Planning for Sustainable Tourism on Tasmania's East Coast

Component 3 - Sustainable Tourism Plan

Prepared by **hansen partnership pty ltd**

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Appendix 1 – Integrated Approvals Assessment Process Manual

Background to this Project

This project is undertaken as part of the Sustainable Regional Development Programme (SRD) funded by the Australian Government Department of the Environment (DoE) through a local government grant to Break O'Day Shire Council. The objectives of the Sustainable Regional Development program are to assist local and State government authorities to:

- Provide greater opportunities for protecting and enhancing the environment, especially the protection and recovery of Matters of National Environmental Significance (MNES).
- Increase long term regional sustainability and community liveability.
- Reduce regulatory burdens on business and governments.
- Provide certainty for developers, stakeholders and the general community about the future of development and achievement of long-term conservation outcomes.

Consultant Team

The Consultant team responsible for the preparation of this report comprises:

- Hansen Partnership - lead consultant - land planning, urban design and landscape architecture
- Geografia - economic development specialists
- Context Pty Ltd - cultural heritage specialists
- Coliban Consulting - biodiversity specialists

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Version	Title	Date	Issuer	Changes
A	Planning for Sustainable Tourism on Tasmania's East Coast – The Way Forward – Draft	07.11.2014	David Barnes	N/A
B	Planning for Sustainable Tourism on Tasmania's East Coast – Sustainable Tourism Plan – Draft	19.12.2014	David Barnes	Incorporates comments following review by the Break O'Day Council and the Australian Government Department of Environment.
C	Planning for Sustainable Tourism on Tasmania's East Coast – Sustainable Tourism Plan	02.02.2015	David Barnes	Incorporates additional comments from the Australian Government Department of Environment.
D	Planning for Sustainable Tourism on Tasmania's East Coast – Sustainable Tourism Plan	06.02.2015	David Barnes	Changes to Critical Path diagram in Appendix 1 following stakeholder workshop on 4th February

Summary of Recommendations

This report represents the culmination of investigations undertaken as part of a broader project referred to as *"Planning for Sustainable Tourism on Tasmania's East Coast"*.

This report brings together the findings of two earlier reports prepared as part of that project. It provides directions for sustainable tourism along the East Coast of Tasmania, and makes recommendations to improve the existing planning and approvals process to better manage the impacts of tourism development on the environmental and cultural heritage values of the region.

Key recommendations contained in the report include the following:

1. Update existing tourism strategies to incorporate the tourism development framework presented in Chapter 6 of this report. The updated strategies should provide clear direction regarding matters such as:
   - The type, size and form of tourism developments and activities envisaged to occur in different parts of the study area over time.
   - Desirable location(s) for tourist developments (where it is possible to identify such locations).
   - Undesirable locations for tourism development (i.e. locations in development should be discouraged, or in which a high level of caution should be exercised in assessing applications).
   - The degree of either 'clustering' or 'separation' of tourism uses that may be appropriate in various locations throughout the study area, particularly in the non-urban parts of the region.
   - Policy directions and decision making guidelines to enable an informed assessment to be made of both the individual on-site impacts, and the cumulative impacts of planning permit applications and / or planning scheme amendments for tourism developments, over time.
   - Policy support for the establishment of the East Coast Tasmania Trail through the region.

2. Incorporate the recommendations of existing or updated tourism development strategies for the region, as a reference document into municipal planning schemes.

3. Amend municipal planning schemes to establish tourism as a 'foundation use' and to embed strategic directions, policies, land use and development standards etc, throughout planning schemes in a comprehensive and integrated way. This will include tailoring various provisions of the new format interim planning schemes to directly relate to tourism development issues:
   - Local municipality wide 'purpose statements and objectives' specifically for tourism.
   - Local statements of 'purpose' for each zone that relate specifically to tourism uses.
   - Local area 'objectives' for each zone that relate specifically to tourism uses.
   - 'Use Standards' in each zone that relate to tourisms uses applicable to that zone.
   - 'Development Standards' in each zone that relate to tourism uses applicable to that zone.

4. Establish a new Integrated Approvals Process that provides a clear and simply pathway through the various planning and development approvals processes that currently exist. The process will include the following initiatives:
   - Designating a Project Champion within each municipality to work with developers to identify a critical path through the various approvals required for tourism developments.
   - Establishing an East Coast Interdepartmental Support and Advisory Group, to work with Project Champions to identify and to gain a commitment to achieving the critical path agreed to.
   - Running training programs to 'up skill' Project Champions and members of the East Coast Interdepartmental Support and Advisory Group, so that they are fully aware of all relevant planning and development approvals requirements under various legislation, and are able to assist proponents in determining a critical path through the process.
   - Establishing a hotline within the Tasmania Planning Commission to provide advice to Project Champions.

5. Introducing new guidelines for determining what specialist information is required to be provided with a planning permit application.

6. Updating the Break O'Day Municipal Vegetation Management Plan to refer to the new guidelines proposed regarding information to be provided with a planning permit application for a tourism development.

7. When existing tourism strategies are updated for the region, reviewing Break O'Day Council's Municipal Economic Development Plan to include and new initiatives identified.

8. Reviewing the Draft Land Use and Development Strategy prepared as part of Break O'Day Council's Municipal

Management Plan, to place greater emphasis on policies and strategic directions for tourism.

9. Reviewing the need for both a Reserve Activity Assessment (RAA) and a planning permit for development on land managed by the Parks and Wildlife Service.
10. Undertaking a review to identify opportunities to better integrate cultural heritage matters into the planning system in Tasmania. This review should include a consideration of the merits or otherwise of extending cultural heritage to apply to 'intangible heritage' matters, comprising less spatially defined or physical artefact based places of interest. This is particularly relevant to members of the Aboriginal community.
11. Reviewing the relationship between Matters of National Environmental Significance and the planning framework.
12. The aim should be to integrate Matters of National Environmental Significance into planning schemes, so that they can be taken into account when preparing planning schemes, amending planning schemes and assessing planning permit applications.
13. Examining opportunities to better integrate matters of State environmental significance into planning schemes. Integration should seek to have a common set of requirements, procedures, timeframes and dispute mechanisms for maters of environmental significance, regardless of whether they are or state or of national significance.
14. Prepare local heritage studies for each municipality to identify locally significant heritage places for inclusion within the Heritage Code of municipal planning schemes.
15. Prepare a landscape study for each municipality. The study should review significant landscapes identified on the previous Register of the National Estate, undertake visual analysis to identify other significant landscapes and views, and make recommendations for the Scenic Management Code to be applied to manage development within those areas.

Introduction

This report is the third and final report as part of a broader project referred to as *"Planning for Sustainable Tourism on Tasmania's East Coast"*.

The purpose of the project is to:

- Provide a clear understanding of both the regulatory framework relating to tourism opportunities along Tasmania's East Coast, and the barriers the framework may present to investment in sustainable tourism development;
- Identify the opportunities and the types of tourism development that can be anticipated to occur along the East Coast of Tasmania in the future, including that which is likely to have support from local communities; and
- Make recommendations for improvements to the planning and development approvals process, to improve decision making in relation to sustainable tourism projects, and to better protect the environmental and cultural heritage values of the East Coast of Tasmania.

The three components of the project are as follows:

- *Component 1 - Sustainable Tourism Options Report* – This report examined tourism trends and opportunities along the East Coast of Tasmania, identified opportunities and challenges to tourism development, including the planning and regulatory framework, and presented tourism development options for the region.

- *Component 2 - Biodiversity and Cultural Heritage Assessment* - Identified areas of cultural heritage and biodiversity sensitivity throughout the study area and began to explore how these values might be managed in light of identified tourism opportunities, including potential frameworks for assessment and recommendations regarding how the assessment framework may be improved.

- This report, *Component 3 – Sustainable Tourism Plan* - Brings together the two earlier components of the project to provide a clear direction for sustainable tourism along the East Coast of Tasmania, with recommendations to improve the planning and approvals process, particularly in relation managing the impacts of tourism development on the environmental and cultural heritage values of the region, especially in relation to Matters of National Environmental Significance (MNES).

This report is divided into three parts:

- Part A – A summary of the environmental and cultural heritage values of the study area as identified in Component 2.

- Part B – An outline of future tourism directions, building on and taking further the options presented in Component 1.

- Part C – Recommendations for improvements to the planning and approvals system that is applicable to the study area.

The study area for the project extends from Musselroe Bay in the north to Swansea in the South as shown in Figure 1 (overleaf).

The project is being undertaken collectively by the municipalities of Break O'Day, Dorset, and Glamorgan / Spring Bay in partnership with the Australian Government. The project is funded by the Department of the Environment through the 'Sustainable Regional Development Program'.

Figure 1: Study area

Part A - Environment and cultural heritage

1 Biodiversity

Section 1 of Component 2 (*Component 2 - Biodiversity and Cultural Heritage Assessment*) examined the biodiversity values of the study area. It also reviewed and made recommendations in relation to environmental protection measures necessary to ensure the protection of the biodiversity values of the study area in the future.

The report identified that Matters of National Environmental Significance (MNES) are widespread and prominent in the study area, and to a large extent define aspects of its natural character. Whilst it identified that there are deficiencies in data availability, that mainly have to do with a lack of uniform survey effort for flora and fauna within the study area, it comments that generally sufficient data exists to allow relatively accurate species distribution modelling to make predictive maps for threatened species. The quality of state vegetation mapping is however generally high.

The report also commented on potential 'no go' zones from a biodiversity perspective. It identified that these are generally driven by:

- nationally significant foraging and nesting areas for migratory and sedentary shorebirds and seabirds;
- occurrences of nationally threatened mammals, frogs and landbirds; and
- internationally significant wetlands (Ramsar sites).

In making these comments it should be noted that they are based on modelled data and that no detailed surveys have been undertaken as part of this project. It should also be noted that it is not the intention of this project to amend planning schemes to either show potential 'no go zones' on maps, or to prohibit development in potential 'no go zones'. Rather they have been described in a general way, as particularly sensitive areas in which development should be strongly discouraged or avoided, wherever possible.

The report commented that typical scenarios for development in coastal areas will be constrained at ecological 'pinch points' such as estuaries (river mouths) and dune systems, including those on isthmuses between the sea and wetlands or embayments.

Principal MNES's identified in the study area include the following three Ramsar sites:

- Jocks Lagoon near St Helens;
- Moulting Lagoon; and
- Apsley Marshes in Glamorgan / Spring Bay.

There are also several wetlands of national significance noted within the study area. These wetlands are important for supporting terrestrial fauna, feeding and breeding sites for both migratory and non-migratory sea birds, and nurseries for fish.

Four EPBC listed threatened communities that have been modelled or mapped in the study area. They include:

- Eucalyptus ovata–Callitris oblonga Forest (EPBC Vulnerable) (Black Gum–South Esk Pine) is evenly distributed through the Break O'Day and Glamorgan / Spring Bay LGAs;
- Alpine Sphagnum Bogs and Associated Ferns (Endangered) approaches the coast in Break O'Day LGA, but is confined to higher elevation areas as opposed to the coastal plain;
- Giant Kelp Marine Forests of South East Australia (Endangered) occur along most of the study area coastline; and
- Lowland Native Grasslands of Tasmania (Critically Endangered) occur to the west of Moulting Lagoon in Glamorgan / Spring Bay LGA, and up into Break O'Day LGA towards St Marys. Both Tussock Grass Poa labillardierii and Kangaroo Grass Themeda triandra variants are observed within this area.

EPBC listed threatened species and migratory / marine schedule species are distributed throughout the length of the study area. Whilst some occur in specific locations (e.g. St Helens Phebalium daviesii), most are widespread and either occur in pockets across the landscape, or are sparsely distributed over the whole area (e.g. Tasmanian Devil).

Component 1 raised the concern that changes to both administration of national biodiversity law, and the Tasmanian planning approvals system, may swing the pendulum in favour of 'in-principle' approval for major projects. However it also identified that such changes may also allow closer harmonisation between the approval processes at the three levels of government that are responsible for planning, development and environmental management on the East Coast of Tasmania.

2 Cultural heritage

The cultural heritage section of Component 2 (*Biodiversity and Cultural Heritage Assessment*) included a description of cultural heritage values within the study area. No cultural heritage MNES's were identified within the study area as part of that body of work. Further, no areas were identified expressly as potential 'no-go' areas with regards to tourism related development.

However, the report did identify that there are a number of gaps in available knowledge concerning the cultural heritage of the study area. As a result it is likely that there could be a large number of unrecorded places of cultural heritage significance, and that a large amount of information concerning places of Aboriginal heritage significance is retained by the Aboriginal community alone, and is not recorded and accessible to Councils and proponents of tourism developments.

The report comments that cases in which heritage values are found to be of sufficient significance to completely preclude a development are likely to be rare. However, as well as responding to known heritage in an appropriate manner, proposals may also need to be amended in recognition of unrecorded places or 'intangible' cultural heritage values. Particular note should be taken of the potential for places and / or values of which only the Aboriginal community is aware.

The report concluded that existing heritage management mechanisms are generally adequate, both for the assessment of heritage and the mitigation of impacts of development. However, it identified that there are currently a number of issues with the functionality of existing heritage management mechanisms in the context of the study area. In the main these concern the management of Aboriginal heritage, with issues including:

- A general suspicion of state agencies by the Aboriginal community and the subsequent lack of information sharing; and
- That there has in the past been a focus on archaeological sites and a lack of consultation on other cultural values associated with the country. This and other factors resulted in a community imposed moratorium on Aboriginal heritage work that was spurred by an inadequate focus on Aboriginal heritage in relation to the Brighton Bypass development.

With regard to non-Indigenous cultural heritage, existing mechanisms and approaches are sufficient in relation to State significant heritage site on the Tasmanian Heritage Register (THR). On Crown Land, impacts to places of lesser significance are currently managed reasonably well through PWS (Parks and Wildlife Service) protocols. There is currently no process for the management of places of less than State level significance, aside from local Council heritage lists. However these currently repeat much of the content of the THR and are fairly building centric, at the expense of other places such as archaeological sites.

Recommendations made in the cultural heritage section of the report include taking Aboriginal cultural heritage into account early in the development process, consulting with the Aboriginal community at the first available opportunity, and identifying or establishing an effective and representative body (or bodies) to respond to proposals. In addition, it was identified that consultation with the Aboriginal and wider communities should also cover intangible heritage considerations.

3 Potential impacts from tourism development

Report 2 identified three 'landscape types' that are most likely to be the focus of potential tourist developments, and which are the most sensitive from a biodiversity and cultural heritage perspective. The landscape types identified include:

- Coastal dune systems;
- Wetlands; and
- River mouths

However it should be noted that impacts will not be restricted to these three landscape types.

3.1 Coastal dune systems

Coastal dune systems are significant from a number of perspectives:

- Although not recorded everywhere, it is probable that Aboriginal midden deposits occur fairly continuously along the entire coast;
- Specific locations along the coast have accommodated historical activities such as whaling, sealing and various industrial practices;
- In places, the coastal dune vegetation is all that remains of the former native vegetation that covered much of the study area; and
- In many places the coastal dune system contains coastal lagoons. The dunes and lagoons are part of a system that contains coastal scrub and heathland vegetation that provides important habitat for fauna species of National significance, including the New Holland Mouse.

Coastal dune systems also support ocean beach shorebirds such as the Hooded Plover, and possibly provide nesting habitat for Little Penguins and Short-tailed Shearwaters.

3.2 River mouths

River mouths:

- Are a focus for Aboriginal archaeological sites and also intangible Aboriginal values;
- Are closely associated with the coastal dune system and share many of the biodiversity values of the dune systems; and
- Some shorebird species are more likely to be found in muddy areas of the river mouths that are exposed at low tide. Other species nest in such locations.

3.3 Wetlands

Wetlands:

- Are known to have been a focal point for Aboriginal subsistence activities and are likely to be of enduring cultural significance to the Aboriginal community;
- The fertile land around wetlands, due to seasonal inundation and sediment deposits, would have been the focus of early agricultural activity; and
- Most of the wetlands on the coastal plain are either permanently or occasionally connected to the ocean. As such they are part of an interdependent coastal dune and river mouth system, and share many of the biodiversity values of those systems.

As a general principle, development should largely be avoided in these critical areas. If development is proposed it should be subject to a thorough environmental and cultural heritage assessment, to determine potential impacts and mitigation measures, before development proceeds.

Part B - Tourism directions

4 Future directions for tourism development

The directions for tourism provided in this document identify the types of development that are likely to occur within the study area, and to which the planning and development approvals will need to respond. These directions do not represent a Tourism Strategy 'per sae', for the East Coast of Tasmania. A number of other existing documents also provide strategic directions for tourism within the study area. These documents include the following:

- East Coast Destination Management Plan, June 2013; and
- Break O'Day Tourism Development Strategy 2012 - 2017.

Options for tourism development in the study area were also presented in Component 1 of this project, "*Report 1 – Sustainable Tourism Options Report*".

This part of the report reviews the tourism development options discussed in Component 1 and the relevant directions from the above-mentioned strategies. It then outlines what are considered to be the key directions that will relate to tourism development in the study area over into the future. These directions relate to both the type of tourism development that is likely to occur and potential locations for development. This discussion is set within the context of the directions and types of development to which the planning and development approvals framework will need to respond.

4.1 East Coast Destination Management Plan, June 2013

In terms of forward looking strategic directions for tourism, the East Coast Destination Management Plan focuses on two key themes:

- Product Development; and
- Marketing Initiatives.

In relation to matters that a planning and development approvals system will need to respond to, recommendations under the heading of Product Development (page 11) are the most relevant for the purposes of this project. They are summarised as follows:

- Tourism developments that lever off the stunning coastline and natural environment of the region;
- Replicating the successful collaboration of tourist industry participants that is occurring in the Coles Bay area, in other parts of the study area;
- Enhancing St Marys as a stopping place for tourists entering the region, with a main street improvement program and a greater range of uses such as shops, restaurants, cafes and archaeological excavations , including the preparation of a parking precinct plan for incorporation into the planning scheme;
- Potentially establishing a food and wine trail through the region, building on the wineries that are beginning to establish in the area and other food related experiences centred around agricultural produce and seafood that is common to the area;
- Reinforcing St Helens as the fishing capital of Tasmania, with main street improvements and further developing the waterfront area as a vibrant tourist precinct for year round water based activity, with the potential for whale watching;
- Creating a series of coastal walkways and cycleways along the East Coast and encouraging packages of 2 to 3 nights (or longer), whilst staying in suitable accommodation in various towns such as St Helens, Scamander, Bicheno, Swansea, Coles Bay, Triabunna, and Orford;
- The possibility of a marina a Triabunna;
- A water's edge walking trail around the bay at Swansea;
- Strengthening the Bicheno Wine and Food Festival;
- Developing a wine interpretation centre at Swansea;
- Potential to develop a golf trail circuit utilising existing golf courses in the region and potentially new golf courses; and
- Expanding the experiences available within the national parks either through the introduction of more day experiences or potentially for high quality overnight eco-tent camps, in less sensitive areas which can be easily monitored for impacts.

The Destination Management Plan provides directions regarding product development and tourism marketing within the region. This includes comments on a number of specific tourism opportunities and initiatives that could be pursued. However these recommendations are generally not site or location specific. The Plan does not provide broader spatially based strategic direction in relation to many types of tourism uses that are anticipated to occur in the region in the future. Such direction is required, to assist planning authorities in making decisions on planning permit applications and planning scheme amendments in the future. Further strategic direction is required in this regard.

4.2 Break O'Day Tourism Development Strategy 2012 - 2017

The Break O'Day Tourism Development Strategy provides a framework and directions for tourism initiatives over a 5 year period. The strategy focuses on the following three areas:

- Management;
- Development; and
- Marketing.

Recommendations under the heading of development are most relevant to this project, given the focus on the planning and development approvals system. Relevant recommendations include:

- Establishing a local connector road to the East Coast;
- Enhancing visitor experiences in St Helens by initiatives such as completing the St Helens boardwalk;
- Road access to Blue Tier to capitalise on nature based assets e.g. trails, walks waterfall tracks, drives;
- Traffic management in St Helens;
- Reviewing the impacts of free camping within the municipality; and
- Keeping a watching brief on development in national parks.

As with the Destination Management Plan, the Break O'Day Tourism Development Strategy does not provide broader spatially based strategic directions in relation to future tourism uses that might seek to locate throughout the region. It identifies a number of possible initiatives and a number of issues that need to be reviewed. However it does not provide a strategic framework that is focussed on assisting planning authorities to make decisions on planning permit applications and rezoning requests in the future.

4.3 Options provided in Report 1

The first report in this project identified three options for tourism development in the region. Those options are summarised in Figures 2. The report did not identify a preferred option.

Options 2 and 3 were similar, except that Option 3 included the establishment of an iconic walking trail along the East Coast, that would provide a year round attraction that would link local tourism experiences in different parts of the region.

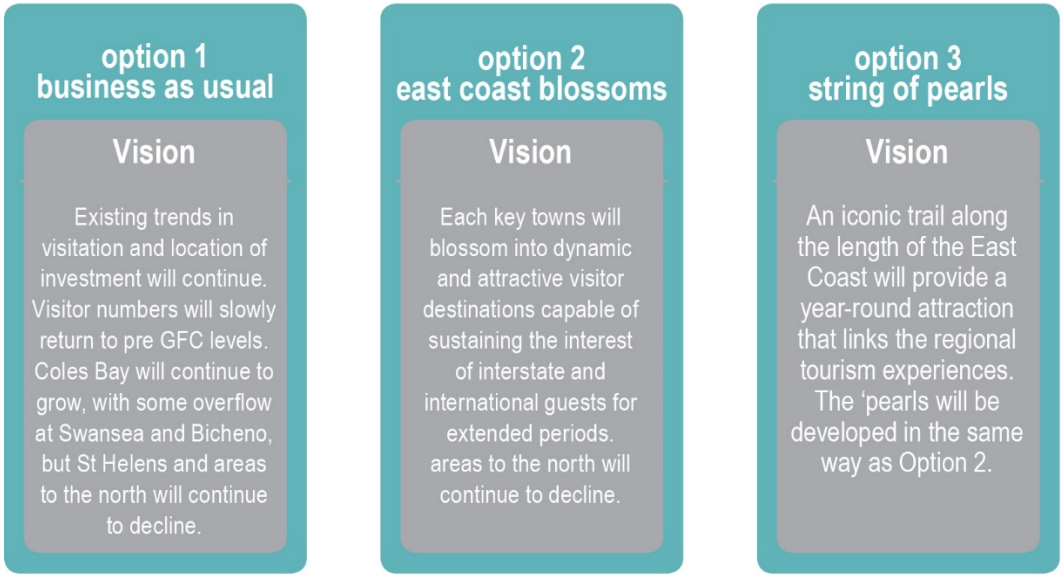

Figure 2: Options provided in report 1

4.4 The String of Pearls Option

The String of Pearls option envisaged the development of key existing towns within the region into well-serviced destinations that offer a range of high quality tourism activities, both commercial and free. The towns were seen as hubs of activity and accommodation, in which visitors stay and move out of, to explore and participate in tourism attractions and activities located along the coast, in the national parks and in the rural areas of the region.

A key element of the option was the establishment of an iconic walking trail along the East Coast, to link various local tourism experiences provided throughout the area. This trail is likely to largely follow the foreshore, with the possibility of some inland sections (or options) into the Douglas Apsley National Park (for example), to provided diversity and elevated views of the coast. Accommodation will need to be provided at convenient daily walking distances, both in existing towns, settlements and camping grounds, and possibly in new camping grounds or cabins spaced at appropriate intervals along the trail. An initial high level feasibility study for the trail is currently being undertaken by Hansen Partnership and Tim Nott Economics, as an adjunct to this project.

The walking track would be designed to have a low environmental impact. However, it will need to be located along the coast, along beaches and the foreshore. It will potentially affect coastal dune systems, river mouths and wetlands. All of these areas were identified earlier in this report, as being the most sensitive areas within the study area from both an environmental and a cultural heritage perspective.

Stakeholder consultation undertaken as part of this project identified that there appears to the beginning of a re-emergence of interest in establishing tourism activities and developments within the study area, after a period of hiatus. With a recent change in attitude of the State Government towards greater opportunities for commercial operations on public land, it is likely that the planning and development approvals system will need to respond to proposals for tourism development outside urban areas, in national parks, on public land and also on farmland.

As noted in the following chapter of this report, pursuant to interim planning scheme requirements, tourism developments and accommodation are discretionary uses virtually throughout the entire non-urban parts of the study area, even in sensitive locations along the coast. Accordingly, it is imperative that there is a strong strategic policy framework to guide the decisions that are made when exercising that discretion.

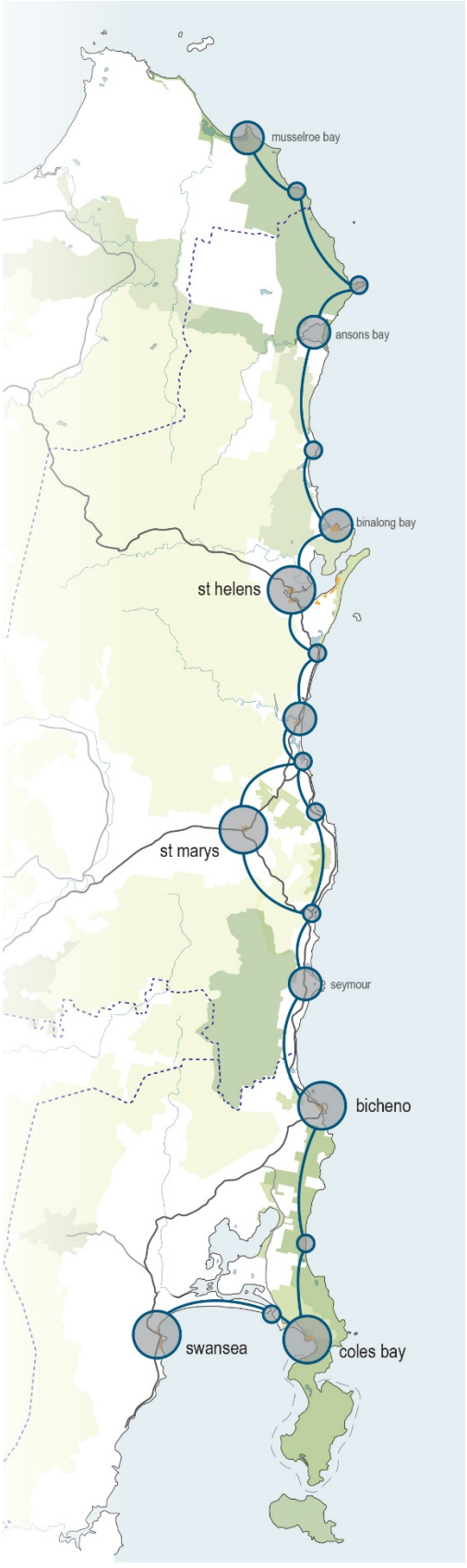

Figure 3: String of Pearls

4.5 Urban vs non-urban tourism development

In terms of identifying potential strategic directions for the location of tourism development, it is relevant to make a distinction between development in urban areas and development in non-urban areas.

It is generally good planning to concentrate intensive land uses and activities in urban areas. Urban areas generally contain services and facilities that accommodate the needs of local populations, businesses and tourist, in a convenient and sustainable way. Concentration of land uses in urban areas also minimises the impacts of development on agricultural land and on environmental and conservation areas which exist outside urban areas.

In relation to tourism uses, many tourism uses benefit from establishing in urban areas. Urban areas in tourism destinations often become busy tourist towns and hubs of commercial tourism activity and accommodation, and a base from which visitors can explore surrounding areas.

However not all tourist uses are appropriate or desirable to locate within towns, and it is not appropriate for planning policies and controls to force all tourism uses to locate in urban areas.

To maximise the benefits of tourism to a local or regional economy, it is important to encourage a diversity of tourism experiences. This includes accommodation and tourism activities that are located within rural areas, national parks, along the coast and in the environmentally attractive areas that make the East Coast of Tasmania such a beautiful place and such a desirable tourist destination.

However development in non-urban areas needs to be carefully managed, as greater potential exists for adverse impacts on environmental and conservations values, scenic landscapes and cultural heritage values. Planning issues associated with tourism development in non-urban areas generally revolve around issues such as:

- Whether planning policy should identify locations and direct development into designated area, or be non-directive and respond to opportunities as they are identified by tourist operators;
- The degree of 'dispersal' compared to 'concentration' of development that may be appropriate in a particular area, in order to retain the underlying character and environmental qualities and values of that area; and
- How the cumulative impacts of more than one development over time, may impact on the environmental and character qualities of non-urban areas in the longer term.

On the basis of further discussions held with stakeholders involved in this project, *Option 3 – String of Pearls*, was generally identified as representing the option that is most likely to reflect future tourism development pressures within the region.

Accordingly the String of Pearls option forms the basis of the preferred *"East Coast Tourism Development Framework"* which is presented in the following section of this report.

4.6 East Coast Tasmania Trail

Aligned with the preparation of Component 3 of this project, the consultants were engaged to prepare a separate feasibility assessment for a proposed walking trail along the east coast of Tasmania. That assessment is contained in a separate document titled the "*East Coast Tasmania Trail Feasibility Assessment, February 2015".*

The initial trail design is envisaged as a step on / step off trail, extending some 237 along the coast from Musselroe Bay in the north to Coles Bay in the south. The trail will take in the iconic natural tourist attractions of the Bay of Fires and Freycinet. It will contain optional / alternative routes that include connections to St Marys and to the Douglas Apsley Nation Park, as well as connect all key towns along the east coast.

The assessment identified that significant benefits will accrue to tourism and to the regional economy from the establishment of an East Coast Trail. It identifies:

- A broad development cost of $20.1m.
- An indicative ongoing annual maintenance cost of $358,000 to $433,000.
- A positive benefit cost ratio of 2.63, with an internal rate of return 26%.
- In increase in visitor spending of nearly $8m per year by the end of the 20 year assessment period of the project.
- 100 job years during the construction phase and 35+ full time equivalent jobs in associated accommodation and visitor services.

The feasibility study identified the project being implemented in three sections in accordance with the following timeframe:

- 2015 to 2017 – Detailed design and approvals.
- 2017 to 2020 – Construction or northern section.
- 2020 to 2023 – Construction of central section.
- 2036 to 2026 – Construction of southern section.

It will be necessary to embed the establishment of the East Coast Tasmania Trail into all relevant tourism and planning policy documents and strategies, in order to ensure strong policy support for this important tourism initiative.

5 Preferred East Coast Tourism Development Framework

This chapter provides a statement of preferred strategic directions for tourism development in the region.

The need to provide greater strategic direction for land use planning decisions was identified during consultations held with stakeholders as part of this project. Particular concern was raised that in the absence of spatial planning policies regarding tourism development throughout the region, decisions on individual planning permit applications tend not to consider the potential cumulative impacts of multiple decisions over time, on the environmental and cultural heritage qualities of the region.

The purpose of the development framework is to provide additional strategic direction, specifically designed to assist Councils in making decisions on planning permit applications and planning scheme amendments in relation to tourism development proposals.

It is intended to complement existing tourism strategies that apply throughout the region, by providing a stronger spatial element and by relating directly to those types of tourism uses that are likely to be applied for in the region in the future.

The framework is based on the String of Pearls option identified in Component 1 and summarised in the previous chapter. However it has evolved to clarify the following matters:

- To make a greater distinction between urban areas and non-urban areas;
- To provide a hierarchy for towns within the study area, having regard to their likely tourism role and the types of tourism activities likely to occur within them; and
- To recognise the character and remoteness of different parts of the study area, and the need to reflect those qualities in relation to the types and the intensity of tourism uses that may seek to establish in different parts of the study area in the future.
- Support the establishment of the East Coast Tasmania Trail.

The recommended tourism development framework is presented at Figure 4 and further elaborated below.

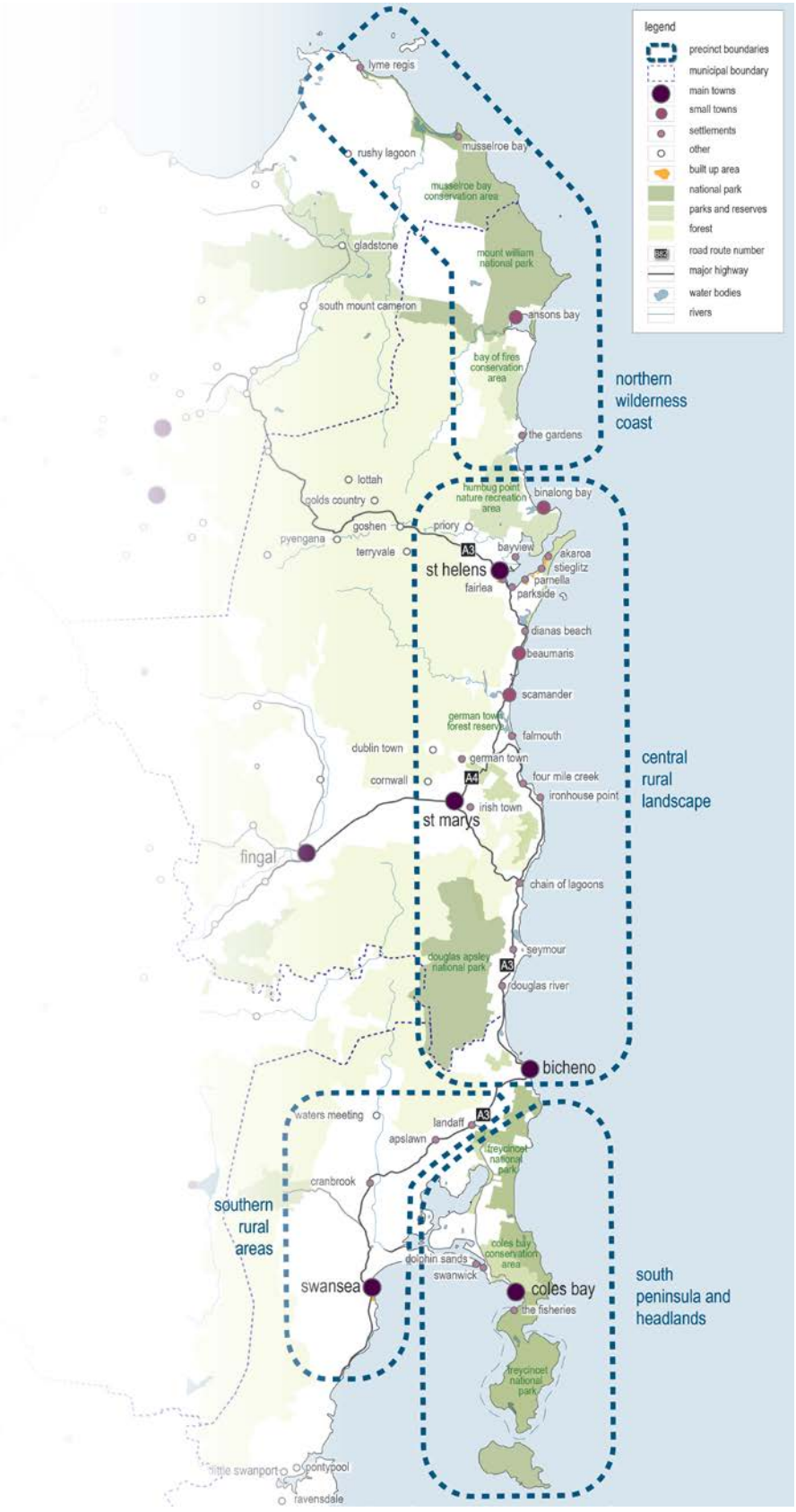

Figure 4: Tourism Development Framework

5.1 Urban areas

Larger scale and more commercially based tourist developments will gravitate to larger urban areas and townships within the study area that have a wider range of services and facilities. The following hierarchy of townships is considered appropriate for the purpose of identifying likely potential future tourism development trends and preferences:

- Main Towns
- Small Towns
- Settlements

The role, function and preferred tourism trends envisaged and appropriate for each of the above categories of town are outlined below.

Main towns

- Towns – i.e. St Helens, Bicheno, St Mary's, Coles Bay, Swansea.
- Tourist role – Major tourism hub and major destination from which to explore the region. Tourist information, a wide range of different types of tourist accommodation, shops, restaurants, cafés, tourism operator offices etc.
- Non-tourist related role – Permanent residential population with a range of services and facilities to accommodate the needs of permanent residents.

Small towns

- Towns – i.e. Binalong Bay, Beaumaris, Scamander.
- Tourism role – Smaller towns located on a main road. Local convenience retail food services. Smaller scale tourist accommodation. Holiday homes. An important part of a future regional walking trail, with potential for low key accommodation for walkers on the trail.
- Non tourism role – Limited to a small permanent population and to holiday homes.

Settlements

- Localities: Musselroe Bay, Falmouth, Four Mile Creek.
- Tourism role: Limited role for further tourist activities and development other than holiday homes. An important part of a future regional walking trail, with potential for low key accommodation for walkers on the trail.
- Non-tourism role - Limited to a small permanent population and to holiday homes.

5.2 Non-urban areas

A number of distinct tourist experience precincts exist throughout the length of the study area. These precincts are likely to experience different pressures for tourism development, and different policy approaches to development will be required to manage those pressures. These precinct are illustrated in Figure 4. The precincts are classified as follows:

- Northern Wilderness Coast;
- Central Rural Coastal Landscape;
- South Peninsula and Headlands; and
- Southern Rural Areas.

The role, function and likely tourism trends envisaged and appropriate for each of the above precincts are outlined below.

Northern wilderness coast

- Location – The northern parts of the study area, north of The Gardens and Binalong Bay.
- Character – A remote and relatively isolated area comprising the Bay of Fires and Mount William areas.
- Tourism role – Remote wilderness experiences, both coastal and mountain.
- Future tourism directions:
  - Extremely sensitive to tourism developments.
  - Small scale, low intensity, low volume, high level of ecological sustainability.
  - Small number of sparsely spaced tourist accommodation and tourist activities, that do not overlap the activities of existing or other new facilities that might be established.
  - Potential for environmental and cultural heritage impacts are relatively high is not well managed.

Central rural coastal landscape

- Location – Farmland along the coast between St Helens and Bicheno.
- Character – Generally cleared farmland along the coast, interspersed with native vegetation, running up the lower slopes of the coastal mountain ranges to forested hillsides. Provides views across the coastal strip to the ocean, in places.
- Tourism role – Equal balance between ongoing agricultural activities and tourism uses.
- Future directions:
  - Moderately sensitive to tourism development.
  - Potential for environmental and cultural heritage impacts are likely to be relative low, compared to other areas.
  - Visual impacts need to be controlled to retain rural character.
  - Tourism accommodation and tourism activities that benefit from an attractive rural location. They do not necessarily need to be associated with an agricultural activity, however should benefit from a location within a rural landscape.
  - Amenity issues concerning the impacts of tourism activities on rural living / lifestyle uses is relevant, given the attractiveness of this area for rural living.

Southern peninsula and headlands

- Location – Freycinet Peninsula and the coastline south of Bicheno.
- Character – The focal point of the Freycinet National Park tourism experience, but extending north along the relatively undeveloped coastline to Bicheno.
- Tourism role – Undeveloped national park and coastline experience.
- Future directions:
  - Very sensitive to tourism developments.
  - Major tourism destination with high volume of visitors and more organised tourism activities than in the Northern Wilderness Coast, focussed on Coles Bay.
  - Tourism accommodation and facilities concentrated in Coles Bay.
  - Small to moderate number of tourist accommodation facilities and activities outside of Coles Bay. However they need to be well spaced and should not adversely impact on the tourist experiences enjoyed by the large number of tourists that visit and venture out from Coles Bay to enjoy the national park and surrounding coastline.
  - Potential for environmental and cultural heritage impacts are relatively high.

Southern rural areas

- Location – The southern parts of the study area from Bicheno, and more particularly Cranbrook, to Swansea.
- Character – More open rural landscapes and expansive farmland than the Central Rural Coastal Landscape area, but with views in places over Great Oyster Bay towards Freycinet Peninsula.
- Tourism role – Rural land uses should generally predominate, but with potential for agricultural produce, winery and related tourism activities etc.
- Future directions:
  - Less sensitive to development than the Central Rural Coastal Landscape.
  - Potential for environmental and cultural heritage impacts is relatively low compared to other areas, except where abutting Great Oyster Bay and other localised environmental or cultural heritage sites.
  - Potential for environmental and cultural heritage impacts are likely to be relative low, compared to other areas.
- Tourism accommodation and tourism activities that benefit from an attractive rural location. Preferably they should be associated with an agricultural activity, but not essential.

5.3 Specific towns

Option 2, *The East Coast Blossoms*, described a number of potential tourism outcomes and opportunities for specific towns within the region. Those outcomes remain relevant to the preferred East Coast Tourism Development Framework presented in this section of the report. They include the following.

Musselroe Bay and surrounds

- Develop the proposed golf course resort and accommodation.
- Develop guided activities for visitors – sailing, diving, kayaking.
- Develop visitor infrastructure including local walking trails and interpretation of local wildlife and aboriginal heritage.
- Identify a site for a café / shop in the existing village.

St Helens and surrounds

- Complete necessary works to ensure that St Georges Bay has safe access to the ocean for the fishing fleet, recreational fishers and visiting yachts.
- Improve the design of the town centre, including creating a stronger and more commercial connection between town centre activities and an expanded waterfront / marina.
- Provide a dive wreck at Skeleton Bay as part of the East Coast dive trail.
- Provide commercial accommodation in the southern section of the Bay of Fires.
- Develop local walks and improve interpretation of key sites.
- Develop a year round events calendar to generate visitation throughout the year.

St Marys and surrounds

- Broaden the accommodation offering, including hilltop escapes.
- Improve local walking trails and interpretation, including at St Patricks Head.
- Develop classic car display.
- Develop archaeological trail of heritage sites in the town.
- Facilitate the sympathetic regeneration of heritage properties.

Bicheno

- Improve the streetscape of the town centre to draw travellers off the highway.
- Broaden the accommodation offering to include a beachside hotel.
- Improve local walking infrastructure.
- Develop a year round events calendar to generate visitation throughout the year.

Coles Bay

- Improve parking and access arrangements around the jetty.
- Develop further sympathetic guided and self-guided tours and activities including canoeing, sailing, surfing, walking, cycling etc, and connect these better to accommodation providers.
- Improve local walking and canoe trail infrastructure.

Swansea

- Develop winery trails and local produce outlets.
- Develop a year round events calendar to generate visitation throughout the year.

5.4 East Coast Tasmania Trail

Establishment of the East Coast Tasmania Trail, as outlined in the document titled the *East Coast Tasmania Trail Feasibility Assessment, February 2015,* is a major policy initiative derived from this project. The feasibility study identified considerable benefit to tourism and the regional economy from the establishment of the trail.

Component 2 of the project addressed environmental and cultural heritage considerations relevant to the region. It identified that there are no absolute constraints to the establishment of a coastal trail through the region. Rather it will be a matter of the detailed location, design and management of the trail, to avoid or to minimise the impacts of the trail on areas of environmental or cultural heritage significance.

Planning and environmental approvals will be required before the construction of the trail will be able to commence.

5.5 Other types of tourism development envisaged

The planning and development approvals framework essentially controls the use of land through a system of land use definitions and zone controls. This section of the Tourism Development Framework identifies the different types of tourism developments that are likely to occur within the region in the future. The uses have been identified by the consultants throughout the consultation phase of the project, as well as from their own experience in tourism planning in coastal locations.

The uses have been identified to indicate to Council and the community, the wide range of activities that planning strategies and planning schemes will need to respond to, if they are to successfully manage sustainable tourism development and protect the environmental and cultural heritage values of the region in the future.

Regional scale developments

There are some types of development that are likely to have wider scale regional impacts that extend beyond one locality or one municipality. They include:

- The potential East Coast Tasmania Trail, and other walking and cycling trails that may be proposed in the area.
- Formalising road access to the northern parts of the study area i.e. Gladstone to Musselroe Bay.

Development within larger urban areas

Existing larger towns and urban areas will be the focus of a wide range of tourism and related uses, of a type that benefit from clustering in an urban location. This will include a range of shops, offices, restaurants, cafes and the like, that will provide for the needs of both local residents and tourists. It will also include developments that are more clearly focussed towards tourists, such as:

- Hotels and motels;
- Resorts;
- Holiday homes;
- Residential subdivisions; and
- Bed and breakfasts.

Development within smaller urban areas

There is likely to be less commercial tourism development within smaller urban areas. These areas are more likely to have small local resident populations and holiday homes. Tourism specific development should generally be limited in scale i.e:

- Home-stays.
- Bed and breakfasts.
- Possible small cabin developments.
- Holiday rental accommodation.
- Home based business such as art galleries and the like.
- Artisan workshops and craft production.
- Smaller scale camping grounds or cabins on or adjacent to the foreshore, to provide accommodation for the proposed East Coast Tasmania Trail.

Tourism development on or near the foreshore

- New eco-lodges or resorts adjacent to the beach and the foreshore.
- New foreshore camping grounds.
- Upgraded facilities at existing camping grounds i.e. improved amenities and possibly the inclusion of more semi-permanent or permanent accommodation.
- Walking and cycling tracks and trails along the foreshore.
- Foreshore car parking areas and day picnic facilities.
- Increased locations for beach access.
- Coastal dependant buildings and structures i.e. toilet blocks and change rooms, lifesaving clubs, yacht clubs, boat clubs, fishing clubs, jetties, piers, fishing co-operatives etc.
- Greater use of beaches and waterways for organised activities and equipment rental i.e. surfing, sea kayaking, kite surfing, stand up paddle boarding, jet skis, sailing, fishing etc.
- Georges Bay ocean entrance stabilisation works.
- Aquaculture.

Tourism and related development in rural areas

- Agricultural produce and associated activities such as produce sales, restaurants, cafes, farm tours and accommodation.
- Wineries and associated activities such as cellar door sales, restaurants, cafes, winery tours and accommodation.
- Accommodation lodges and resorts in a rural setting.
- Dwellings and rural living / lifestyle properties.
- Subdivisions for rural living / lifestyle purposes.
- Bed and breakfasts.
- Farm stays.
- Adventure tourism activities.
- Golf courses and golf resorts.

Tourism developments on public land and in national parks and conservation areas

- Walking and cycling tracks.
- Car parks, picnic areas, toilets and shelters.
- Small to medium size eco-resorts and eco-lodges.
- Camping grounds and camping sites.
- Glam-camping and cabins.
- Nature / heritage based tourism activities and facilities.
- Guided nature / heritage based walks tours, cycling tours, four wheel drive tours.
- Adventure tourism activities – trekking, rock climbing, mountain biking etc.

Part C - The planning and approvals system

6 The existing planning and approvals system

The current system for planning and development approvals within the study area (and across Tasmania generally) comprises a combination of local, State and National level controls, regulations and requirements.

These controls generally relate to a specific issue and there is little or no integration between them. Each have their own processes, timeframes and information requirements. Any explanation provided for each individual process is provided for that process alone, in isolation of any other processes under other legislation.

There is no explanation that suggests how all of the processes should work together in relation to a specific development proposal. There is no explanation as to the order or the sequence that an individual development proposal should move through, in order to efficiently negotiate the myriad of approval required.

One of the purposes of this project is to make recommendations for improvements to the planning and development approvals system, to improve decision making in relation to sustainable tourism projects, and to better protect the environmental and cultural heritage values of the East Coast of Tasmania.

Changing 'the system' can be difficult to achieve, especially when it involves local, regional, State and National levels of legislation. Whilst potential improvements to the system are recommended in this report, it is considered equally important, and possibly more practical, to suggest ways to better negotiate the existing system. Accordingly, this final part of the report also makes suggestions about how to better negotiate the existing planning and approvals system.

Components 1 and 2 of this project documented, reviewed and made comments on issues and potential changes to the planning and development approvals processes that apply throughout the study area. Those reports should be referred to directly for a full discussion of existing process.

Table 1 lists issues with the existing planning and approvals processes, that were identified in Components 1 and 2.

Figure 5 illustrates the various approvals processes that apply in the study area. It clearly shows the number of different approvals that may be required, the single purpose nature of each type of approval, and the lack of integration that exists between individual processes.

General issues	Cultural Heritage issues	Environmental issues

▪ Numerous different types of approvals are required.
▪ Many approvals are overlapping.
▪ Accessibility of information on processes and requirements.
▪ Confusion about what type of approval is required.
▪ Confusion about what level of information needs to be provided for different types of approvals.
▪ Confusion about how the various approvals processes work together.
▪ The need for some approvals is 'subjective' – i.e. an assessment and decision is required before knowing if an approval is actually required, ie:
  ▪ Projects of Regional Significance
  ▪ Referral to the EPA
  ▪ EPBC Act approvals
  ▪ Aboriginal Heritage approvals
	▪ Aboriginal community is often not involved early enough.
	▪ Presently Aboriginal moratorium on development.
	▪ No system of representative 'registered local parties' for Aboriginal cultural heritage.
	▪ Is only effective for 'known sites'.
	▪ No process for sites that are 'unknown'.
	▪ No process for development in areas with a 'high likelihood' of being significant i.e. coast, wetlands, river corridors etc.
	▪ No requirement to take into account 'intangible issues'.
	▪ Difficulty in gaining quick response from stakeholders and government agencies.
	▪ Significant knowledge gaps:
	  ▪ Not all known sites are on the Tasmanian Aboriginal Site Index.
	  ▪ Some information on 'known places' is not recorded.
	  ▪ Not all cultural heritage is 'known'.
		▪ Critical that environmental issues are discussed at the pre-application phase.
		▪ The requirements under the EPBC Act often cannot be accommodated in the normal timeframe for planning permits.
		▪ Referrals and approvals in relation to the EPBC Act should be done before an application is lodged.
		▪ Not sure what level of assessment is required for different types of development approvals in different locations.
		▪ Need for improved coordination of process for referral of applications for Level 2 Activities to EPA (state) and the Australian Government Department of Environmental (national) when involving matters under the EPBC Act.

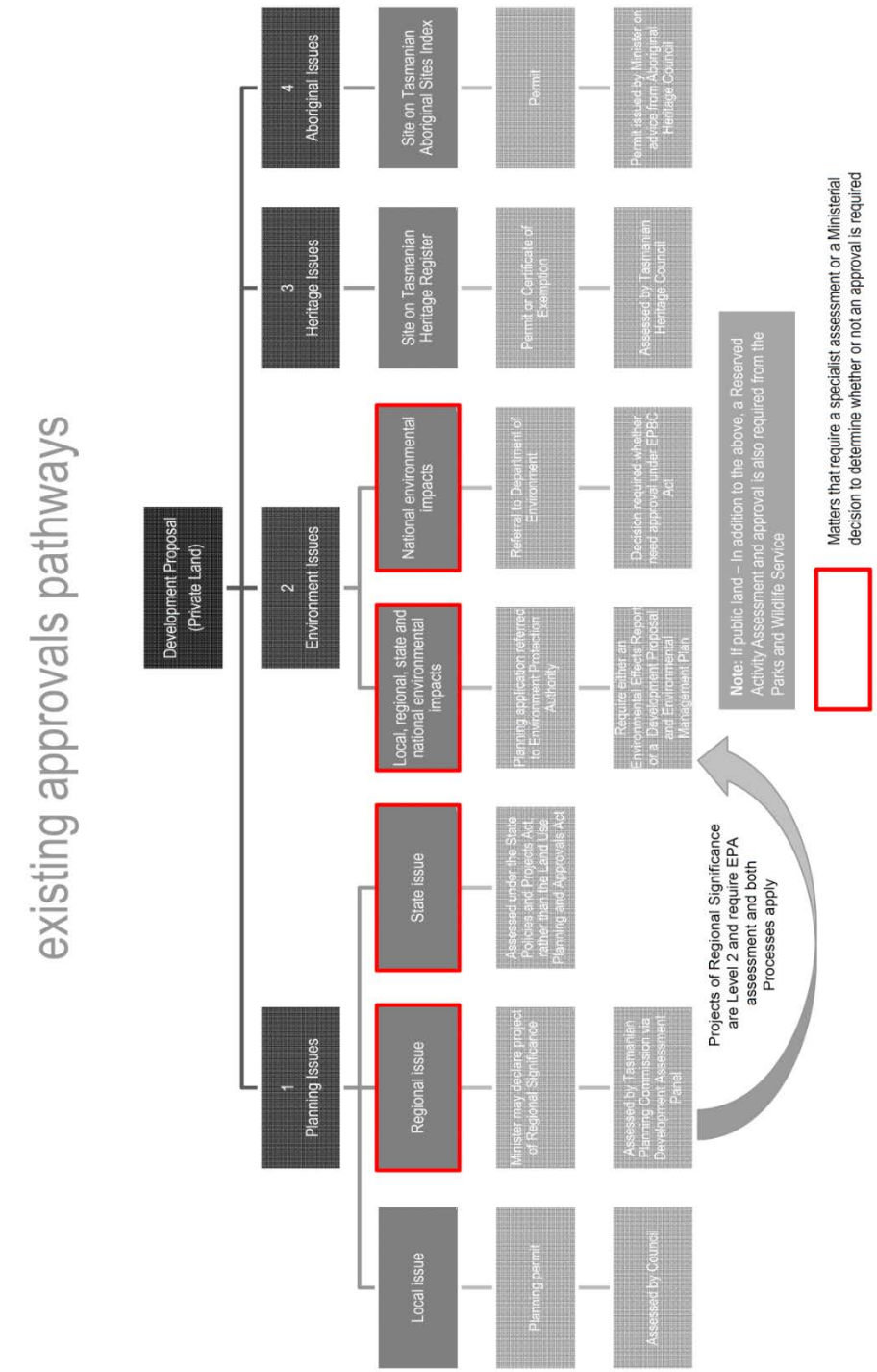

Figure 5: Existing approvals pathways

7 Observations about the new format interim planning schemes

7.1 Introduction

The planning process in Tasmania is going through a process of reform.

The State government has introduced a new standard format for planning schemes to be introduced throughout the state. New format schemes have been prepared for municipalities to replace previous schemes. These new scheme are introduced as 'draft interim planning schemes'. The draft interim schemes are assessed by a panel appointed by the Town Planning Commission, to ensure consistency with the requirements of the Land Use Planning and Approvals Act (1993). Upon approval they become the approved planning scheme that applies to a municipality.

The new format interim planning schemes contain considerable opportunity to introduce regional or local variations in relation to specific uses such as tourism. Such variations can be introduced by way of a planning scheme amendment.

7.2 Break O'Day planning scheme as an example

The Break O'Day Interim Planning Scheme is reviewed to assess whether the opportunities provided within the new format planning schemes are sufficient to protect the environmental and cultural heritage qualities of the East Coast of Tasmania, and whether they are currently being utilised by Council.

The review of the Break O'Day scheme focusses on the non-urban parts of the municipality, as planning processes within urban areas and urban zones are generally effective in managing tourism uses.

7.2.1 Land uses and zones

Planning schemes control tourism and other types of development by a combination of land use definitions and development regulations, zones and codes.

In the municipality of Break O'Day, the majority of non-urban land is located in one of three zones (see Figure 6):

- A *Rural Resource Zone*, which applies to the vast majority of land in the municipality. This zone generally applies to both farming land and to forested land.
- An *Environmental Management Zone* – This zone generally applies to national and other parks, and to conservation and environmental areas, including the foreshore reserve.
- An *Environmental Living Zone* (relatively small area) – This zone generally applies to farmland subdivided into smaller lots (20 to 40 hectares). Much of this land is located at the periphery of existing townships and on the cleared lower slopes of the ranges that overlook the coast.

Key land use definitions that are relevant to tourism and related uses in the planning scheme are:

- *Tourist operation* – Which includes all uses that attract tourists; and
- *Visitor accommodation* – Which includes a wide range of accommodation types for tourists, from camping grounds to hotels and resorts.

These two defined land uses are discretionary in the above three zones, except for 'tourism operation', which is prohibited in the Environmental Living Zone). As a consequence a planning permit can be applied for tourist accommodation and tourist uses almost anywhere throughout the non-urban parts of the municipality. This is regardless of whether the land is private or public, is located in a national park or on the coastal foreshore.

Many tourism uses also include activities that are defined as other land uses in the planning scheme (for example shops, offices, restaurants, cafes, etc). The interim planning scheme is worded in such a way that any use that is not specifically listed in the land use tables to a zone, is automatically prohibited. Commercial uses such as those mentioned above, are generally allowed in commercial and other zones that occur in urban areas, but are prohibited in non-urban zones.

This is an inflexible approach that can potentially prohibit some multi-purpose tourist (or other) uses, which may include those activities as an ancillary component of an overall mixed use development. To provide maximum flexibility for tourism uses to flourish, it is important to provide a high level of discretion, so that new and sometimes innovate proposals can be considered on their planning merits.

Clause 8.2 of the Break O'Day Planning Scheme does include a 'subservient use' provision that relates to situations where there might be more than one use on a site. The interpretation of that provision comes down to the meaning of the word 'subservient'. A key aim of the recommendations contained in this project, is to ensure that maximum flexibility exists to allow new types of tourism uses, and combinations of uses, to be considered on their planning merits.

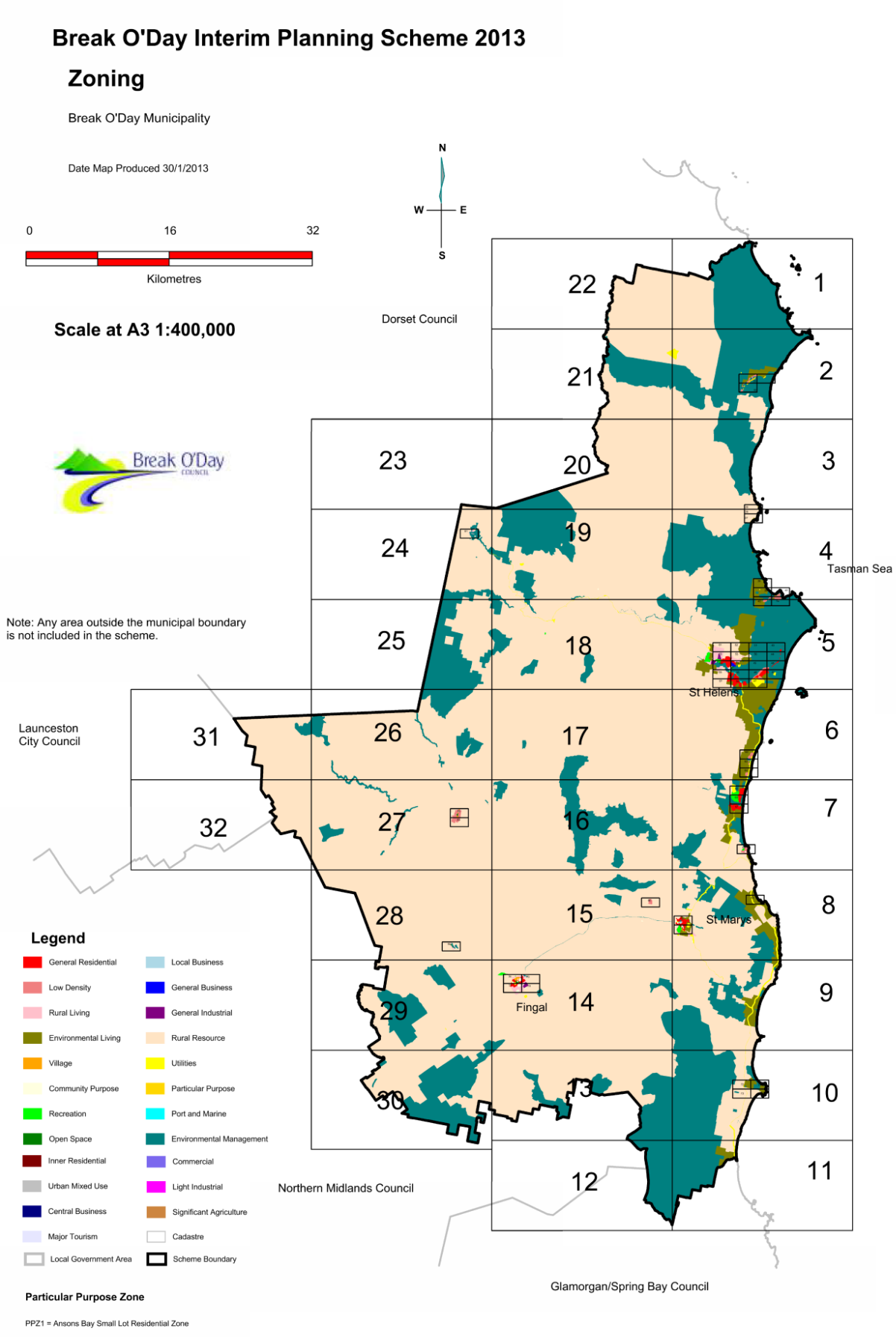

Figure 6: Break O'Day Interim Planning Scheme Zoning map

7.2.2 The opportunity to tailor the provisions of the interim planning scheme has yet not been taken

As discussed above, the planning permit application process embodied in the new interim planning scheme, provides wide discretion to consider planning permit applications for tourism and related uses throughout most of the non-urban parts of the municipality of Break O'Day. However, upon review of the Break O'Day planning scheme, there is a clear lack of policy direction and decision making guidelines to enable that discretion to be exercised effectively, in a way that will ensure that adverse impacts from tourism development does not result in the longer term.

There are three key strategic issues that are particularly relevant to tourism and related uses in the non-urban parts of the study:

- The desirable location(s) for tourist developments;
- The degree of either 'clustering' or 'separation' of tourism uses in various parts of the study area; and
- The cumulative impacts of multiple permit applications that might be made in an area, over time.

The interim planning scheme, in its current form, does not provide sufficient guidance in relation these matters, in relation to non-urban areas.

The format of the interim schemes provides the opportunity to 'tailor' local / municipality policies, objectives, requirements and standards in relation to activities such as tourism, in a number of ways. For example:

- Local municipality wide purpose statements and objectives for various use or development categories, including tourism.
- Local statements of 'purpose' for each zone.
- Local area 'objectives' for each zone.
- 'Use Standards' for various land uses, for each zone.
- 'Development Standards', for each zone.
- A special purpose zones to facilitate development i.e. a 'Major Tourism Zone'.

7.2.3 Purpose statements and objectives

Part A of the Break O'Day planning scheme includes statements of purpose and objectives for various land uses controlled by the scheme. The statements provide very little strategic direction in relation to tourism development. The few comments made are included under other general headings such as 'settlement', 'environmental protection', 'transport and infrastructure' and 'commercial and industrial development'. They are largely phrased as general statements in support of tourism development as an important part of the local economy. They do not give any strategic guidance in terms of preferred locations for tourism development, or regarding matters that should be taken into consideration when planning permit applications for tourism developments are being assessed.

Given the almost total discretion for tourism and related development in non-urban zones, this lack of policy and guidance, presents a risk to the environmental and cultural heritage qualities of the study area.

Given the importance of tourism to the economy of municipalities in the study area, it is considered that a specific land use policy for tourism is warranted and should be introduced into municipal planning schemes.

7.2.4 Rural resource zone

Of the three main zones that cover land outside urban areas, the only zone that includes a specific 'purpose statement' in relation to tourism, or 'local area objectives' for tourism uses, is the Rural Resource Zone. A stated purpose of the Rural Resource Zone is:

> *To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.*

Whilst it is good that the zone specifically mentions tourism in the purpose statement of the zone, it does so in a negative rather than a positive way, by referring back to potential impacts on 'rural resources'.

The Rural Resource Zone is also the only zone to take up the opportunity to include a 'local objective' regarding tourism:

> *2) Tourism*
>
> *Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.*
>
> *The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.*

Again, the objective largely talks about the importance of tourism to the municipality and the need to provide the opportunity for tourism. It is limiting, in that it refers back to tourism uses that are related to 'primary production' and that do not 'unduly compromise' primary industry resources.

There is the potential for tourism uses to locate in rural areas in their own right, where they benefit from being located in an attractive rural landscaped setting, even though they might not have a relationship to 'primary production'.

7.2.5 Environmental management zone

The Environmental Management Zone is a key zone used through the more environmentally significance areas within the municipality, such as national parks, crown land and land along the coast. It is a zone in which there is likely to be ongoing pressure for tourist and related uses over time.

Detailed policy guidance is required to assist authorities in making decisions on planning permit applications for development within this zone. Visitor accommodation (where on crown land or where it involves the conversion of existing dwellings) and tourist operations are discretionary uses in the zone. There is no reference to tourism in the purposes of the zone.

There are no 'local area objectives' for tourism in the zone.

There are a number of 'Development Standards' that are specified in the zone, however they are limited to generic considerations.

There is a 'use standard' for reserved land which states that the use must be in accordance with a Reserved Activities Assessment Approval (RAA) that is issued by the Parks and Wildlife Service. This raises the question as to whether there is the need for a separate planning permit for uses that have obtained a Reserved Activities Approval from the Parks and Wildlife Service. To avoid repetition of approvals, such uses could potentially be included as a 'permitted use' in the zone, with the 'issue of a RAA' as a 'qualification' for the use. If this was to be the case, an application for a RAA would need to be referred to Council, to provide input into the decision to be made by the Parks and Wildlife Service.

7.2.6 Environmental living zone

The *Environmental Living Zone* generally applies to farmland subdivided into smaller rural lots (i.e. 20 to 40 hectares). Much of this land is located around existing townships and on the cleared lower slopes of the ranges, overlooking the coast. Land within this zone may well be suited to smaller scale tourist operations and accommodation uses, that benefit from a location in an attractive rural landscape, with ocean views. 'Visitor accommodation' is a discretionary use within the Environmental Living Zone, but 'tourist operations' are prohibited. Given the smaller lot sizes in a Rural Resource Zone, amenity issues associated with tourism uses and what are effectively rural lifestyle properties, are likely to be the reason why 'tourism uses' are prohibited in the zone. There is merit in allowing discretion for smaller scale tourism uses in this zone, subject to appropriate use and development standards and overarching strategic guidance.

7.2.7 Development standards

All three zones contain generic 'Development Standards' for the defined use - 'tourist operation'. However, these standards are not tailored to the particular requirements of each zone. They are the same as the requirements contained in most zones within the Break O'Day Planning Scheme. The Development Standards are worded as follows:

- An 'objective'.

  To ensure that the development of tourist facilities enhances and supports the tourism resources of the Municipality.

- 'Acceptable Solutions'. None are stated for any tourism operations in any zones in the planning scheme.
- 'Performance Criteria':

  P1 A tourist operation must have regard to:-

  a) The character of the area surrounding the site and the ability for the operation to fit within that character,

  b) Potential for conflict with other tourist operations in the vicinity of the site, and

  c) Ensuring the values associated with those existing attractions that are located within the vicinity of the proposed tourism operation are maintained.

The 'performance criteria' are reasonable for general application, but are not considered appropriate to apply uniformly across a municipality. The opportunity exists to tailor them to different zones, and even to different areas within the one zone.

7.2.8 Codes

In addition to zones, the interim planning scheme contains codes that provide an additional level of control (see Figure 7). Codes relate to specific issues or requirements that are in addition to issues regarding land use and buildings that are dealt with by underlying zone provisions.

Codes that are particularly relevant to tourism developments include the following:

- Scenic Management Code.
- Coastal Code.
- Biodiversity Code.
- Heritage Code.

The purpose of the Scenic Management Code is to enable siting and design guidelines to be included in schemes to protect the visual amenity of defined tourist road corridors.

The purpose of the Biodiversity Code is to protect the region's biodiversity. Areas of biodiversity significance are shown on planning scheme maps as "priority habitat" areas. This designation generally applies to national parks, reserves and public land with biodiversity values, waterway corridors and wetlands, and foreshore reserves etc.

The Biodiversity Code regulates vegetation removal, rather than land use and development. The starting point (i.e. the stated acceptable solution) is that either "no vegetation is removed within a priority habitat area, or is only cleared in accordance with a Forest Practices Plan". Vegetation removal can be permitted if a detailed flora and fauna assessment determines that it will not unduly compromise the bioregion.

Land affected by the Coastal Code is not mapped on planning scheme maps. Rather the code applies to land along the coast that is identified in various documents referred to in the planning scheme, as being either:

- affected by coastal inundation;
- within or adjoining the coastal dune system; or
- defined as vulnerable to erosion or recession.

The purpose of the code is to protect the coastal environment from inappropriate development and to manage the impacts of sea level rise, storm surges, shoreline recession and coastal inundation.

The Heritage Code can be applied to buildings, sites and places of heritage significance. Places presently listed in the code are largely a replication of places listed in the Tasmanian Heritage Register. The code provides the opportunity to protect and manage locally significant heritage places, once there are identified by local heritage studies.

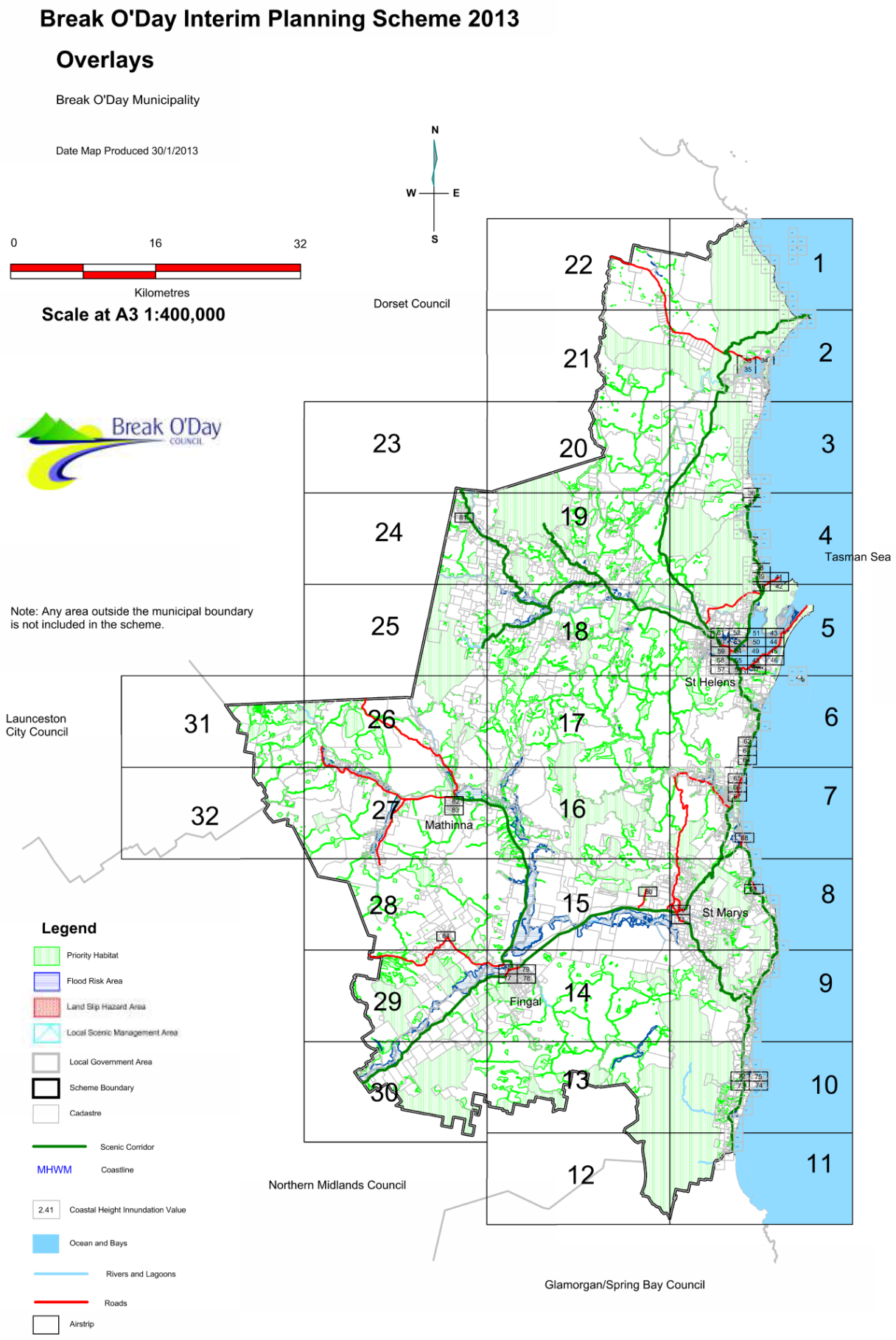

Figure 7: Break O'Day Interim Planning Scheme Overlays map

7.3 Issues regarding the new format interim planning schemes

From the above review, the following issues have been identified in relation to the new format interim planning schemes, which are likely to have implications on planning decisions regarding tourism developments, and the protection of the environmental and cultural heritage values of the study area.

7.3.1 Lack of strategic direction for tourism in interim planning schemes

The new format planning schemes introduced throughout the study area, provide a strong statutory basis to consider the impacts of developments on a site by site basis. However, a number of issues arise in terms of the potential provided to consider the strategic implications of tourism developments, particularly in non-urban areas and in the longer term.

The framework as presently designed and applied, does not provide either strategic direction regarding the preferred type or location of tourist development, or policies or guidelines to assess the cumulative impacts of planning permit applications for tourism and related uses over an extended period of time. This is particularly the case in non-urban areas, where there is wide discretion and where there is greater potential for adverse environmental impacts.

Providing clear strategic direction for tourism and related development in non-urban areas is especially important. Planning policies and controls within urban areas are generally well resolved. They include a range of different land uses zones, within a policy framework that generally encourages the consolidation of residential, commercial and tourism uses within defined urban zones. It is a different situation in non-urban areas, where there is very little policy guidance to assist in making planning decisions on discretionary tourism uses.

Traditionally planning schemes have sought to concentrate more intense forms of development into urban areas. Land outside urban boundaries has been designated for lower intensity uses such as agricultural and environmental or conservation purposes.

This approach has been entrenched into planning schemes by an approach that has largely involved single purpose land use zones, land use definitions, and accompanying policies and controls. This approach has focussed on what can be called 'traditional' land use types, such as residential, retail, office, industry, agriculture, conservation and the like. Each of these 'traditional' land use types generally have a zone or zones, and a suite of policies and practices that have evolved to assist planning authorities in making decisions about issuing planning permits.

Tourism and related uses are not one of the 'foundation' land uses traditionally embedded into planning schemes. Rather they have been more of a 'secondary use'. They are generally dealt with by providing discretion for planning permits in various zones, often without any reference to tourism in the stated 'purpose of the zone', and without any policies or guidelines that explain how planning permit applications for such uses should be assessed.

The current day reality is that tourism on the East Coast of Tasmania (as well as in many other parts of Australia) is a major economic activity and employer. It is becoming an equally important, if not more important part of local economies, than many of the more traditional economic sectors that land use planning has focussed on in the past, such as industry and agriculture etc.

It is critical that planning policies and controls for tourism and related uses are embedded as a 'foundation land use' in new format planning schemes. This means that tourism should be referred to as a key land use and should be referenced in all relevant zone purpose statements, policies and decision making guidelines. Clear policy direction and decision making guidelines must be embedded into planning scheme to assist planning authorities to make decisions about tourism and related uses.

7.3.2 The need for area rather than zoned based tourism policies

The structure of the new interim planning schemes does allow a degree of tailoring of the provisions of schemes, to respond to local and municipal issues. However this tailoring generally occurs at the zone level. There is no obvious opportunity to extend this tailoring to areas or precincts 'within' the one zone.

As apparent from the Tourism Development Framework presented in the previous part of this report, it is necessary to have different objectives and guidelines, in different geographic parts of the study area, despite the land being involved within the one zone.

The Tourism Development Framework identified a hierarchy of urban areas, and different character precincts for the non-urban parts of the study area.

The need for area based policies could be addressed within the interim planning scheme framework in a number of ways, as follows:

- Provide for more detailed policies in the introduction to the planning scheme, including area based policies for tourism and related developments, including a precinct map;
- Allowing location based objectives in the 'local objectives' section of each zones that allow for area based policies and guidelines within each zone; and

- Provide for tourism policy documents that outline location based policies, but which are 'external' to the planning scheme. These could be specified in the planning as reference documents, to give them strategic weight and authority.

The last option is considered the most appropriate for the following reasons:

- All policy and guidelines in relation to tourism and related development would be contained within the one comprehensive document;
- It reduces (but does not avoid) the need for area based policies, guidelines and standards to be inserted into numerous places throughout the planning scheme, where the opportunity exists to provide for local or regional tailored solutions; and
- It ensures that the overarching intent of tourism policy is not lost by fragmenting it throughout the planning scheme.

7.3.3 Identifying specific sites / locations for tourist development

The new format interim planning schemes include a zone specifically for tourism and related development i.e. the Major Tourism Zone.

This zone may be applied either:

- Prior to a development proposal being identified for the land; or
- After a development proposal has been identified for the land.

Unless a tourism development strategy identifies a specific site for a tourism use and wants to provide clear strategic direction as to where tourism uses should go, it is considered more appropriate to apply this zone in response to a specific tourism development proposed by the proponent of the development.

Generally it is beyond the scope of a tourism strategy to identify specific sites suited for tourism developments. Some sites may have particularly good attributes and it may be possible to identify them in a strategy. However range of tourism opportunities and experiences that tourism investors may seek to pursue is vast. They cannot necessarily be anticipated by a strategic tourism planning document. To try to do so, could well limit appropriate and innovative tourism developments in the future.

Flexibility should exist for tourism investors to identify sites that have attributes that suite the tourism experience they are seeking. However where such flexibility exists, it is critical that policy and decision guidelines exist to ensure that appropriate planning decisions are made.

7.4 Municipal management plans

A requirement of the brief was to review Break O'Day Council's Municipal Management Plans, to identify any inconsistencies with this study, and any changes that may be required to be made to those plans as a consequence of this project.

7.4.1 Stormwater

The Municipal Stormwater Management Plan was prepared to identify the adequacy of existing infrastructure and to identify works required to mitigate or improve problems areas. It sets out a framework for managing development outcomes, identifies current drainage problems, priority works and budgetary considerations, and provides an action plan to implement the recommendations of the plan.

No changes are required to be made to this plan as a consequence of this study.

7.4.2 Economic development

The Municipal Economic Development Plan sets out statistics regarding population growth and the regional economy. It identifies objectives for economic development and provides sector strategies.

Key priorities are to:

- Maintain and diversify agribusiness (including value added processing);
- Maintain fishing activity, develop the port and further develop aquaculture;
- Develop light industry linked to regional markets; and
- Redevelop the tourism market whilst maintaining the regional role of St Helens (retail, business services, government funded services - health, education).

The plan identifies tourism as a key economic sector and includes a number of strategies for tourism. It is supportive of an East Coast Tasmania Trail and many of the initiatives contained in the tourism development framework presented in this report.

A summary of the tourism initiates identified in the plan are outlined in Table 2 below.

No changes are required to be made to the Economic Development Plan as a consequence of this study, at this time. However, when existing tourism strategies are updated for the region, as recommended in this report, the plan may need to be updated to respond to any new initiatives identified.

Service Industries	
G. Tourism	Work with Industry and ECRTO
G.1 Visitors	Build the market: boost visitor numbers (overnight and day) and increase off-season visits.
G.2 Market Segments	Develop specialist markets (e.g. conferences, diving, and fishing).
G.3 Tourism Product	Develop product: link the coastal experience and activities - in food trails, cycling, walking trails, diving trails, golf trails, fishing experience; and develop other events for the region.
G.4 Diving	Assess business case for diving wreck (HMAS Tobruk) as part of a regional diving trail.
G.5 Tourism Infrastructure	Improve infrastructure: address gaps in tourist infrastructure and services in the region including: accommodation options; cafes/ restaurants; port area; other facilities and attractions.
G.6 Town Centres	Improvements in town centres will attract visitors and resident shopping.
G.7 Industry Skills	Skills: a need to implement training for employees and small businesses.

7.4.3 Vegetation management

The purpose of the Municipal Vegetation Management Plan is to utilise existing data to identify areas of environmental sensitivity throughout the municipality, indicate areas and locations with potential for future development, and to make recommendations for the management of vegetation within identified areas of the coastal zone.

In relation to tourism development relevant observations from the plan are as follows:

- Tourism is a major economic driver for Break O'Day Council and vegetation protection is essential to retaining the attractiveness of the area for tourists.
- Existing vegetation data is not (and is unlikely ever to be) adequate to make a proper decision. A flora / fauna assessment that takes local and regional considerations into account should be mandatory for development applications. (Note: Presently the planning scheme only requires a flora and fauna assessment for land that is identified in a "priority habitat" area.)
- The capacity of Break O'Day Council to manage the coastal strip is limited by tenure and capacity. Tenure control is limited by the fact that the entire coastline, and much of the hinterland, is managed by Parks and Wildlife, and a much smaller proportion of the hinterland is freehold land. Capacity to manage the coast is also limited by financial capacity, planning scheme restrictions, and political impediments.
- Vegetation management needs to take into account the conflicting but overlapping requirements of protection of life and property from fire, and protection of natural ecology from fire. Subsequently a fire management policy needs to be completed which includes a concept of limits of burn frequency for various vegetation types and conditions, subdivisional and residential clearing, campfires and access to residences in vegetated areas.
- The minimum lot size for environmental sustainability is much greater than the minimum planning scheme required lot size of 2 hectares.
- It is absolutely essential that proper management of coastal vegetation and infrastructure needs to be undertaken with full cooperation of the stakeholders, principally DPIPWE and Parks and Wildlife, but also such organisations as DIER and TasWater.
- Break O'Day Council's Tree Policy (which applies to Council land) does not encourage the retention of trees.

This management plan reinforces the need for tourism developments in sensitive environmental locations, to be subject to detailed flora and fauna assessments. It also refers to the need for cooperative action in relation to management of the coastal strip by the various authorities involved.

The plan also recommends that a Flora and Fauna Assessment should be required for all development. This is different to the current planning scheme requirements. The need for detailed specialist reports to accompany planning permit applications is further discussed in Chapter 8.4 of this report. The Environmental Management Plan will need to be updated in response to the comments made in that chapter.

7.4.4 Climate change

This management plan discusses likely impacts of climate change on Break O'Day Council and likely future risks. It includes a 34 point action plan of things that Council can do to mitigate the impacts of climate change. The actions were grouped into the following categories:

- Management – processes and personnel;
- Primary Production – Alternate crops, commercial fishing;
- Flooding – access and property damage;
- Bush fires;
- Mitigation – Agriculture, plantations, transport and renewables;
- Heat stress – resident protection; and
- Opportunities – economic development.

No changes are required to be made to this plan as a consequence of this study. However tourism developments are often proposed in locations that are susceptible to the impacts of climate change i.e. coastlines and inland waterways that may be subject to sea level rises; forested areas and farmland that may be subject to increased bushfire risk.

7.4.5 Airstrip feasibility study

The Airstrip Feasibility Municipal Management Plan investigates the appropriateness of the St Helens airport to accommodate existing and forecast future needs, and considers options and the feasibility of upgrading the airport and increasing services.

No changes are required to be made to this plan as a consequence of this study

7.4.6 Draft land use and development strategy

The Draft Land Use and Development Strategy (November 2014) is a key part of Council's emerging Municipal Management Plan. Its purpose is to provide direction for future land use and development in Break O'Day.

Part A of the strategy provides a review of existing conditions and trends. Part B provides a framework and future strategic policy direction for land use and development.

Part B also includes a review of land use zones applied throughout the municipality and comments on their appropriateness or otherwise. The review is generally structured along the lines of:

- non- urban land (under the heading of "Rural Resource and Environmental Lands"); and
- urban land (contained under a number of chapter headings - "Housing and Growth Opportunities" and "Employment Opportunities and Economic Growth").

Chapter 8 of the report (page 55) focuses on non-urban land, which includes land in the following zones:

- Rural Resource Zone;
- Environmental Management Zone;
- Rural Living Zone; and
- Environmental Living Zone.

The discussion in relation to the non-urban parts of the municipality primarily focuses on agriculture and the need to retain productive agricultural land. There is also some discussion about rural living development, native vegetation, visual and scenic qualities of non-urban parts of the municipality, and the need to avoid adverse visual impacts in scenic areas.

There is no discussion about tourism uses within the context of the non-urban areas of the municipality.

Chapter 11 of the document does specifically address the issue of tourism. It includes a list of tourist accommodation in the municipality and identifies issues relating to tourism. It confirms that Bread O'Day has limited attractions to entice tourists to the area and to extend the stay of tourist. It also comments on the on the lack of success of past attempts to establish major tourism developments in the region.

Recommendations contained in the document support current tourism development initiatives proposed in existing tourism strategies, such as enhancing the St Helens foreshore and establishing an agricultural / food trail in the region.

In response to the past inability to attract major tourism developments, the report recommends that a number of major tourism sites should be rezoned for tourism uses, and that infrastructure should be provide to them to increase their development potential. Location criteria suggested for major tourism sites includes (p76):

- Coastal settlements.
- Natural and environmental areas within 500 metres of the coast.
- Access to infrastructure and services.
- Locations that support the district centre of St Helens.

Specific sites identified are:

- South-west of Binalong Bay.
- On the coast to the south of Stieglitz and Akaroa and north of Dianas Basin.
- Ironhouse Point, Four Mile Creek.

The Draft Land Use and Development Strategy also identifies a settlement hierarchy and includes brief character descriptions for each town within the municipality. The settlement hierarchy is based on that provided in the Northern Regional Land Use Strategy, but is more detailed and includes smaller settlements that were not addressed as part of that document. The hierarchy including the follow categories:

- Regional District Centre
- Major Town
- Towns
- Localities
  - Coastal village settlements
  - Rural village settlements
  - Coastal (environmental) living cluster areas
  - Rural living cluster areas
  - Rural settlements

It compares to the much simpler three level hierarchy suggested in this report (see Chapter 5), which is includes:

- Main Towns
- Small Towns
- Settlements

One of the key objectives stated in relation to the settlement hierarchy is:

> *"To ensure that existing towns and settlements are the primary focus for residential, commercial and industrial development."*

No mention is made of tourism development is that statement. Potentially it falls under the broader term of "commercial development".

As discussed in Chapter 4.5 of this report, many tourism uses benefit from a location outside of urban areas, in natural environmental and rural settings. The Draft Land Use and Development Strategy does not meaningfully discuss or consider this potential. It does identity three specific sites outside of urban areas, and also suggests that Council should undertake detailed site investigations to identify additional potential sites (p76). However it does not include either a discussion of, or strategic policy directions for tourism uses generally, throughout the non-urban parts of the municipality.

As commented on in Chapter 7.3 of this report, there is a need to consider tourism on an equal basis to uses such as agriculture, housing, commercial development and industrial development, which have always been 'foundation uses' in planning strategies and planning schemes. Potential exists within the Land Use and Development Strategy Plan to:

- place greater importance on tourism uses;
- provide specific policy direction for tourism uses within the non-urban parts of the municipality;
- provide policy direction for tourism uses within settlements, utilising the settlement hierarchy suggested; and
- suggest amendments to the interim planning scheme to fully embed tourism initiatives into the planning scheme, by way of policies, objectives, requirements and guidelines for tourism uses into relevant clauses and zone provisions.

8 Suggestions for working within the existing system

8.1 Introduction

As identified in previous sections of this report, there are generally two ways to improve the planning and development approvals system:

- The first way is to identify better ways to work within the existing system.
- The second way is to make changes to the existing system to improve it.

The first option is likely to be easier to achieve and is likely to result in more immediate impacts. This chapter focuses on ways of working better within the existing system. The following chapter looks at possible changes to the system.

There are two aspects to working within the existing system that form the basis of the recommendations contained in this chapter:

- Firstly – Improving the level of strategic direction provided to aid decision making on tourism development proposals; and
- Secondly - Identifying a clear and simple pathway through the various types of approval that are required for a tourism development.

8.2 Providing strategic direction for tourism developments

Wide discretion presently exists in interim planning schemes to consider planning permit applications for most types of tourism development, on both public and private land, virtually anywhere throughout the non-urban areas of the study area.

In the absence of strategic direction, policies, requirements and decision making guidelines for tourism developments, there is a risk that decisions made on individual proposals could lead to adverse impacts on the environmental, cultural heritage and broader tourism values of the East Coast of Tasmania, over time.

The following actions are recommended in response to this issue:

1. Updating existing tourism strategies to incorporate the tourism development framework presented in Chapter 5 of this report. In particular the updated strategies should provide clear direction regarding matters such as:
    - The type, size and form of tourism developments and activities envisaged to occur in different parts of the study area over time;
    - Desirable location(s) for tourist developments (where it is possible to identify such locations);
    - Undesirable locations for tourism development (i.e. locations in which development should be discouraged, or in which a high level of caution should be exercised in assessing applications);
    - The degree of either 'clustering' or 'separation' of tourism uses that may be appropriate in various locations throughout the study area, particularly in the non-urban parts of the region; and
    - Policy directions and decision making guidelines to enable an informed assessment to be made of both the individual on-site impacts, and the cumulative impacts of planning permit applications and / or planning scheme amendments for tourism developments, over time.
    - Policy support for the establishment of the East Coast Tasmania Trail through the region.
2. Incorporating the recommendations of any existing or updated tourism development strategies prepared for the region, as a reference document into municipal planning schemes. This needs to be done in such a way that the policies and recommendations of the strategy have statutory weight and must be taken into account in making decisions on planning permit applications for tourism uses and rezonings.
3. Amending municipal planning schemes to establish tourism as a 'foundation use' and to embed strategic directions, policies, land use and development standards, throughout planning schemes in a comprehensive and integrated way. This will include tailoring various provisions of new format interim planning schemes to directly relate to tourism development issues. For example:
    - Local municipality wide purpose statements and objectives specifically for tourism;
    - Local statements of 'purpose' for each zone that relate specifically to tourism uses;
    - Local area 'objectives' for each zone that relate specifically to tourism uses;
    - 'Use Standards' in each zone that relate to tourisms uses applicable to that zone; and
    - 'Development Standards" in each zone that relate to tourism uses applicable to that zone.

8.3 Establishing a simple pathway through existing processes

The above suggestions will provide a sound strategic decision making framework to use in assessing planning permit applications and rezoning requests for tourism uses.

However, it remains necessary to identify a clear and simply pathway through the various planning and development approvals processes that currently exist.

The process proposed to realise this aim involves the following initiatives:

1. Taking an integrated approach to negotiating a pathway through the numerous approvals required for tourism developments.
2. Designating a Project Champion to work with developers to identify the critical path through the various approvals processes. The Project Champion would be a local government planner, for tourism developments on private land, or a Parks and Wildlife Service planner for developments on public land. The Project Champion role would move to an officer of the Town Planning Commission for matters of regional or State significance.
3. The Project Champion would work with a proponent to identify a critical path through all the various approvals processes.
4. Achieving agreement to the critical path by the proponent, and by all relevant approvals agencies, and a commitment to follow that path.
5. Establishing an East Coast Interdepartmental Support and Advisory Group, to work with Project Champions to identify and to gain a commitment to achieving the critical path agreed to. The group would involve relevant staff from each municipality in the region, Parks and Wildlife Service, Environmental Protection Authority, Business Tasmania, Aboriginal Heritage Tasmania, a representative of the local Aboriginal community, the Department of Primary Industries Parks Water and Environment; the Tasmanian Planning Commission and the Department of State Growth. Members of the group should be available both as a group and individually, to assist Project Champions in determine the critical path for proposals. A flexible approach should be taken to meetings, which involve phone conferences and teleconferencing, and loose groupings of committee members, depending on the needs and complexity of various proposals.
6. Running training programs to 'up skill' Project Champions and members of the East Coast Interdepartmental Support and Advisory Group, so they are fully aware of all relevant planning and development approvals requirements under various legislation, and are able to assist proponents in determining a critical path through the process.
7. Establishing a hotline within the Tasmania Planning Commission to provide advice to Project Champions.

Figure 8: Initiatives in the Integrated Approvals Assessment Process

Central to this is process is the establishment of a concept that termed the *'Integrated Approvals Assessment Process'*. Following is a suggested process for this process.

The process should start with a 'well-conceived' development proposal by a prospective developer. Advice from stakeholder consultations undertaken as part of this project, was that frequently Council and the Parks and Wildlife Service respond to development proposals that are poorly conceived, and have little if any prospect of being commercial viable and actually proceeding to become a live project. This has the potential to waste time and resources.

Whilst is it contingent upon Council and the Parks and Wildlife Service to provide advice to the community, there is merit in ensuring that a balance is achieved between the amount of time spent on advising proponents and the reality of a project proceeding.

The suggested Integrated Approval Assessment Process involves the following steps:

1. Tourism proposal concept definition and pre-feasibility assessment (responsibility of the proponent). Ensure that proponents have a sound understanding of the proposal they are advancing and its commercial viability.
2. Preliminary discussion with the planner at Council (if on private land) or the Parks and Wildlife Service (if on public land).
3. Tourism proposal definition and feasibility confirmation. A more detailed assessment by a proponent to confirm the design details of a project and its viability.
4. Pre-application meeting with a planner at Council (private land) or the Parks and Wildlife Service (public land).
5. Determine and agree on the Integrated Application Process appropriate for a particular proposal:
    - Identity all of the approvals required and all relevant legislation.
    - Identify the order in which the approvals should be sought.
    - Determine the level of specialist information required for each step in the process. The aim is to avoid the duplication of information, to ensure that all necessary information for all approvals is assembled at the most appropriate and convenient time in the process.
    - Set out the process for integrating various approvals and avoiding or minimising overlapping requirements.
    - Identify the timing and sequencing of various agency consultation or referral requirements. The aim is to run concurrent referral processes through each relevant agency, to save time and repetition.
    - Identify the timing and sequencing of public consultation requirements. The aim is to run concurrent public consultation processes to save time and repetition, and confusion within the community.
    - Identify key contact points in each agency.
    - Identify an integrated timeline throughout the entire approvals process.
    - Identify any uncertainties, unknowns or risks that may exist in the process and identify contingencies for their management. For example, determining whether an application requires referral to higher level parties or an alternative approval process from the relevant minister(s).

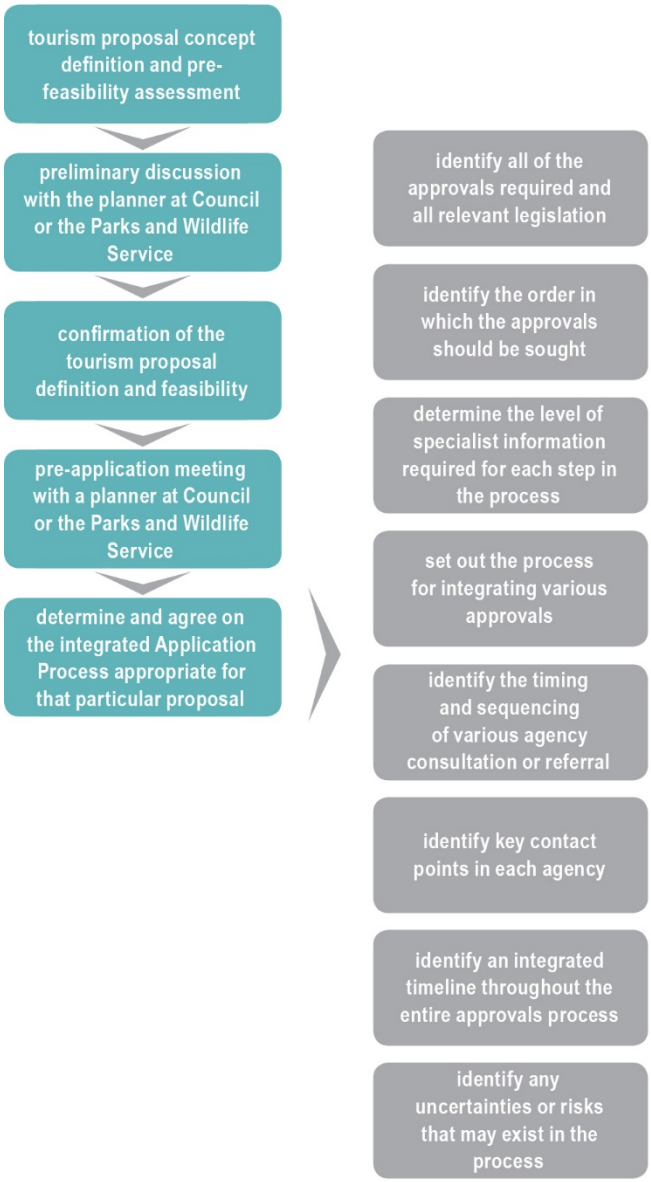

Figure 9: Steps in the Integrated Approvals Assessment Process

8.4 Determining what information is required

A matter of ongoing confusion and uncertainty in relation to development approvals is determining the level of specialist information that is required to be submitted with a development application.

The engagement of specialist consultants to undertake detailed assessments of various matters can add considerable cost to development applications and may in some cases deter proponents from proceeding. Conversely, developments that proceed with insufficient specialist input may lead to unintended adverse impacts on environmental and biodiversity values, or considerably delay proposals if such issues emerge later in the process.

These comments are made largely in relation to the need for environmental assessments (i.e. biodiversity or for flora and fauna assessments) and / or cultural heritage assessments. There may be a number of other specialist assessments required to assess planning permit applications i.e. traffic, infrastructure engineering, economics, social impact, geotechnical, visual assessments etc. However there is generally a higher level of awareness within the planning community about the need for such specialist reports to be prepared.

The difficulty is that legislation and approvals processes that apply to environmental and cultural heritage matters are generally re-active rather than pro-active. They are generally worded such that a development cannot adversely impact on a Matter of National Environmental Significant under the Environment Protection and Biodiversity Conservation Act (for example). However the areas of significance are not necessarily mapped or identified on a plan. They often cannot be identified until an expert undertakes a study to determine whether a development will impact on any such areas.

The Biodiversity Code contained in the new format interim planning schemes requires a flora and fauna assessment to be undertaken before any development proceeds, in situations where native vegetation is proposed to be removed. That code makes it clear what the situation is in the areas covered by the code. There is no similar code in relation to cultural heritage areas. In addition, there is a high likelihood that land outside of areas covered by the Biodiversity Code may also contain sites of environmental and cultural heritage significance.

The zoning of the land does not provide a good guide as to the need for specialist assessments, as considerable areas of land zoned for urban purposes (for example) may include undeveloped and largely undisturbed land. Such land has a higher likelihood of containing sites of environmental or cultural significance than previously developed, farmed or disturbed land.

Break O'Day Council has a Municipal Vegetation Management Plan that suggested that a Flora and Fauna assessment should be undertaken for all applications, although this approach is not presently contained in the planning scheme.

The risk to a developer is that if detailed assessments are not undertaken prior to approvals being given, there is a possibility that subsequent identification of significant sites may stop or significantly delay a development.

To clarify this issue, the following guidelines are suggested in relation to making a decision about what specialist information is required to accompany a development application:

1. The onus on identifying whether land contains sites of biodiversity or cultural heritage significance ultimately rests with the developer.
2. Generally the degree to which land has been altered from its natural state in the past, has an influence on whether detailed assessments will be required.
   - Urban development – Low potential for sites and intangible associations of significance.
   - Agricultural development – Moderate potential.
   - Natural condition – High potential for sites of both environmental and cultural heritage significance, and for intangible heritage values.
3. In areas that have been substantially disturbed in the past (i.e. for urban or agricultural development), if doubt or uncertainty exists as to the existence of sites of significance, a desktop assessment should be undertaken by the developer. That assessment should include a recommendation whether or not further more detailed assessments should be undertaken.
4. In areas covered by a Biodiversity Code, a full environmental assessment must be undertaken. A full cultural heritage assessment should also be undertaken in such areas, unless a desktop assessment is undertaken which recommends that there is no need for a full assessment.
5. If land is affected by any of the following, there is a high likelihood that it may contain sites of significance, and a full environmental and cultural heritage assessment should be undertaken (such land where it exists along the coast will generally be covered by a Coastal Code):
   - On or close a coastal dune system, a river mouth or wetland; and
   - On or close to a watercourse.
6. If there is any doubt about whether a referral and approval may be required, is better to initiate contact with the relevant agency to confirm whether or not that is the case, before proceeding with a planning permit application.

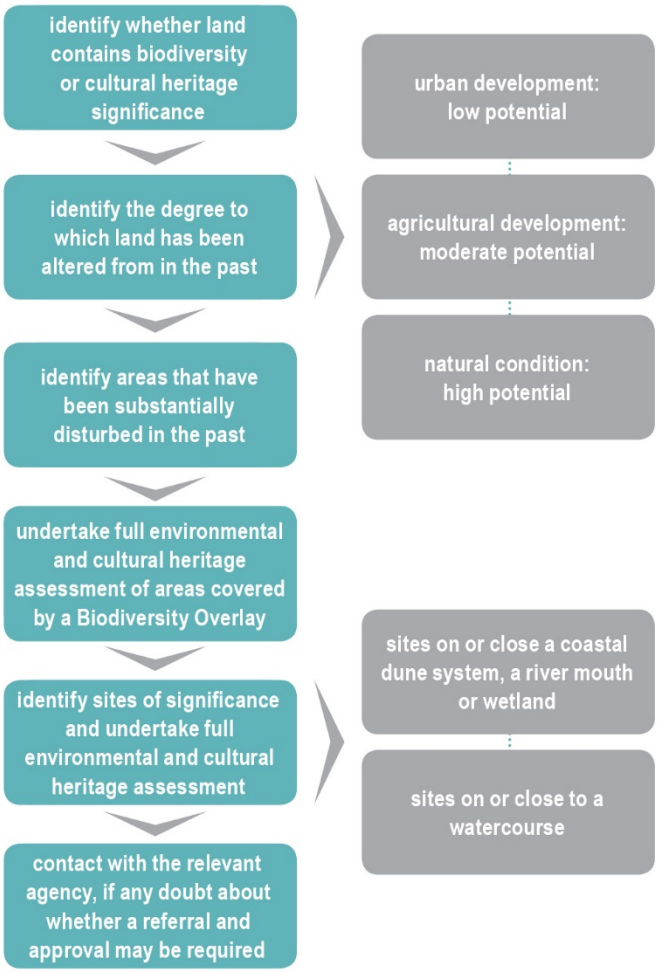

Figure 10: Guidelines for determining specialist information requirements

8.5 Training

Training of existing local government and other agency staff will be required to implement the recommendations of this report to improve the current development approvals process.

8.5.1 Aim of the training program

The aim of the training program should be to:

- Improve the knowledge of all planning staff in each Council (and other agency staff) about the approvals processes, procedures and requirements of all relevant planning and other related legislation, that applies to obtaining development approvals for tourism developments within the region.
- Establish a key person or persons within each Council who can perform the role of a Project Champion.
- Build relationships between Council staff and other agency staff that will allow for the effective implementation of the East Coast Interdepartmental Support and Advisory Group and the 'hotline'.
- Gain ownership of and support for the proposed Integrated Approvals Assessment Process suggested in this report.

The key areas of legislation which training should be focussed on include:

- Planning approvals
- Environmental approvals
- Heritage approvals
- Aboriginal heritage approvals

This will need to include knowledge of the approvals requirements at each level in the process i.e:

- National
- State
- Regional
- Local

8.5.2 Training methods

The approach to training should include the following steps:

- *Preparation of an Integrated Approvals Process Training Manual*. The purpose of the training manual will be to provide reference material for ongoing use. It will be important that the manual is continually updated as changes to legislation occurs. It could be either a hard copy or preferably an online resource. The manual should initially be prepared by the Councils involved in this study. However ultimately it could be prepared by the Tasmanian Planning Commission, as the Integrated Approvals Assessment Process suggested as part of this study, has the potential for state wide application.
- *An Initial Training Workshop with relevant Council and agency staff*.
- *Annual / biannual refresher courses*. The frequency of these courses will depend on the turnover of staff in Councils and agencies, and the rate at which legislation changes occur.

8.5.3 Integrated approvals assessment process manual

The manual should include the following elements:

- An introduction to the purpose of the Integrated Approvals Assessment Process and how it works.
- A statement of the responsibilities of a Project Champion.
- A statement of the responsibilities of the East Coast Interdepartmental Support and Advisory Group.
- Flow charts of all relevant planning and related approvals processes.
- A case study (studies) demonstrating the application of the process, which show a potential critical path for proposed tourism development in a practical situation likely to be encountered in the region in the future.
- Guidelines for requiring further specialist information.
- A contact list for Committee members and the hotline.
- A PowerPoint Presentation for Initiation Workshop

An example of the key elements to be included in the training manual are contained in Appendix 1.

8.6 Planning scheme amendment

Implementation of the recommendations contained in Chapter 8.2 will necessitate an amendment to planning schemes of municipalities within the region. The recommendations included:

- Incorporating the recommendations of any existing or updated tourism strategies prepared for the region, as a reference document into municipal planning schemes.
- Amending municipal planning schemes to establish tourism as a 'foundation use' and to embed strategic directions, policies, land use and development standards for tourism use, throughout planning schemes in a comprehensive and integrated way.

Following are suggested amendments to the Break O'Day Interim Planning Scheme, as an example to achieve the above recommendations. Municipal name changes etc would be required to apply to other planning schemes. Additional changes may also be required if existing tourism strategies are updated, as recommended in Chapter 8.2

Break O'Day Planning Scheme as an example

1. Add the following additional paragraph at the end of the introduction to *'Section 2.2.2 - Local Context'*:

   Within the municipality of Break O'Day, Council is also committed to facilitating sustainable tourism development. Tourism is a major economic activity in the municipality and has the potential to make a considerably greater contribution to the economy in years to come. A specific tourism policy is added to the six policy areas contained in the Northern Regional Strategy 2030. This will assist in implementing the recommendations of Component 3 of the Planning for Sustainable Tourism on Tasmania's East Coast project.

2. Add the following new section at the end of *'Section 2.2.2 - Local Context'*:

   The East Coast of Tasmania is a popular tourist location with beautiful beaches, national parks and rural landscapes. It contains a number of icon tourist destinations such as the Bay of Fires, Freycinet National Park, Douglas Aspley National Park, Mt William National Park and St Helens.

   It is one of Australia's most attractive ocean drives and cycling routes, and there is the potential to establish an icon coastal walk along the entire east coast, linking its many attractions and increasing its appeal to tourists.

   The region has a number of smaller towns and settlements, and numerous camping areas dotted along the coast, which make it a popular holiday destination for both local and international tourists.

   The area provides a wide range of tourism destinations and activities both within townships and also throughout the rural areas and national parks. As tourism becomes an increasingly important part of the local economy, it will be important to facilitate sustainable tourism development, whilst protecting and enhancing the environmental, cultural heritage and scenic qualities of the area.

   More commercially based tourist developments will be encouraged to locate in larger urban areas within the region that have a wider range of services and facilities. The following hierarchy of towns is used for the purpose of identifying the types of developments appropriate in different sized settlements:

   - *Main Towns*
   - *Small Towns*
   - *Settlements*

   A number of distinct tourism experience precincts also exist throughout the region. A different policy approach is required to manage tourism developments in each precinct, to retain the essence of the tourist experiences of those precincts. The tourism experience precincts identified are:

   - *Northern Wilderness Coast;*
   - *Central Rural Coastal Landscape;*
   - *South Peninsula and Headlands; and*
   - *Southern Rural Areas.*

3. Add the following new section to *'Clause 3.1.1 – Specific Planning Scheme Objectives'*:

   Tourism:

   a) *To facilitate sustainable tourism development in appropriate locations throughout the municipality.*

   b) *To locate more commercially based tourism uses and activities in townships and settlements throughout the municipality, as set out in Component 3 of the document "Planning for Sustainable Tourism on Tasmania's East Coast", based on the following hierarchy of settlements:*

      - *Main Towns*
      - *Small Towns*
      - *Settlements*

c) *To provide the opportunity for tourism uses and activities that benefit from a location in rural or environmental areas, to locate in such areas, provided that the role and function of the tourism experience precinct in which they are located is respected, as set out in Component 3 of the East Coast Tasmania Sustainable Tourism Strategy, based on the following tourist experience precincts:*

- *Northern Wilderness Coast;*
- *Central Rural Coastal Landscape;*
- *South Peninsula and Headlands; and*
- *Southern Rural Areas.*

4. Make the following additions to the *'Environmental Living Zone'*:
   - Include the following paragraph in *'Clause 14.1 Zone Purpose'*:

     To provide the opportunity for smaller scale tourism uses and activities that benefit from a location in a rural area, which do not adversely impact on rural living amenity, or the natural environmental, cultural heritage or landscape qualities of the area.
   - Include the following paragraph in the *'Local Area Objectives'*:
     - Nil at this time. Further study may identify appropriate local area objectives to apply to tourism uses in this zone.
   - Include "Tourism operations", as a discretionary use in the Use Table at Clause 14.2.
   - Include the following in the *'Use Standards'*:
     - Nil at this time. Further study may identify use standards appropriate to apply to tourism uses in this zone. Potential standards could relate to number of patrons, hours of operation, number of rooms etc.
   - Include the following text in the 'Development Standards':
     - Nil at this time. Further study may identify development standards appropriate to apply to tourism uses in this zone. Potential standards could relate to site layout, built form, access, sustainability or infrastructure requirements etc.
5. Make the following additions to the *'Rural Resource Zone'*:
   - Delete clause 26.1.1.4 and replace it with the following paragraph in *'Clause 26.1 Zone Purpose'*:

     To provide for tourism uses and activities that benefit from a location in a rural area, and which do not adversely impact on the natural environmental, cultural heritage or landscape values of the area.
   - Include the following paragraph in the *'Local Area Objectives'*:
     - Reword the two paragraphs presented contained in Point 2 of Clause 26.1.2 to read as follows:

       Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported.

       The rural areas of the municipality also provide the opportunity for tourism uses that benefit from a location in an attractive rural landscape, but do not necessarily have a relationship to primary production. Such uses are supported where they do not adversely impact on the natural environmental, cultural heritage or landscape qualities of an area, or on the ongoing operation of agricultural operations on adjoining land.
   - Include the following in the *'Use Standards':*
     - Nil at this time. Further study may identify use standards appropriate to apply to tourism uses in this zone. Potential standards could relate to number of patrons, hours of operation, number of rooms etc.
   - Include the following text in the *'Development Standards'*:
     - Nil at this time. Further study may identify development standards appropriate to apply to tourism uses in this zone. Potential standards could to relate to site layout, built form, access, sustainability or infrastructure requirements etc.
6. Make the following additions to the *'Environmental Management Zone'*:
   - Include the following paragraph in *'Clause 29.1 Zone Purpose'*:

     To provide for eco-tourism and related uses and activities which do not adversely impact on the natural environmental, cultural heritage or landscape values of the area.
   - Include the following paragraph in the *'Local Area Objectives'*:
     - Nil at this time. Further study may identify appropriate local area objectives to apply to tourism uses this zone.
   - Include the following in the *'Use Standards'*:
     - Nil at this time. Further study may identify use standards appropriate to apply to tourism uses in

this zone. Potential standards could relate to number of patrons, hours of operation, number of rooms etc.

- Include the following text in the *'Development Standards'*:
  - Nil at this time. Further study may identify development standards appropriate to apply to tourism uses in this zone. Potential standards could relate to site layout, built form, access, sustainability or infrastructure requirements etc.

7. Include as a reference document the *East Coast Tasmania Sustainable Tourism Strategy – Component 3 Sustainable Tourism Plan* and / or any updated tourism strategies that result as a consequence of this project.

8.7 Cultural heritage studies

In relation to post-contact heritage, there is presently a lack of information and protection for locally significant heritage buildings, sites and places.

The Tasmanian Heritage Register (THR) lists buildings and places of State significance, and provides adequate protection for places included on that register.

At the municipal level, a Heritage Code is available in new format interim planning schemes which can be applied to heritage places, including locally significant places. At present very few locally significant heritage places have been identified by heritage studies, and few locally significant places are listed in planning schemes.

It is recommended that local heritage studies be undertaken by each municipality to identify locally significant heritage places, for inclusion within the Heritage Code of municipal planning schemes.

There is also a lack of recognition and protection for intangible heritage places such as significant landscapes and views. These places may, in some cases, relate to both pre and post-contact cultural heritage matters.

Many locations containing 'less tangible' places of cultural heritage significance, such a significant landscapes, were included on the now defunct Register of the National Estate. Such landscapes are not presently either recognised or protected.

The new format interim planning schemes provides the opportunity to protect significant landscapes and views by use of the Scenic Management Code. It is recommended that a landscape study be undertaken for municipalities throughout the study area. The study should review significant landscapes identified on the previous Register of the National Estate, undertake visual analysis to identify other significant landscapes and views, and make recommendations for the Scenic Management Code to be applied to manage development within those areas.

9 Suggestions for improving the existing system

Components 1 and 2 of this project identified a number of suggestions for improving the existing system. These suggestions are summarised in Table 3. Many of the suggestions are procedural and can be readily implemented via changes to processes already adopted by various agencies. The Integrated Approvals Assessment Process discussed in Chapter 8 aims to respond to many of these suggestions.

General suggestions	Suggestions regarding biodiversity and other environmental matters	Suggestions regarding cultural heritage matters
▪ Greater emphasis on pre-application discussions, investigations, due diligence. ▪ Better and more accessible information on the approvals process and requirements i.e. web-based. ▪ Single point of contact – initially at local government, alternatively at the Tasmanian Planning Commission – i.e. Project Champion. ▪ Need for consolidated guidelines that bring together all approvals processes. ▪ Formalise an agreed integrated pre-application process. ▪ Case studies for agreed integrated pre-application process. ▪ Clear guidance on the level of information required for different types of development in different areas.	▪ Have a formalised pre application phase that includes due diligence from an environmental perspective. ▪ Engage with the Department of Environment for EPBC referral / approval before formal planning process starts. ▪ Need clear guidelines / checklists regarding the need for, and the level of ecological assessment required for different types of developments in different circumstances. ▪ Components of a site Natural Values Assessment (flora and fauna, etc.) as set out by DPIPWE (2009) specifically addressing the requirements in Tasmania for development applications. Take into account Local, State and National (i.e. EPBC Act) requirements, plus issues of geoconservation in Tasmania. Should inform both pre-application due diligence assessments, as well as any site-specific assessments undertaken in support of development applications. ▪ A pre-application checklist that can guide the pre-application approvals scheduling to better align the differing chronologies written into the three tiers of governmental process.	▪ Involve the aboriginal community in determining how they should be involved and how the system should work. ▪ Involve the aboriginal community early in the process. ▪ Need to have regard to matters of 'intangible significance'. ▪ Need a policy that relates to areas with a high likelihood of being significance i.e. close to watercourses, coastlines, wetlands, undisturbed land. ▪ Better mechanisms to protect unknown sites of significance. ▪ Establish a representative Aboriginal community body (or bodies) to respond to proposals.

Table 3

Changes or modifications to existing legislation which the planning and development approvals process is based upon is more difficult to achieve for a number of reasons:

- Legislation exists at different administrative levels i.e. local, State and Federal government levels;
- Legislation changes are influenced by political decisions;
- Legislation is generally specific to its purpose, and by nature does not address other areas of interest outside its core focus;
- Each area of legislation generally sets out a detailed process, including information requirements, community engagement and often appeals review process. Specialist bodies are required to consider those issues (i.e. appeals tribunals, public hearings etc); and
- Federal government takes little, if any interest in 'town planning'. Planning is perceived to be a State level activity and accordingly each State has developed its own legislation and approach. This means that there is limited opportunity to achieve uniform changes to federal legislation, as each State planning system would require a complete overhaul.

Some relatively simple things that could be reviewed are set out below.

9.1 Review the need for both reserve activity assessments and planning permits.

In situations where the Parks and Wildlife Service (PWS) is the land manager, a dual approvals process is required whereby an approval called a Reserved Activity Assessment is required, as well as a planning permit. This process should be reviewed.

There is merit in the PWS issuing approvals for the use and development of land within parks, as it is the designated land manager. The PWS has a thorough and detailed assessment process that provides a high level of assessment of the onsite impacts of a proposed development.

However the RAA process does not seem to provide the opportunity to take into account wider strategic planning issues that are generally beyond the scope of PWS and are more commonly associated with a local council in the exercise of its planning responsibilities.

Likewise the planning permit application process does not provide the opportunity for a Council to take into account those matters of interest to the PWS. This removes the opportunity for PWS assessment considerations (as a land manager and issuer of licenses to occupy and use land) as conditions to any Council approval.

Options to be considered in any review include:

- Streamlining the RAA process and narrowing its focus on the leasing or licencing of land, rather than delving into matters of land use etc;
- Retaining the planning permit application process as the process where a detailed assessment is made about the onsite impacts and implications of a proposed development, and longer term strategic implications; and
- Making the PWS a referral authority in the planning permit application process (with veto rights) to enable consolidation of conditions in a single approval process.

9.2 Cultural heritage

Aboriginal heritage considerations and approvals largely operate outside the planning system in Tasmania. The planning system in Tasmania, as well as in other jurisdictions, has typically evolved overtime to incorporate new matters of interest that are relevant to land use and planning decisions. Examples include the expansion of the planning systems throughout Australia over the years to include social, economic, transport, bushfire management, historic buildings, urban design, integrated land use planning and transport, native vegetation protection, climate change, sustainability and the like.

A driving aim of this approach has been to minimise the number of approvals required before land can be used or developed, to simplify the development approvals process, and to provide a single point of contact for development approvals. This point of contact is generally local government, with decision making powers or advisory roles being passed to State government for matters of regional or State significance.

Integral to this process is the process of referring applications to relevant specialist authorities and agencies to comment on their areas of interest. This referral process may comprise either informal, advisory powers, or formal powers of veto, depending on the significance of the matter to be referred.

A review should be undertaken to determine the appropriateness and method of integration of aboriginal heritage matters into the planning system in Tasmania. This review should be extended to consider the merits or otherwise of extending aboriginal heritage to apply to 'intangible heritage' comprising less spatially defined or physical artefact based places of interest. This is particularly relevant to members of the Aboriginal community.

9.3 Biodiversity and other matters of national environmental significance

As with cultural heritage, biodiversity Matters of National Environmental Significance exist outside of the planning system, not only in Tasmania but in other states throughout Australia.

The relationship between Matters of National Environmental Significance and the planning framework should be reviewed. The aim should be to integrate national environmental matters into planning schemes, so they can be taken into account when preparing planning schemes, amending planning schemes and assessing planning permit applications.

Environmental matters of State significance also should be fully integrated into planning schemes. Integration should seek to have common sets of requirements, procedures, timeframes and dispute mechanisms for maters of environmental significance, regardless of whether they are of state or of national significance.

Conclusion

This report is the culmination of investigations undertaken as part of a broader project referred to as *"Planning for Sustainable Tourism on Tasmania's East Coast*".

The report brings together the findings of two earlier reports prepared as part of that project. It provides directions for sustainable tourism along the East Coast of Tasmania, and makes recommendations to improve the existing planning and approvals process to better manage the impacts of tourism development on the environmental and cultural heritage values of the region.

Key recommendations contained in this report are included in the "*Summary of Recommendations"* chapter at the front of this document.

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Appendix 1

Integrated Approvals Assessment Process Manual

Integrated Approvals Assessment Manual

(Indicative only)

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1 The purpose of the Integrated Approvals Assessment Process

The purpose of this manual is to explain the Integrated Approvals Assessment Process, that has been recommended be applied to the assessment of tourist developments by Component 3 of the *Planning for Sustainable Tourism on Tasmania's East Coast* project (December 2014).

The purpose of the *Integrated Approvals Assessment Process* is to simplify the development approvals process for tourism development. It aims to identify a single pathway, or a critical path, through all the different types of approvals processes that may be required to be complied with, to gain consent for a tourism development to proceed.

The critical path will clearly outline for the proponent of a development and for the community, what steps need to be taken, in what order, and for which approval process, in order for a development proposal to be assessed and a decision made in the quickest and most efficient time.

The aims of the process are to:

- Simplify the numerous development approvals processes that may be required, and consolidate them into sequential steps into one simple to understand and logical process.
- Minimise the time taken for a proposal to be assessed and a decision to be made.
- Clarify the specialist information required to be submitted with an application, to enable a proposal to be fully assessed under all relevant approvals processes.
- Improve the quality of assessment of proposals by planning and other agencies, and improve coordination between agencies in assessing proposals.
- Where possible combine public exhibition and community notification processes required under different types of legislation.
- Where possible, combine requests from agencies for information, and provide the opportunity for a proponent to identify all specialist information requirements upfront, where possible.
- Increase certainty in the process for both proponents and the community.

2 Planning and Related Approvals Processes

The type of approvals required for tourism development (as for other types of development) are many and varied. They generally relate to four key issues:

- Planning
- Environmental
- Heritage
- Aboriginal

The process required to be followed many vary depending on whether the issue is of:

- Local significance
- Regional significance
- State significance
- National significance

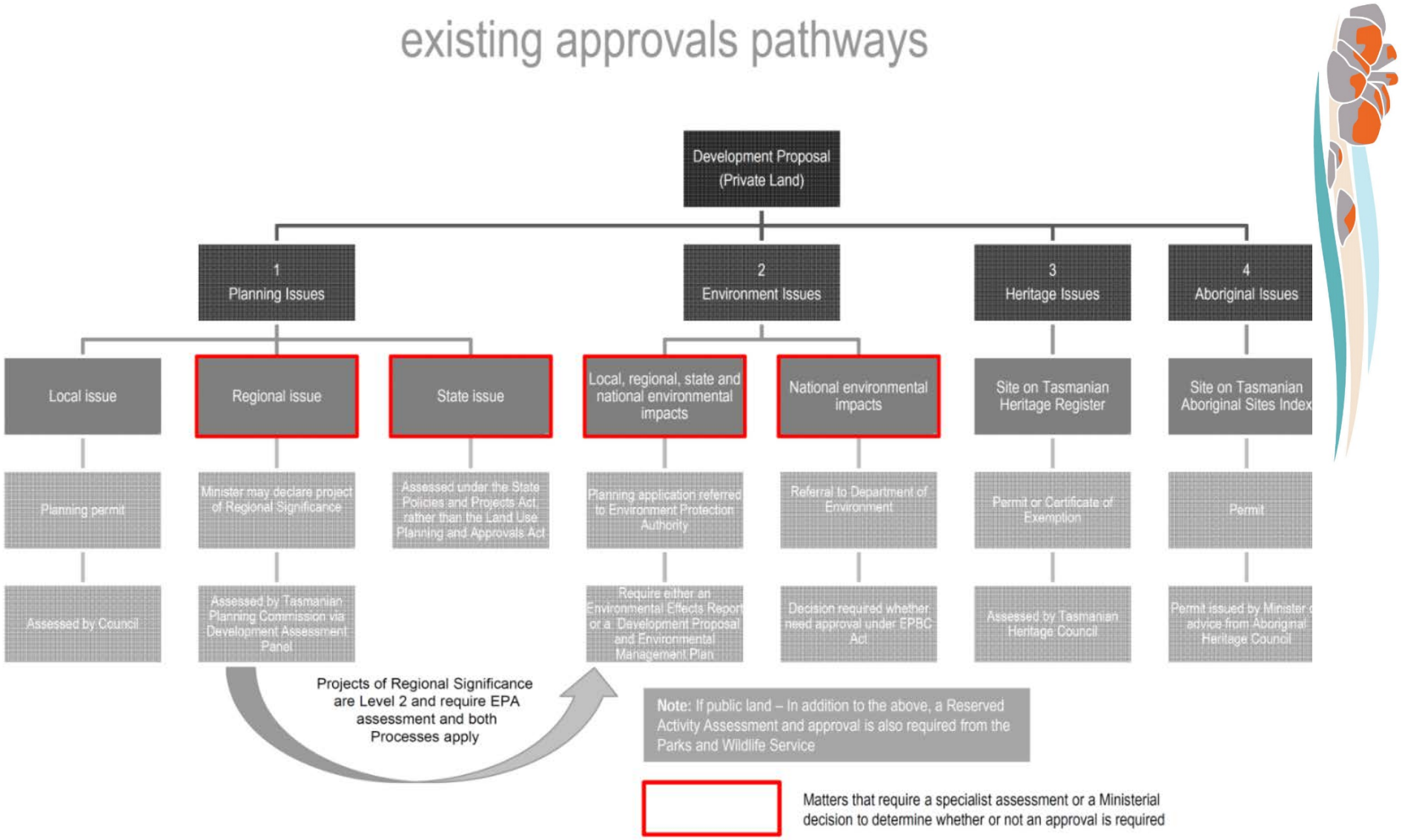

Figure 1 - Existing approvals pathways

3 What is the Integrated Approvals Assessment Process

The Integrated Approvals Assessment Process involves the following initiatives:

1. It takes an integrated approach to negotiating a pathway through the numerous approvals required for tourism developments.
2. A Project Champion is designated to work with proponents of a development to identify the critical path through the various approvals required.
3. Agreement to and a commitment to follow the critical path by all relevant approvals agencies.
4. Establishment of an East Coast Interdepartmental Support and Advisory Group, to work with the Project Champion to identify and to gain a commitment to achieving the critical path agreed to.
5. Run training programs to up skill Project Champions and members of the East Coast Interdepartmental Support and Advisory Group, so that they are fully aware of all relevant planning and development approvals requirements under various legislation, and are able to assist proponents to determine a critical path through the process.
6. Establishment of a hotline within the Tasmania Planning Commission to provide advice to Project Champions.

Figure 2 - Initiates in the Integrated Approvals Assessment Process

4 The role of the Project Champion

The role of the Project Champion will be to work with developers to identify a single pathway through the various approvals required.

Project Champion will be:

- A local government planner (or other appointed 'development facilitator') for tourism developments on private land.
- A Parks and Wildlife Service planner for developments on public land.
- An officer of the Town Planning Commission for matters of regional or State significance.

5 The role of the Support and Advisory Group

The role of the East Coast Interdepartmental Support and Advisory Group will be to work with Project Champions to identify and to gain a commitment to achieving the critical path agreed to with the proponent.

The composition of the Group will involve relevant staff from:

- Each municipality in the region
- Parks and Wildlife Service
- Environmental Protection Authority
- Business Tasmania
- Aboriginal Heritage Tasmania
- A representative from the local Aboriginal community
- Department of Primary Industries Parks Water and Environment
- Tasmanian Planning Commission
- Department of State Growth

Members of the group will be available both as a group and individually, to assist Project Champions in determine the critical path for proposals.

A flexible approach should be taken to meetings, which involve phone conferences and teleconferencing, and loose groupings of committee members depending on the needs and complexity of various proposals.

6 Steps in the Integrated Approvals Assessment Process

The process should start with a 'well-conceived' development proposal by a prospective developer.

The Integrated Approval Assessment Process involves the following steps:

1. Tourism proposal concept definition and pre-feasibility assessment (responsibility of the proponent). Ensure that proponents have at least some concept of the proposal they are advancing and its commercial viability.
2. Preliminary discussion with the planner at Council (if on private land) or the Parks and Wildlife Service (if on public land).
3. Tourism proposal definition and feasibility confirmation. A more detailed assessment by a proponent to confirm the design details of a project and its viability.
4. Pre-application meeting with a planner at Council (private land) or the Parks and Wildlife Service (public land).
5. Determine and agree on the Integrated Approvals Process that is appropriate for a particular proposal:
    - Identity all of the approvals required and all relevant legislation.
    - Identify the order in which the approvals should be sought.
    - Determine the level of specialist information required for each step in the process. The aim is to avoid the duplication of information, to ensure that all necessary information for all approvals is assembled at the most appropriate and convenient time in the process.
    - Set out the process for integrating various approvals and avoiding or minimising overlapping requirements.
    - Identify the timing and sequencing of various agency consultation or referral requirements. The aim is to run concurrent referral processes through each relevant agency, to save time and repetition.
    - Identify the timing and sequencing of public consultation requirements. The aim is to run concurrent public consultation processes to save time and repetition, and confusion within the community.
    - Identify key contact points in each agency.
    - Identify an integrated timeline throughout the entire approvals process.
    - Identify any uncertainties, unknowns or risks that may exist in the process and identify contingencies for their management. For example, determining whether an application requires referral to higher level parties or an alternative approval process from the relevant minister(s).

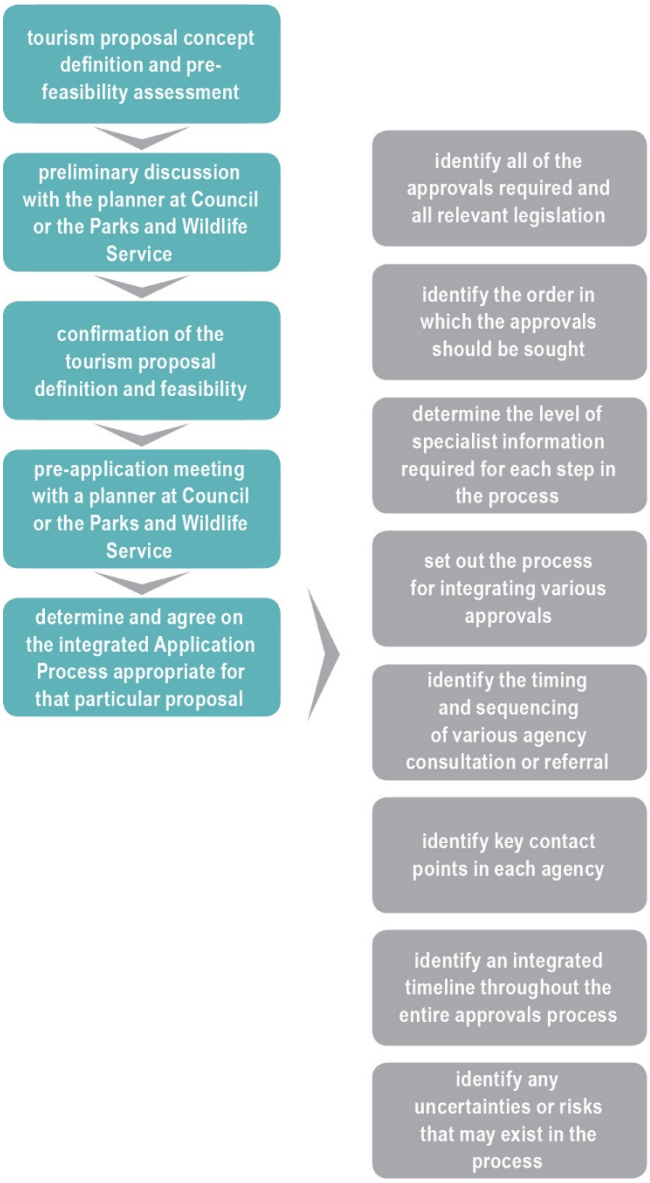

Figure 3 - Steps in the Integrated Approvals Assessment Process

7 Guidelines for determining the information to be submitted with an application

1. The onus on identifying whether land contains sites of biodiversity or cultural heritage significance ultimately rests with the developer.
2. Generally the degree to which land has been altered from its natural state in the past, has an influence on whether detailed assessments will be required.
   - Urban development – Low potential for sites and intangible associations of significance.
   - Agricultural development – Moderate potential.
   - Natural condition – High potential for sites of environmental and cultural heritage significance.
3. In areas that have been substantially disturbed in the past (i.e. for urban or agricultural development), if doubt or uncertainty exists as to the existence of sites of environmental significance, a desktop assessment, including a Natural Values Assessment, should be undertaken by the developer. That assessment should include a recommendation whether or not further and more detailed assessments should be undertaken.
4. In areas covered by a Biodiversity Overlay, a full environmental assessment must be undertaken. A full cultural heritage assessment should also be undertaken in such areas, unless a desktop assessment is undertaken which recommends that there is no need for such a full assessment.
5. If land is affected by any of the following, there is a high likelihood that it may contain sites of significance, and a full environmental and cultural heritage assessment should be undertaken:
   - On or close a coastal dune system, a river mouth or wetland; and
   - On or close to a watercourse.

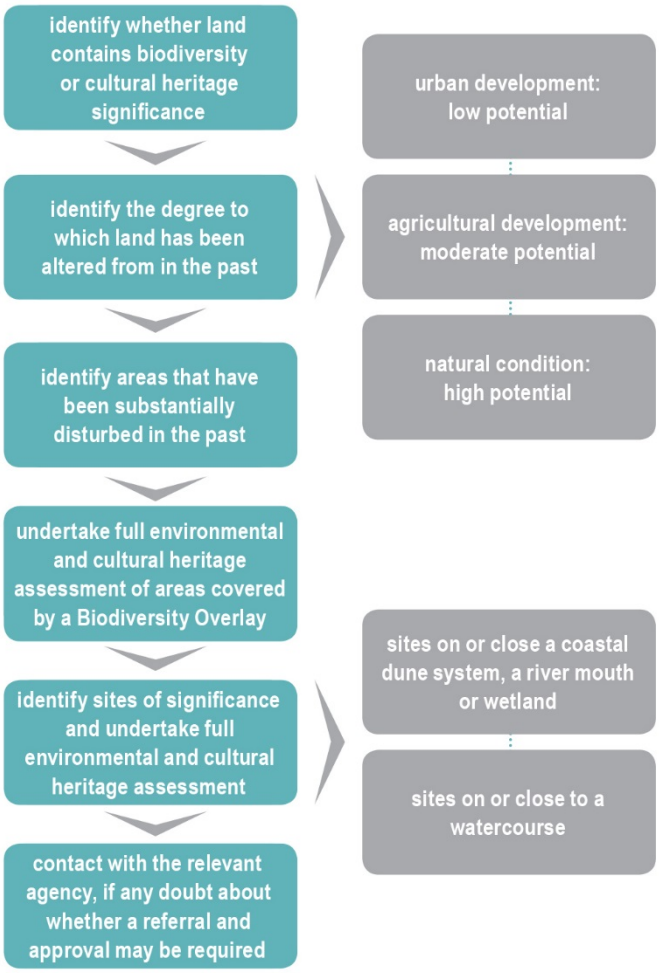

Figure 4 - Guidelines for determining specialist information requirements

6. If there is any doubt whether a referral or approval may be required from a State of Federal agency, it is better to initiate contact with the relevant agency to confirm whether or not that is the case, before proceeding with a planning permit application.

8 A contact list for committee members and the hotline

To be completed.

9 Determining the critical path

9.1 Principles

Figure 5 shows how the various approvals processes that may apply to a tourism development interact and a possible critical path through them.

It should be noted that the process contained in the figure is a summary diagram only. It does not show all of the possible variables that could arise in relation to any one of the approvals process. More detailed flowcharts for individual approvals processes are provided in Section 10.

The following principles are embodied in that critical path diagram.

1. In all cases involving privately owned land, the process should start with pre-application discussions with a Council town planner. On public land managed by the Parks and Wildlife Service (PWS), the process should start with pre-application discussions with the PWS. These discussions will begin to identify all of the approvals likely to be required, and the possible critical path through the various processes. A series of ongoing discussions may be needed in order to progressively refine the project and more accurately identify its potential impacts, the type of supporting information required, and the most appropriate path through the various approvals that may be required.
2. The need for approvals such as planning permits and heritage permits are easy to identify as they are governed by prescriptive legislation. However the need for other approvals, such as those under the EPBC Act, Aboriginal Heritage Approval etc, may require a desktop assessment, site inspection and preliminary assessment to determine whether an approval is actually required. It is important to confirm what approvals are required early in the process, before lodging a planning permit application.
3. If there is any about whether an approval is required, the matter should be referred to the relevant agency for them to confirm whether or not an approval is required.
4. If consultation is required with the local Aboriginal community, this consultation should start as early in the process as possible. Ideally it should start prior to officially applying for any approvals.
5. The critical path for an individual development proposal will vary considerably, depending on the complexity of the proposal, the potential impact on matters of environmental and cultural heritage significance, and the level of community interest. Generally:
    - The less complex and controversial, and the less impact a proposal is likely to have, the greater is the opportunity to run approvals processes concurrently.
    - The more complex and controversial, and the greater the impact a proposal is likely to have, the less is the opportunity to run approvals processes concurrently
6. On public land managed by the PWS, the Reserve Activity Assessment Process will involve determining the need for approvals under the EPBC Act or for an Aboriginal Heritage Permit.
7. If approval is required under Federal legislation (i.e. the EPBC Act) generally it should be applied for before a planning permit application is lodged, especially if it is for a complex and / or controversial proposal. If is relatively straight forward and all agencies are generally in agreement, can apply concurrently.
8. State and Federal government environmental assessments should be coordinated wherever possible. (i.e. EPBC Act referral and Level 2 Activity Referral).

9.2 The critical path to approval

Two diagrams that explain how to determine the critical path for the approvals process, are shown on the follow pages. The first diagram is a Summary Diagram which shows the order in which different approvals are most likely to be sought. The second diagram is a more detailed explanation of the same table, but which explains each of the steps in determining the critical path.

Integrated Approvals Process – The Critical Path to Approval (Summary Diagram)						
			Critical path			
Planning Permit	Environmental EPBC Referral	Referral to EPA		Aboriginal Heritage Permit	Reserve Activity Assessment (if in a National or State Park)	Heritage Approval
			1. Pre-application Confirmation of development concept. Meeting with Council planner (private land) or PWS officer (public land) to confirm details of proposal and to discuss all likely approvals required and to identify the critical path through all processes.			
			2. Confirmation of Approvals required On private land - Confirm the need for environmental / aboriginal heritage approvals. On public land – Commence Reserve Activity Assessment process, which will involve identifying environmental and aboriginal heritage approvals required.			
			3. Commence consultation with aboriginal community, if required. This should be done prior to lodging applications / referrals for environmental or aboriginal heritage approval.			
			4. Apply for environmental and cultural heritage approval, if required. Apply concurrently with planning permit application if approval reasonably anticipated. Apply prior to applying for a planning approval in difficult or controversial cases in which a risk exists that approval may not be forthcoming.			
			5. Apply for planning permit			

Critical path

EPBC assessment

Level 2 Activity Assessment

Aboriginal heritage Assessment

Reserve Activity Assessment

Planning permit application

May occur concurrently with planning permit application in straight forward cases

May occur concurrently with planning permit application in straight forward cases

Pre-applicat

Post-application

License / lease approved once planning permit / EPBC / Aboriginal Heritage approvals granted, if required

Heritage permit application

Figure 5 - Integrated Approvals Assessment Process - Critical Path to Approval – Summary

Integrated Approvals Assessment Process - The Critical Path to Approval (Explained)

Planning Permit	Environmental EPBC Referral	Referral to EPA	Critical path	Aboriginal Heritage Permit	Reserve Activity Assessment (if in a National or State Park)	Heritage Approval
Pre-application meeting with Council planner to discuss all likely approvals required and to identify the critical path through all process.	Pre-application meeting with Council planner to discuss all likely approvals required and to identify the critical path through all process.	Pre-application meeting with Council planner to discuss all likely approvals required and to identify the critical path through all process.	**1. Pre-application - Confirmation of development concept. Meeting with Council planner (private land) or PWS officer (public land) to confirm details of proposal and to discuss all likely approvals required and to identify the critical path through all processes.**	Pre-application meeting with Council planner to discuss all likely approvals required and to identify the critical path through all process.	Pre-application meeting with Parks and Wildlife Service to discuss all likely approvals required and to identify the critical path through all process.	Pre-application meeting with Council planner to discuss all likely approvals required and to identify the critical path through all process.
	Pre-application discussion with Department of Environment to discuss likelihood of requiring EPBC Act approval and therefore the ned for an EPBC referral. *Note: If there is even a slight possibility of a "significant impact" on a Matter of National Environmental Significance, it is a good risk management practice to refer the matter to the Department of Environment. If it is certain there will be an impact it should be referred as it will speed up the process.*	Pre-application discussion with EPA to discuss likelihood of the proposal being a Level 2 Activity.	**2. Confirmation of Approvals required:** **On private land - Confirm the need for environmental / aboriginal heritage approvals** **On public land – Commence Reserve Activity Assessment process, which will involve identifying environmental and aboriginal heritage approvals required.**	Contact AHT for desktop assessment to determine if an Aboriginal Heritage Survey needs to be undertaken.	Provision of initial advice to proponent about requirements for Reserved Activity Assessment and coordination with other approvals processes.	Determine if the building or site is on the Tasmanian Heritage Register and whether or not the works are exempt. If exempt apply for an exemption certificate from the Heritage Council.
	Undertake Natural Values desktop assessment and also a desktop analysis (online search of Matters of National Environmental Significance) to determine likelihood of requiring EPBC approval and therefore the ned for an EPBC referral.	Undertaken Natural Values desktop assessment.		If a survey is required, engage Aboriginal heritage practitioner to prepare an Aboriginal Heritage investigation report and to undertake a search of the Tasmanian Aboriginal Sites Index.	Preparation of application to PWS.	
	If in doubt, engage expert to undertake preliminary assessment and recommend whether referral under the EPBC Act is likely to be required.	If in doubt, engage expert to undertake a preliminary assessment and recommend whether the proposal is likely to be classified as a Level 2 Activity.			PWS undertakes 'concept review' of the proposal and requests further information, if necessary.	
	If still in doubt, to confirm / determine if a referral is required, submit Referral Form (including an ecological impact assessment report and mitigation options if possible) to the Department of Environment.	If still in doubt, or if required, Lodge Notice of Intent (prior to submitting a planning permit application) to confirm / determine whether an assessment is required by the EPA, and if so, the class of assessment required.			PWS requires proponent to prepare a comprehensive Environmental Impact Assessment to determine whether proposal should proceeds.	
	Minister (or delegate) makes a decision on whether an referral is required (a Controlled Action) and on the type of assessment need, within 20 days. If no approval is required (or if a "Not Controlled Action – Manner Specified" decision is given) , start planning permit application process. If approval is required, it is a judgement call as to whether start planning permit application process.	If assessment or referral required, EPA Board prepares project specific guidelines for the assessment. If an assessment by the EPA is required, this process should be coordinated with EPBC Act process.			If PWS consents to development, then other approvals processes can begin (i.e. Council planning permit)	
			3. Commence consultation with aboriginal community, if required. **This should be done prior to lodging applications / referrals for environmental or aboriginal heritage approval.**	Briefing with AHT and discussions with the local Aboriginal community (if required) on the nature of the development and its potential impacts. Hold discussions with the local Aboriginal community (if required) regarding the possible presence of unknown sites or areas with intangible aboriginal cultural value		
				Undertake field investigations and prepare a survey report.		
				AHT issues TASI numbers if any sites are identified in the field from the field investigations.		
				Prepare compiled report in accordance with the requirements of the guidelines. The report must explain the consultation that has occurred with the Aboriginal community.		
				Submit report to AHT for review.		
				Proponent advised by AHT whether proposal may proceed or whether an Aboriginal Heritage permit is required.		
Discussion with council planner	If an assessment is required, the Minister (or delegate) assesses the proposal and makes a decision on the application.	Proponent prepares Environmental Effects Report or Development Proposal and Environmental Management Plan. Public consultation may occur in this stage, for larger projects only.	**4. Apply for environmental and cultural heritage approval, if required.** **Apply concurrently with planning permit application if approval reasonably anticipated.** **Apply prior to applying for a planning approval in difficult or controversial cases in which a risk exists that approval may not be forthcoming.**	If required, permit application and necessary supporting documentation is submitted to AHT and forwarded to the Aboriginal community		
	Minister makes decision. Decision is generally made within 20 to 30 days, depending on the type of assessment undertaken. Legally enforceable conditions are likely to be stipulated in any approval.			Decision made by Minister.		
Lodge planning permit application		If planning permit required, permit application lodged with Council and referred by Council to EPA Board	**5. Apply for planning permit**			Lodge a planning permit application with the local Council.
Preliminary assessment by Council						
Request for further information		EPA Boards request further information, if necessary.				
Referral to relevant departments, internal and external.						Council will refer the application to Heritage Tasmania.
Advertising of application, if required		Public consultation and agency consultation				Application advertised as part of the planning permit process.
Applicant submits response to objections (if any) to Council		Proponent lodges supplementary Environmental Effects Report or Development Proposal and Environmental Management Plan, if required.				
Assessment of application		EPA prepares an Environmental Assessment Report.				Heritage Tasmania makes a decision within 49 days and forwards it to the local Council.
		EPA Board makes decision. A planning authority cannot make a decision and advises planning authority. A planning permit cannot be issued before the EPA has made a decision.				
Notification of decision					Following other approvals, application must be referred back to Parks and Wildlife Service.	Any planning permit issued by the local Council will include both heritage approval and any heritage conditions.
					Approval granted (lease or license).	

Planning permit application

EPBC Assessment

May occur concurrently with planning permit application in straight forward cases

Level 2 Activity Assessment

May occur concurrently with planning permit application in straight forward cases

Aboriginal Heritage Assessment

Reserve Activity Assessment

Pre-application

Post-application

Lease or license cannot be finally approved until planning permit , EPBC Act and Aboriginal Heritage approvals granted, if required

Heritage permit application

Figure 6 - Integrated Approvals Assessment Process - Critical Path to Approval – Explained

10 Flowcharts of various approvals processes

10.1 Planning Permit Application Process

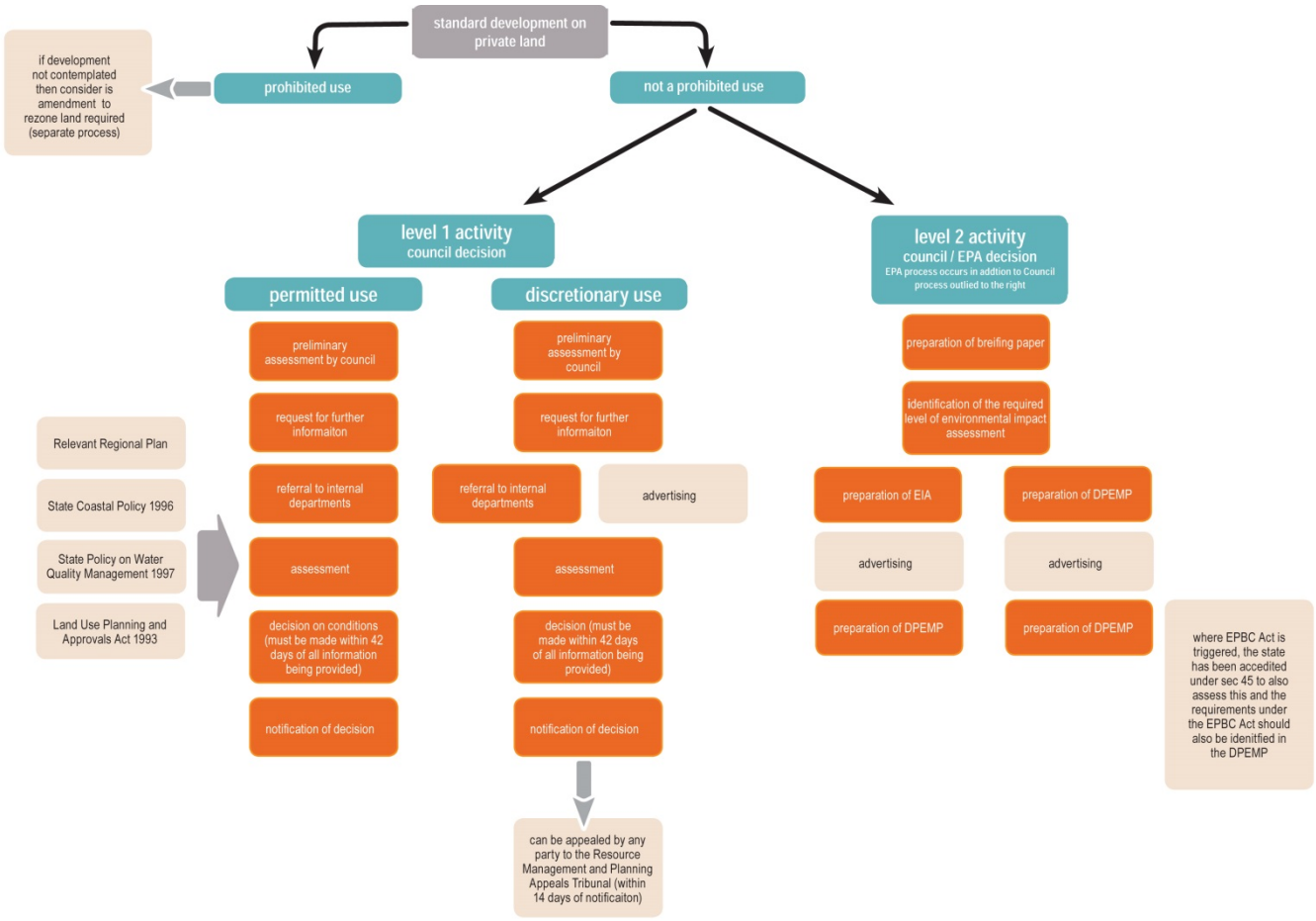

Figure 7 - Planning Permit Application Process

10.2 Planning Scheme Amendment Process

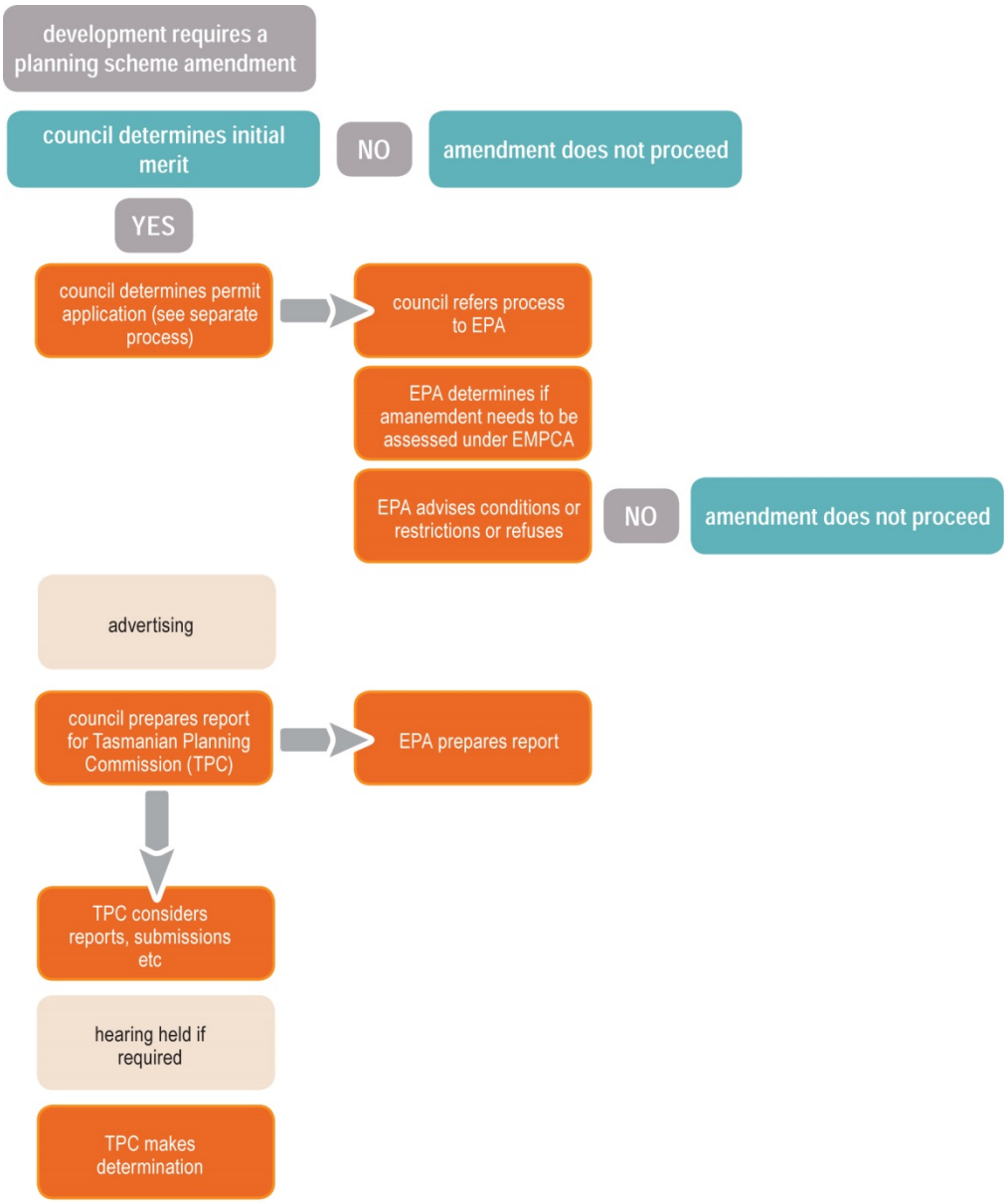

Figure 8 - Planning Scheme Amendment Process

10.3 Planning Permit Application Process – Regionally Significant Projects

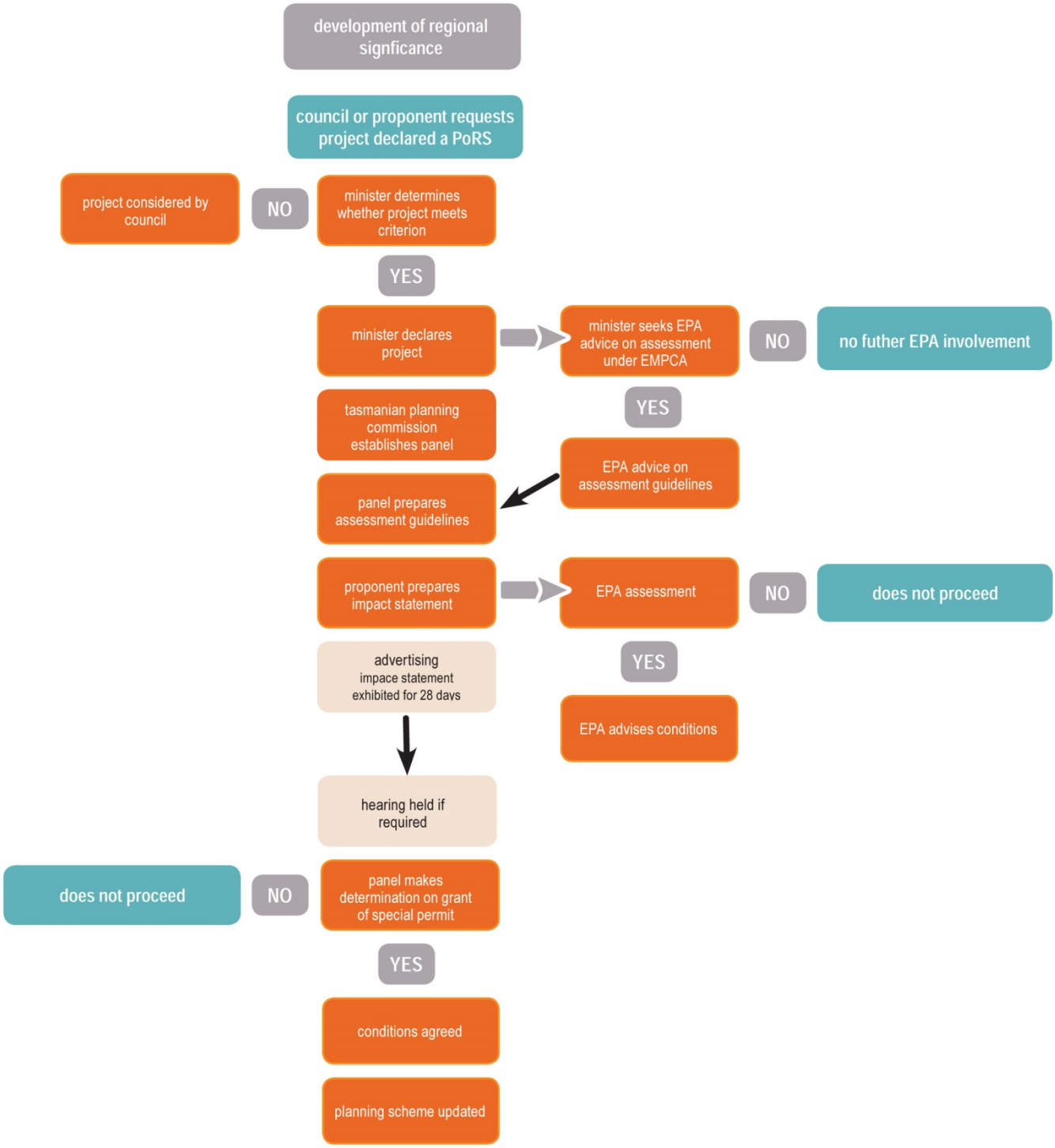

Figure 9 - Planning Permit Application Process - Regionally Significant Projects

10.4 Reserved Activity Assessment – National and State Parks

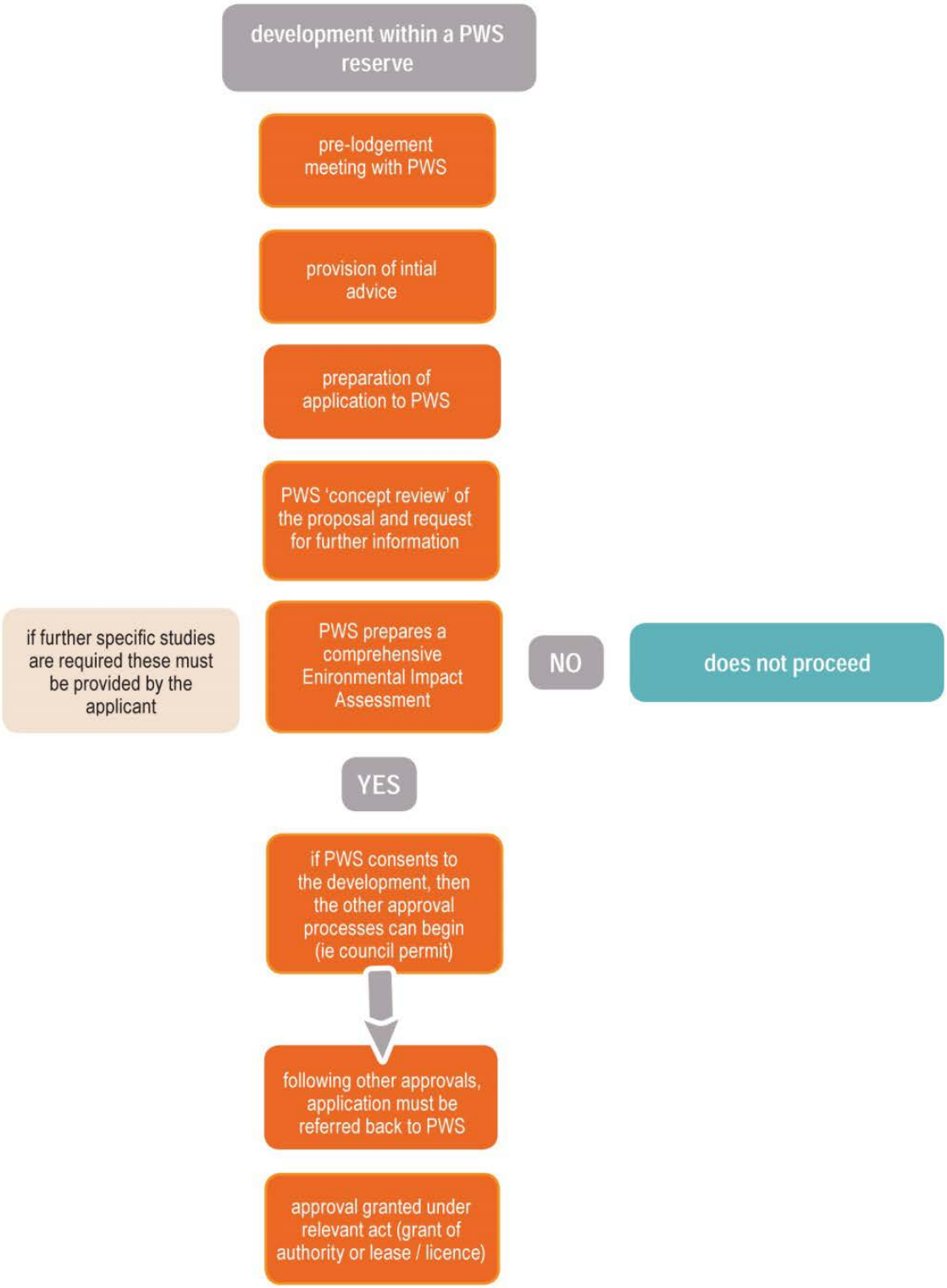

Figure 10 - Reserved Activity Assessment - National and State Parks

10.5 EPBC Act Process

Source: http://www.environment.gov.au/resource/environment-assessment-process-0

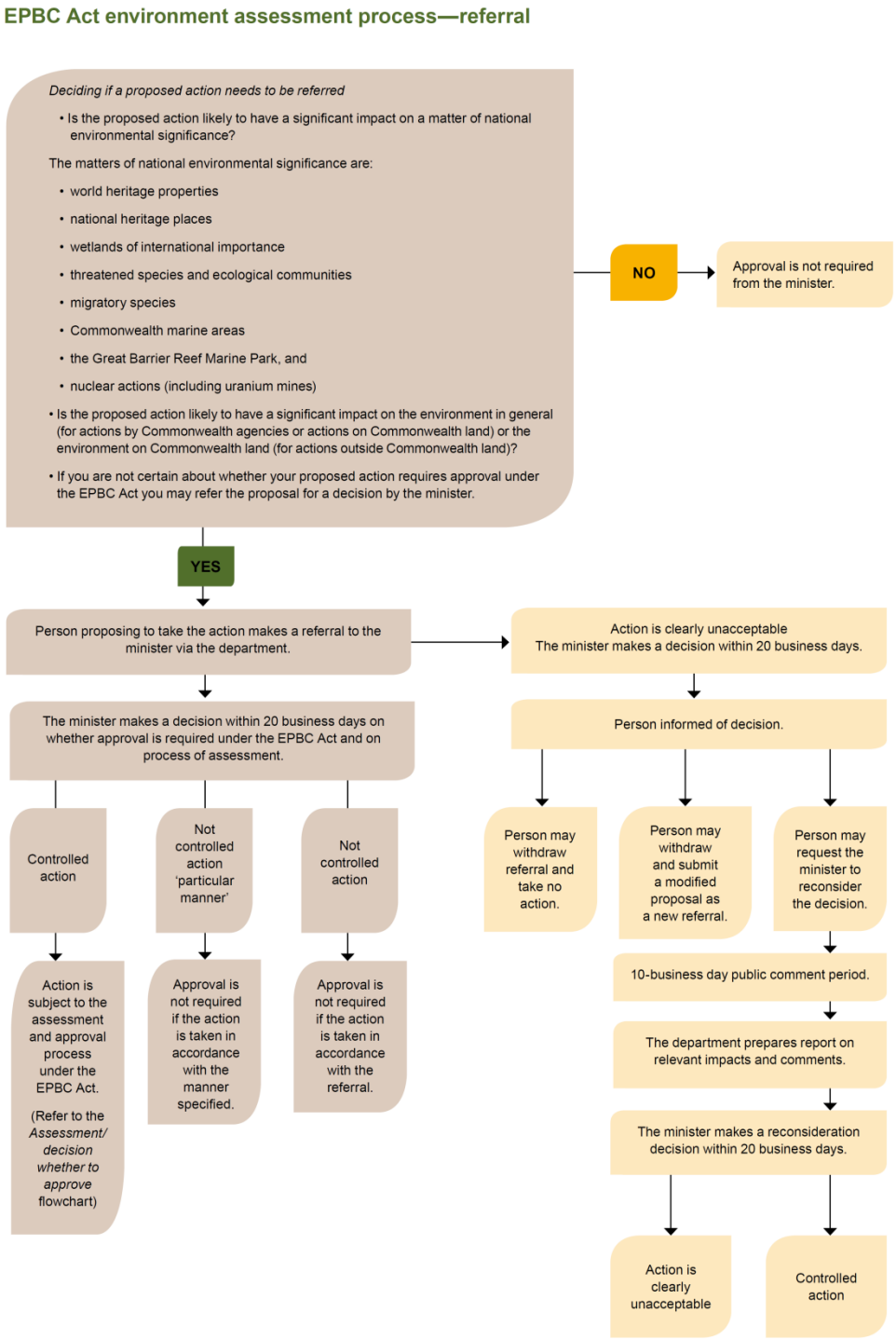

Figure 11 - EPBC Act- Referral Process

EPBC Act environment assessment process—assessment/decision whether to approve

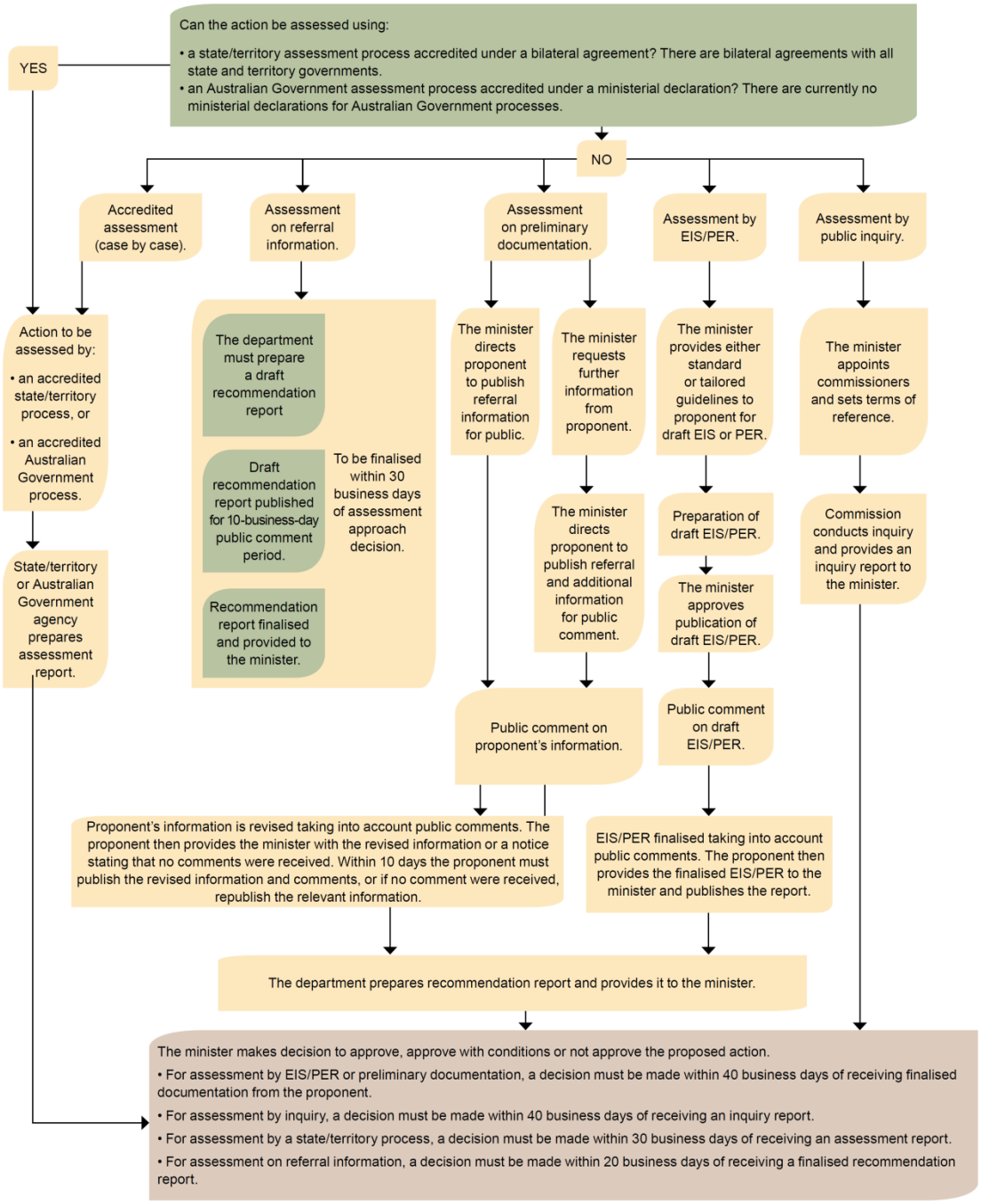

Figure 12 - EPBC Act - Assessment Process

10.6 Level 2 Activities - EPA Environmental Assessment Process

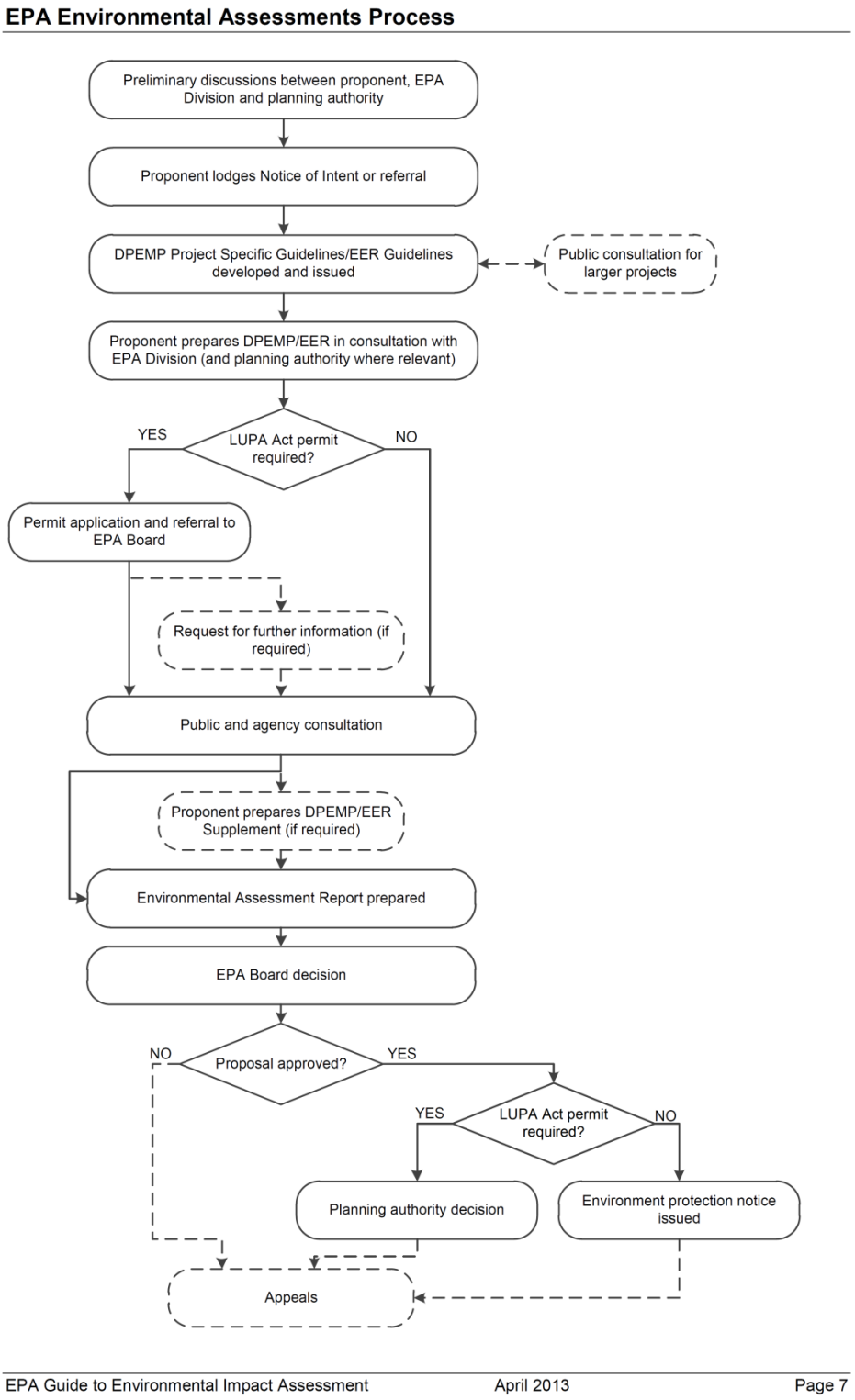

Figure 13 - EPA Assessment Process for Level 2 Activities

10.7 Aboriginal heritage approvals process

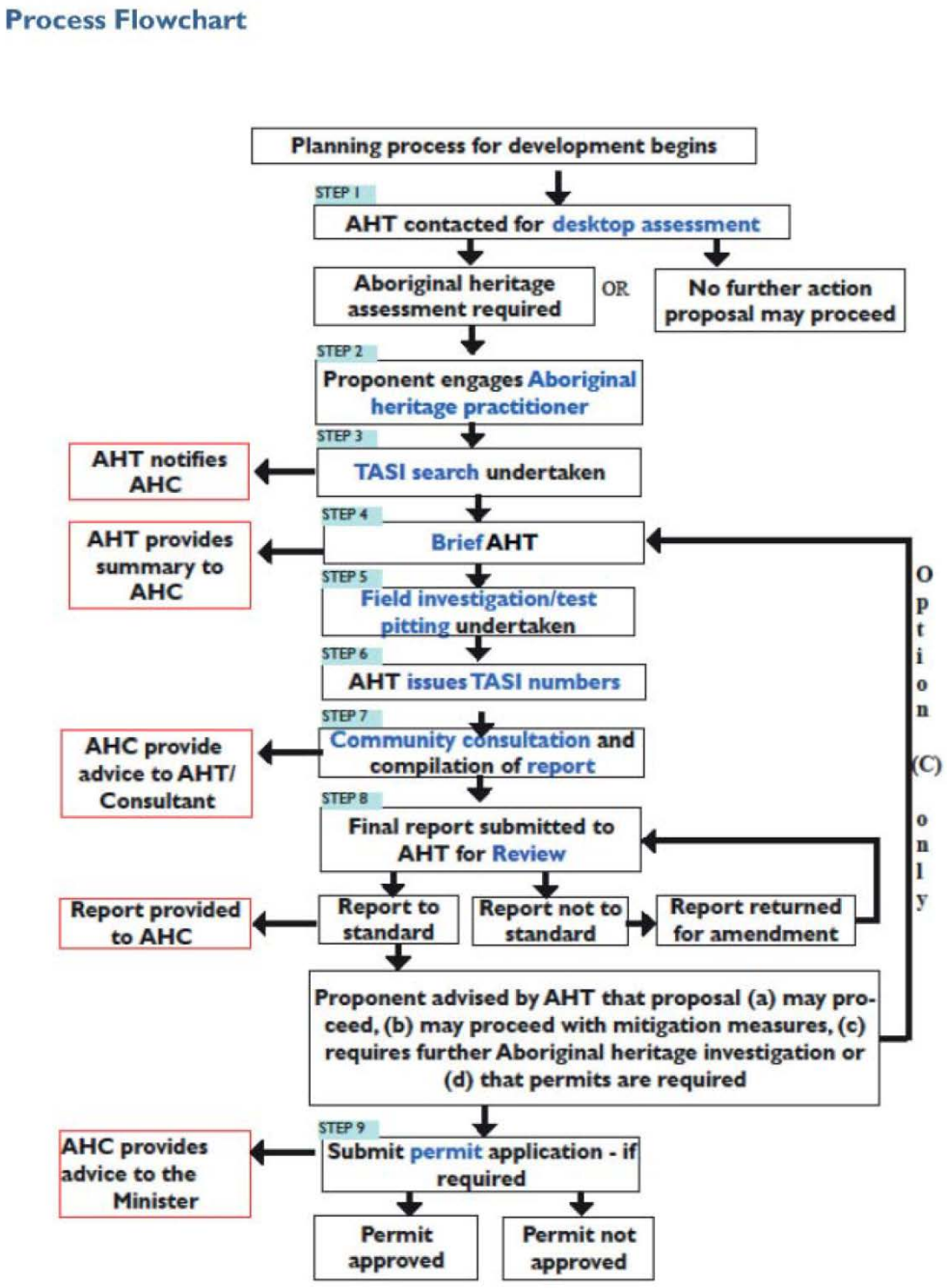

Figure 79: Process flowchart from A Guide to the Aboriginal Heritage Assessment Process (AHT 2013)

Figure 14 - Aboriginal Heritage Approvals Process

Source: A Guide to the Aboriginal Heritage Assessment Process (November 2014) (page 8)

10.8 Heritage Approvals Process

WHAT IS THE PROCESS FOR SEEKING APPROVAL?

Heritage works require the approval of the Heritage Council. Approval may be obtained by receipt of either a certificate of exemption or a permit. Figure 1 outlines the process for seeking approval.

Works which may impact on the significance of the place will require a discretionary permit. A discretionary permit application must be determined within 42 days, unless a request for further information is made or an extension of time applies.

Note: Approval for heritage works is not required for forest practices, mining or works to a place of worship that are required solely for liturgical purposes (S35(4)).

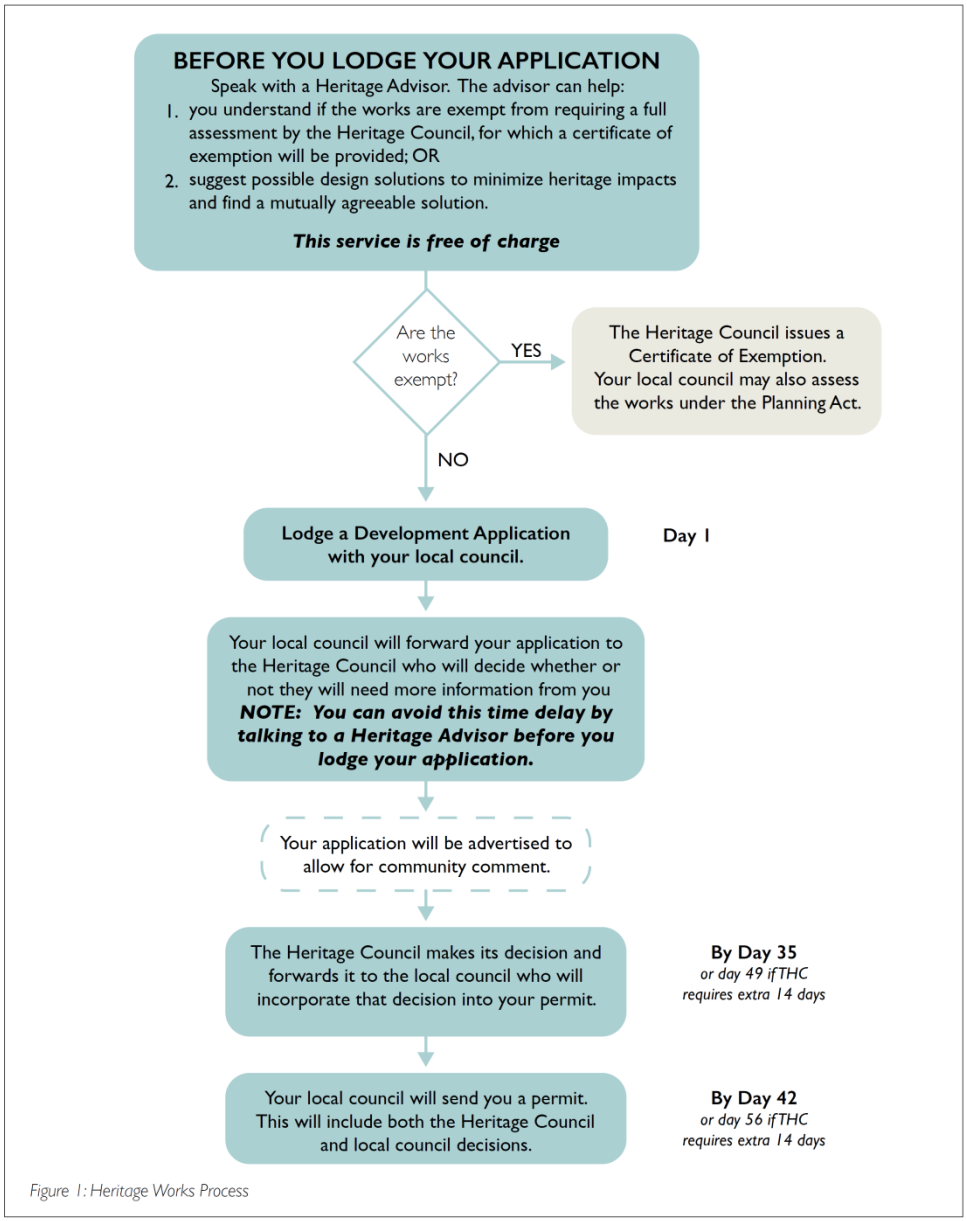

Figure 15 - Heritage Approvals Process

Source: Draft Works guidelines for Historic Heritage Places, June 2014, Page 3