

25 January 2018

Planning Policy Unit  
Department of Justice



**Australian Institute of Architects**

To whom it may concern,

On behalf of the Tasmanian Chapter of the Australian Institute of Architects (the Institute), I would like to thank you for the opportunity to provide feedback on the Second Consultation Paper and Revised Draft Exposure Bill of the Land Use Planning and Approvals Amendment (Major Projects) Bill 2017.

The Institute remains supportive of the Bill's stated objectives of providing greater certainty for proponents, while ensuring a rigorous assessment process with existing high levels of protection for the environment, cultural and heritage assets and local amenity.

It is heartening to note that community and stakeholder concerns have been taken into account in the revised draft Bill. However, the Institute is concerned about the deletion of all references to the Tasmanian Planning Policies (TPPs). While noting the limited scope of current state planning policies, especially in the context of settlement and urban design, and given that the stated intention of the new TPPs is "to give strategic direction to Tasmania's planning system, including principles to support economic development and the future needs of the community,"<sup>1</sup> the Institute submits that modifying the draft legislation to exclude all reference to the TPPs would undermine the carefully considered overall structure of LUPAA and the express purpose of the TPPs. We believe this puts the legislation at risk of being construed as a political intervention excluding major projects from a fundamental area of state planning reform.

The Institute objects to this proposed amendment, without a method of recourse both before and after the TPPs are eventually legislated, as major projects are the most likely developments to have a significant and long-lasting impact on Tasmania's physical environment, the historic nature of its settlement pattern and, thus, on the heritage value, future form of our built environment and, in turn, on the long-term economic value of the Tasmanian brand.

The Institute submits that the TPPs are essential to the assessment process for major projects and expects that once the TPPs are finalised, the legislation will be amended to reinsert reference to the TPPs and require major projects to be consistent with the TPPs.

In the absence of any reference to TPPs, the Institute is also concerned about the lack of public input onto the terms against which major projects will be assessed – the draft assessment guidelines. Notwithstanding the later inclusion of TPPs into the Act, the Institute submits that public comments and hearings should be held in response to the exhibition of draft assessment guidelines in order to ensure that they respond to the needs of the community and support economic development at this critical early stage in the assessment process. We believe the draft assessment guidelines should allow for a minimum 14-day period for public comment.

In relation to Section 60V – the appointment of members of the panel – specifically, the qualifications and experience of people appointed under subsection (6), the Institute has the expectation that the Commission will ensure relevant urban design and architect skills are inherent to these appointments. The Institute advocates the importance of good design in creating better land use and project outcomes for Tasmania's natural and built places and spaces, and supports industry and government to establish effective design processes. If the statewide planning scheme is to achieve its objectives of providing a simpler, fairer and more efficient planning scheme, while ensuring a rigorous assessment process, we

believe recognised urban design and architect specialists must be appointed to the review panels by the Tasmanian Planning Commission and local authorities and that good design guidelines must form part of the draft assessment guidelines for major projects.

The Institute continues to support agile and rigorous planning processes, and we look forward to our continuing involvement in this process to ensure the success of the new planning scheme for the benefit of all Tasmanians.

Kind regards,

A handwritten signature in black ink that reads "Yvette Breytenbach". The signature is written in a cursive style with a period at the end.

**Yvette Breytenbach RAIA**  
President, Tasmanian Chapter,  
Australian Institute of Architects

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<sup>i</sup> [http://www.planningreform.tas.gov.au/\\_data/assets/pdf\\_file/0003/390855/Fact-Sheet-1-Tasmanian-Planning-Reform-An-Overview-December-2017.pdf](http://www.planningreform.tas.gov.au/_data/assets/pdf_file/0003/390855/Fact-Sheet-1-Tasmanian-Planning-Reform-An-Overview-December-2017.pdf)