climate. For example, the SPPs contain codes for Coastal Erosion Hazards, Coastal Inundation Hazards, Flood-Prone Areas Hazards, and Bushfire-Prone Areas. However, more could be done to plan for lutruwita/Tasmania's future under different climate warming scenarios. For example, the mapping for the Coastal Erosion and Coastal Inundation Codes is based on analysis undertaken by the CSIRO using data from the fifth Intergovernmental Panel on Climate Change (IPCC) report.³⁵ Further expert analysis of lutruwita/Tasmania's likely coastal erosion and inundation risks should be commissioned based on the sea-level rise information in the sixth IPCC report. Likewise, further investigation of the interaction between coastal inundation and estuarine flooding,³⁶ and mapping of lutruwita/Tasmania's flood risks in future climate scenarios is required.³⁷ As to the SPPs, these could be significantly strengthened to, for example, prohibit vulnerable development and uses in high-risk bushfire-prone and coastal erosion and inundation areas, and actively plan for managed retreat from locations with a high risk of climate change-impacted hazards.

4.2 The need for an overarching Climate Change TPP

Although EDO is generally supportive of the inclusion of climate change statements across all TPPs, we consider the statements to be an inadequate response to the severity of the risk that climate change poses to lutruwita/Tasmania and to the opportunity presented by the TPPs to respond to these risks and embed GHG emissions mitigation and climate change adaptation into our planning system. **It is strongly recommended that climate change should form a standalone TPP.**

In making this recommendation EDO relies on the following:

- (a) While the implementation of climate change considerations into each of the policies allows for climate-related factors to be considered in a broad range of areas, the failure to provide an overarching planning policy for climate change risks that inconsistent approaches may be taken in some policies to GHG mitigation and climate change adaptation. It also exacerbates the risk that potential synergies and conflicts between mitigation and adaptation goals, or indeed between these goals and other objectives of TPPs could be overlooked. EDO does not consider that the inclusion of the climate change statements in their current form addresses

³⁴ Point Advisory (2021) [Net Zero Emissions Pathway Options for Tasmania - Background Paper](#), accessed on 23 June 2023. Refer to the "high business as usual" rate outlined in table 1 on p 6.

³⁵ Department of Premier and Cabinet, [Coastal Impacts](#) webpage accessed on 23 June 2023; and Tasmanian Planning Commission, [Guideline No. 1 Local Provisions Schedule \(LPS\): zone and code application](#), June 2018 accessed on 23 June 2023.

³⁶ See the discussion of this at Department of Premier and Cabinet, Office of Security and Emergency Management, [Coastal Hazards Package: Summary of Consultation](#), undated, accessed on 23 June 2023.

³⁷ There is currently no statewide mapping of flood prone areas, Tasmanian Planning Commission, [Guideline No. 1 Local Provisions Schedule \(LPS\): zone and code application](#), June 2018, at p 51 accessed on 23 June 2023.

these issues. The climate change statements stand in isolation from each other, without any overarching means of ensuring they are consistent and or are addressing conflicts between mitigation and adaptation goals. EDO considers that only a climate change TPP could adequately address these issues.

- (b) The draft climate change statements in the various TPPs are broad and aspirational, without the objectives and specific, detailed strategies that are provided for other topics in the TPPs. By way of example, the climate change statement for the Environmental Values TPP lists six broad points about how the TPP seeks to address the impacts of climate change in respect of lutruwita/Tasmania’s environment. Each of these points is vague – for instance, “supporting early action against native habitat loss” – and are non-mandatory. Furthermore, even where aspirations in the climate change statements have found their way into the strategies of the TPPs, they remain vague and non-mandatory. For example, strategy 2.1.3 (12) of the Environmental Values TPP under the sub-policy of Biodiversity states “Support early action against loss of biodiversity as a result of climate change”. It is unclear how this strategy would be practically implemented into the SPPs, LPSs and/or the RLUSs. EDO considers that a climate change TPP would assist in the provision of clearer aims and principles to be achieved and provide guidance on implementation concerning GHG emission mitigation and climate change adaptation.
- (c) A standalone climate change TPP would also allow for explicit recognition in planning policies of the legislated GHG emissions reduction target for Tasmania of net zero emissions, or lower, from 2030.³⁸ It could also include explicit recognition of any:

- Climate Action Plan
- State-wide climate change risk assessments
- Sector-based emissions reduction and resilience plans

as well as providing clear guidance on how the statutory GHG emissions reduction target risk assessment and plans are to be implemented through SPPs, LPSs, and regional land use plans.

Even if the Tasmanian Planning Commission is not ultimately persuaded of the need for a stand-alone climate change TPP, as mentioned above, the current TPPs do not provide sufficiently clear, implementable strategies for the mitigation of GHG emissions and climate change adaptation, and this urgently needs to be addressed.

Recommendation 5: An overarching TPP on climate change be created that explicitly incorporates clear and mandatory strategies to give effect to statutory GHG emissions reduction targets, risk assessments, and sectorial plans, and provides clear guidance on how these are to be implemented through the SPPs, LPSs and RLUSs.

³⁸ Amendments to the *Climate Change (State Action) Act 2008* were passed through the Tasmanian Parliament on 10 November 2022 and enacted on 30 November 2022 to include a provision for a Tasmanian emissions reduction target of net zero greenhouse gas emissions, or lower, in Tasmania from 30 June 2030.

Recommendation 6: All the TPPs provide strategies that address climate change adaptation and GHG emission mitigation in line with legislated targets, climate risk assessments, and sectoral plans and provide implementation guidelines.

5. Aboriginal Cultural Heritage policy of the Cultural Heritage TPP

It is now unanimously accepted that the *Aboriginal Heritage Act 1975* is woefully inadequate and outdated. The Tasmanian Government has committed to the overhaul of Aboriginal cultural heritage management in this state, however, progress on the development of the new Act has been slow, and to date, no Bill for the replacement of the Act has been circulated for public feedback.

The inadequacy of the *Aboriginal Heritage Act 1975* is compounded by a lack of any meaningful protection for Aboriginal heritage under RMPS legislation, including under the LUPA Act and the Tasmanian Planning Scheme. As presently drafted, the SPPs provide for no zones or codes that either explicitly or implicitly provide prescriptions for the protection and management of Aboriginal cultural heritage. Indeed, some codes, such as the Local Historic Heritage Code, explicitly exclude Aboriginal cultural heritage values.³⁹

As the TPPs are to set out the aims or principles that are to be achieved or applied by the Tasmanian Planning Scheme, they have the power to change the content of the SPPs and the LPSs so that they provide for meaningful recognition of and protection for Aboriginal cultural heritage. However, with the weak and unclear language in the present draft, the TPPs fail to do this. EDO is concerned the Strategies included under the Aboriginal Cultural Heritage policy of the Cultural Heritage TPP are not strong enough to achieve its stated objective, to “Support the protection and Aboriginal custodianship of Aboriginal Cultural Heritage values including places, objects and practices.”

To illustrate this point, it is useful to compare the Aboriginal Cultural Heritage policy with the much clearer language used in the Historic Cultural Heritage policy. For example, the Historic Cultural Heritage policy, strategy 6.2.3 (2) states:

Identify buildings, part of buildings, places/features, infrastructure, precincts and landscapes that contain significant local historic cultural heritage values, describe the significance of those values, and promote access to this information to ensure identified values are considered early in strategic and statutory planning processes. (Emphasis added)

Strategy 6.2.3(3) then states:

Provide for the protection, and encourage the restoration of identified buildings, part of buildings, infrastructure, places/features, precincts and landscapes that contain local historic cultural heritage significance. (Emphasis added)

³⁹ State Planning Provisions, clause C6.1.2

The language in the above clauses can be contrasted with the Aboriginal Cultural Heritage TPP, where strategy 6.2.2(2) states:

Encourage the understanding and consideration of Aboriginal Cultural Heritage and support the investigation of land for the presence of Aboriginal Cultural Heritage places and objects where that land is proposed to be designated for use and development that could potentially harm any Aboriginal Cultural Heritage values associated with that land. (Emphasis added)

Notably, there is no equivalent provision in the Aboriginal Cultural Heritage policy to strategy 6.2.3(3) which provides for the protection of Aboriginal cultural heritage and encourages the restoration of this heritage.

EDO is disappointed that the language in the Aboriginal Cultural Heritage policy has been even further diluted from the previous version released late last year. For example, the previous draft strategies in this TPP provided:

3. Avoid designating land for incompatible land use and development where investigations identify, or it is known that there are, or highly likely to be, places or objects of Aboriginal Cultural Heritage.

4. Avoid use and development that has the potential to impact Aboriginal Cultural Heritage places or objects unless clear plans, agreed by the Tasmanian Aboriginal people, demonstrate remediation measures to limit the impact on the Aboriginal Cultural Heritage place or object. (Emphasis added)

Furthermore, as has already been highlighted in our submission above, critical terminology in the Aboriginal Cultural Heritage policy is undefined. For example, the “Aboriginal Cultural Heritage values”; “Aboriginal Cultural Heritage place”, and “Aboriginal Cultural Heritage object” are not defined. Nor are definitions of these terms able to be found in relevant existing Acts or policies.

In EDO’s view, it is not sufficient for the Aboriginal Cultural Heritage policy to just “support” the investigation of land for the presence of Aboriginal Cultural Heritage places and objects. Rather, like in the Historic Cultural Heritage policy, the Aboriginal Cultural Heritage policy should have clear strategies to identify and protect Aboriginal Cultural Heritage values of places, objects, and practices through land use planning. Similarly, all land being considered for use and development should be investigated for Aboriginal Cultural Heritage values, and not just land that is already known to have or be highly likely to have Aboriginal Cultural Heritage values.

At a minimum, greater clarity is required in the TPP on:

- What is meant by “Aboriginal Cultural Heritage values”; “Aboriginal Cultural Heritage place”, “Aboriginal Cultural Heritage object” and “appropriate management” of Aboriginal Cultural Heritage values;

- How the strategies comply with the UN Declaration on the Rights of Indigenous Peoples and will provide for Tasmanian Aboriginal people’s custodianship and prior and informed decision-making concerning their cultural heritage; and
- How land use planning is meant to “support Tasmanian Aboriginal people to identify, manage and, where appropriate, continue to use and culturally identify with, Aboriginal Cultural Heritage places” and what is meant by support when it comes to “support the investigation of land for the presence of Aboriginal Cultural Heritage places and objects where that land is proposed to be designated for use and development that could potentially harm any Aboriginal Cultural Heritage values associated with that land.”

The Aboriginal Cultural Heritage policy must be amended so that it provides strategies that trigger consideration of Aboriginal cultural heritage in planning decisions and integrates with a statutory process for the Tasmanian Aboriginal community to exercise free, prior, and informed consent for any development or use that has the potential to adversely impact Aboriginal heritage.

Recommendation 7: The Aboriginal Cultural Heritage policy in the Cultural Heritage TPP better provide for the recognition and protection of Aboriginal cultural heritage values consistent with the United Nations Declaration on the Rights of Indigenous Peoples, including through:

- (a) the recognition of the values in Aboriginal cultural heritage in landscapes (not just places and objects);
- (b) the reflection in the TPPs strategies of Tasmanian Aboriginal people’s ongoing connection to and reliance on Country and Sea Country;
- (c) the provision of clear, mandatory strategies and implementation guidelines to spell out how the SPPs, LPSs and RLUSs will provide for Tasmanian Aboriginal custodianship of Aboriginal cultural heritage and decision-making concerning any impacts on this heritage; and
- (d) the provision of clear definitions of key terms.

6. Sustainable development and the TPPs

The TPPs must seek to further the objectives of the LUPA Act and the RMPS objectives.⁴⁰ The RMPS objectives are:

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land, and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and (e) to promote the sharing of responsibility for resource

⁴⁰ *Land Use Planning and Approvals Act 1993*, s12B(4).

management and planning between the different spheres of Government, the community and industry in the State.

“Sustainable development” in the RPMS objectives is defined as:

... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems;
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

While EDO acknowledges that the topic “economic development TPP” has been amended to “sustainable economic development” in the current version of the TPPs, EDO considers that this TPP still fails to reflect the RPMS objectives by ensuring that economic, social, and environmental considerations are appropriately balanced. Paragraph (d) of the RPMS objectives expressly notes that “facilitation of economic development” must be in accordance with the objectives outlined in paragraphs (a), (b) and (c). However, The express inclusion of “economic” in “sustainable economic development” TPP gives added weight to economic considerations. EDO considers that a TPP with the heading “sustainable development” most appropriately reflects that economic development is subordinate to the goal of sustainable development in the RPMS objectives and that it should only be facilitated where it is sustainable and encourages public involvement in the management of our shared resources.

EDO considers that a Sustainable Development TPP would be consistent with the Premier’s Economic and Social Recovery Advisory Council (**PESRAC**) recommendation for a “consistent and coordinated government approach to sustainability”.⁴¹ While EDO acknowledges that PESRAC’s recommended “Sustainability Strategy” is a “separate project to the TPPs”⁴², we note that in response to PESRAC’s recommendation (38) that “the State Government should develop a sustainability vision and strategy for Tasmania, with ambitious goals, and concrete targets and actions”, it was advised that “The draft TPPs support sustainability principles that are applied through the strategies that will support, where relevant, the sustainability vision and strategy” (emphasis added).⁴³ Given the express requirement for the TPPs to further the RPMS objectives, In EDO’s view, sustainable development is relevant to *all* the TPPs.

Furthermore, PESRAC recommended the sustainability strategy should be “aligned with the United Nations Sustainability Development Goals (**UNSDGs**)”.⁴⁴ In EDO’s submission, the rebadged

⁴¹ Premier’s Economic & Social Recovery Advisory Council, 2021, [Final Report](#), Department of Treasury and Finance at p69, accessed on 23 June 2023.

⁴² See comments in Department of Premier and Cabinet, State Planning Office, [Draft Tasmanian Planning Policies: Report on Consultation](#) December 2019, p19.

⁴³ Department of Premier and Cabinet, State Planning Office, [Draft Tasmanian Planning Policies: Supporting Report for Consultation](#), p15.

⁴⁴ Premier’s Economic & Social Recovery Advisory Council, 2021, [Final Report](#), Department of Treasury and Finance at p69, accessed on 23 June 2023..

Sustainable Development TPP and all other TPPs should also align with these goals. EDO does not agree with the State Planning Office's position that the LUPA Act precludes the alignment of the TPPs with the UNSDGs.⁴⁵ Indeed, the history of the development of the LUPA Act and the RMPS objectives, including sustainable development, demonstrate their clear nexus with the UNSDGs.⁴⁶ We also note that in its submission on the TPP Scoping Paper, the Planning Institute of Australia supported the alignment of the TPPs with the relevant UNSDGs because they provide “a holistic summary of the elements which contribute to planning and building of sustainable communities” in a coherent framework that has been adopted by governments and businesses.⁴⁷

EDO notes that the Tasmanian Government State Planning Office said that a “supporting report” would be produced to demonstrate “alignment [of the TPPs] with the UNSDGs”.⁴⁸ However, it would appear that that commitment has now been retracted.⁴⁹ In any event, in EDO's view, even if a summary report were to be produced, it would not be a satisfactory or useful substitute for the express alignment of the TPPs with the UNSDGs. This is because it does not allow for the TPPs to be updated or amended should any inconsistency between the TPPs and UNSDGs be revealed.

Recommendation 8: Replace the proposed topic heading of “Sustainable Economic Development” TPP with “Sustainable Development” and amend all TPPs to better ensure the further the RMPS objectives.

Recommendation 9: Ensure issues covered by all TPPs, including the Sustainable Development TPP, align with the UN Sustainable Development Goals.

⁴⁵ See comments in Department of Premier and Cabinet, State Planning Office, *Tasmanian Planning Policies: Report on draft TPP Scoping Consultation*, March 2022, at p9.

⁴⁶ See EDO's [Submission on the draft Tasmanian Planning Policies](#) (November 2022) for a detailed outline of the development of the UNSDGs in the context of Australia's policies concerning ecologically sustainable development.

⁴⁷ Planning Institute of Australia, 2021, *Submission – Tasmanian Planning Policies (TPPs) Scoping Paper*, <https://www.planning.org.au/documents/item/11568>, p.ii.

⁴⁸ See comments in State Planning Office, *Tasmanian Planning Policies: Report on draft TPP Scoping Consultation* (Department of Premier and Cabinet, September 2022).

⁴⁹ See in Department of Premier and Cabinet, State Planning Office, [Draft Tasmanian Planning Policies Report on Consultation](#), February 2023, at p 18.

Appendix 1: EDO recommendations on specific TPPs

Draft TPP topic	EDO recommendation
Settlement TPP	<p>Access to affordable and sustainable housing is a critical feature of environmental justice and the human right to a healthy environment. However, as previously noted by EDO⁵⁰ despite being required under Action 2 of <i>Tasmania's Affordable Housing Action Plan 2019-2023</i>, dated March 2019,⁵¹ affordable housing has not been sufficiently addressed by the proposed TPP. EDO considers the provision of affordable/social housing requires specific planning policy guidance. Expanding the availability of housing generally via settlement growth or new housing developments does not guarantee improved affordability of housing nor does it ensure the provision of social housing. EDO notes that given population growth can be expected to remain high for the foreseeable future, any provision of new housing stock will likely be absorbed by increasing overall demand for housing.</p> <p>EDO recommends:</p> <ul style="list-style-type: none"> • that affordable and social housing should be included as a separate issue to be addressed under the Settlement TPP, with specific strategies indicating how social and affordable housing can be factored into all planning and decision-making concerning both greenfield and infill developments; • a percentage target of affordable and/or social housing should be included in the TPP for all new supplies of land, including infill, reuse and greenfield sites as required to be facilitated by 1.5.3 (3) Strategies under the Housing subheading in the draft TPP. This target should be as close to the proportion of the amount of housing that will need to be constructed that is social and affordable housing to meet projected Tasmanian demand; and, • explicit climate change and sustainability strategies be provided in the Growth policy of the Settlement TPP which require, amongst other things, that any growth of urban areas minimise GHG emissions and adverse environmental impacts to the fullest extent possible, and fully consider the latest climate change risk assessments and science in identifying the best locations for infill development and, where necessary, greenfield development.

⁵⁰ See EDO's [Submission on the draft Tasmanian Planning Policies](#) (November 2022) at p11.

⁵¹ Accessed at https://www.homestasmania.com.au/_data/assets/pdf_file/0019/256222/TAH_Action-Plan-2019-2023.pdf.

Draft TPP topic	EDO recommendation
Environmental Values TPP	<p>EDO recommends that the TPP contain the following issues:</p> <ul style="list-style-type: none"> • <u>Conservation</u> - which would address lutruwita/ Tasmania’s national parks, reserves, and land subject to conservation covenants or Part 5 agreements. EDO notes no clear response was provided in the <i>Tasmanian Planning Policies: Report on draft TPP Scoping Consultation</i> – why the recommendation for the inclusion of conservation as an issue should be rejected. EDO considers that the TPP would specifically focus on conservation and ensuring that the conservation of environmental values is not only encouraged but that conservation efforts in lutruwita parks and reserves or other areas of conservation significance are not undermined or harmed by development or use. • <u>Rehabilitation & restoration</u> – which would provide for how historical and future adverse environmental impacts could be remedied, consistent with paragraph (c) of the definition of sustainable development in the RMPS objectives. EDO disagrees with the State Planning Office’s assertion that the planning system can do very little to influence ecological restoration. For instance, the TPP can include strategies for: <ul style="list-style-type: none"> ○ ensuring development or use that impact natural ecological processes contribute to rehabilitation and restoration of those impacts; and ○ ensuring development is undertaken in such a way that either avoids adverse environmental impacts or otherwise maximises the potential for ecological rehabilitation and restoration. <p>We further recommend that the drafting of the TPP be amended such that:</p> <ul style="list-style-type: none"> • in clause 2.0.1 there is recognition that we all rely on a healthy environment and that it ultimately underpins <i>all</i> aspects of our economy and lifestyle; • noting that the TPPs (and all land use planning under the LUPA Act) ultimately sit within the RMPS, clarification is made of the statement “A significant proportion of Tasmania’s environmental values are protected by mechanisms outside the planning system”. In EDO’s view, land use planning is the primary way in which the identification of environmental values and measures for their protection, rehabilitation or restoration can be provided within the RMPS; and

Draft TPP topic	EDO recommendation
	<ul style="list-style-type: none"> consistent with the RMPS objectives which require the avoidance, remediation, or mitigation of “<u>any</u> adverse effects of activities on the environment” (emphasis added), the principles listed in clause 2.0.1, and the strategies throughout the TPP, recognise and provide adequate protection not only to “significant” environmental values but all environmental values.
Environmental Hazards TPP	<p>EDO recommends that the draft TPP includes “extreme heat and heatwaves” as an issue to be addressed as these are likely to become more common in future because of climate change.⁵² It is unclear to EDO why it is not included as an issue in the TPP and reiterates this recommendation.</p> <p>EDO recommends that clearer, and mandatory hazard planning requirements be included in the strategies to deal with the anticipated impacts of climate change, and appropriately manage adverse impacts of environmental hazard reduction. These requirements should ensure:</p> <ul style="list-style-type: none"> new development or increased intensity of development or use is appropriately limited in identified hazard zones, such as zones prone to bushfires and coastal erosion and vulnerable to sea-level rise, especially where those environmental hazards are expected to worsen with climate change; new development or increased intensity of development or use does not exacerbate hazards expected to worsen with climate change. For example, new developments and uses must avoid contributing to urban heat island effects which will intensify the dangers of extreme heat and heat waves; the environmental and biodiversity impacts of environmental hazard mitigation work, such as clearing for bushfire mitigation, and coastal protection works, are properly considered and weighed against the expected benefits of those works;

⁵² EDO notes that no response was given to this recommendation in previous consultation by the State Planning Office other than this issue is “not specifically addressed”. See Department of Premier and Cabinet, State Planning Office, *Tasmanian Planning Policies: Report on draft TPP Scoping Consultation*, March 2022 attachment 1 to appendix A, 27.

Draft TPP topic	EDO recommendation
	<ul style="list-style-type: none"> • new development and uses or increased intensity of development or use is better adapted to the future effects of climate change worsened/exacerbated environmental hazards and their impacts; and • guidance is provided for a planned retreat from areas where environmental hazards are modelled to be unmanageable.
Sustainable Economic Development TPP	Refer to recommendations in the body of the submission.
Physical Infrastructure TPP	<p>EDO recommends that the topic be titled “Sustainable Physical Infrastructure” and that the content of the TPP is updated to reflect the critical need for infrastructure to be sustainable, not contribute to or lock-in GHG emissions, and be adaptive and resilient to a rapidly changing climate.</p> <p>This would include amending the issues to better reflect the overarching objective of sustainable physical infrastructure. For example:</p> <ul style="list-style-type: none"> • “Passenger transport modes” might instead be “sustainable transport modes”; and • “Energy infrastructure” might instead be “sustainable energy infrastructure”. <p>It would also mean amending the strategies to be more explicit in how they will contribute to reduced emissions or the promotion of climate-resilient infrastructure.</p>
Cultural Heritage TPP	Refer to recommendations in the body of the submission.
Planning Processes TPP	<p>EDO recommends this TPP provide real strategies and implementation guidelines relating to how planning authorities and decision-makers can effectively engage with the lutruwita/Tasmanian community, and most especially, those in the community that are overburdened with the consequences of climate change, and environmental harms. The TPPs should acknowledge that, typically, overburdened people and communities are the least able to participate in standard-form planning consultation processes, and that further support, such as resources in other languages, drop-in sessions</p>

Draft TPP topic	EDO recommendation
	<p>(where planners meet face-to-face with communities), and strategic outreach to community groups or leaders may be required to ensure that these communities can meaningfully engage with land use planning.</p> <p>EDO further recommends issues relating to the exercise of appeal and civil enforcement rights should be included in the TPP as means of ensuring public engagement. While appeal and civil enforcement rights are referred to in the LUPA Act, this issue should also be contained in the TPP and should include references ensuring the transparency of decisions and access to information about proposed developments. Such mechanisms are essential tools to ensure a human right to a healthy environment and environmental justice.</p> <p>EDO recommends that an issue of civil enforcement and appeal rights be included in the TPP.</p>
GLOSSARY	<p>EDO recommends definitions of more key terms used in the TPPs are provided in the glossary. Terms and phrases used in the TPPs without any clear meaning or definition include:</p> <ul style="list-style-type: none"> • Aboriginal Cultural Heritage values • Aboriginal Cultural Heritage place • Aboriginal Cultural Heritage object • Regional settlement hierarchies • Settlement hierarchy • High biodiversity values • Reserve objectives • Retreat pathways • Viable ecological processes • Endangered ecosystems • Significant landscapes

Draft TPP topic	EDO recommendation
	<ul style="list-style-type: none"><li data-bbox="562 240 763 268">• Scenic areas<li data-bbox="562 300 808 327">• Scenic corridors<li data-bbox="562 359 819 386">• Identified values.<li data-bbox="562 418 909 445">• Activity centre hierarchy