



# edotasmânia

using the law to protect the natural and built environment

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131 Macquarie Street  
Hobart TAS 7000

tel: (03) 6223 2770  
fax: (03) 6223 2074  
email: [edotas@edo.org.au](mailto:edotas@edo.org.au)

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Tasmanian Climate Change Office  
Department of Premier and Cabinet  
GPO Box 123  
Hobart TAS 7001

**By email:** [climatechange@dpac.tas.gov.au](mailto:climatechange@dpac.tas.gov.au)

Dear TCCO

## **LOW CARBON TASMANIA ISSUES PAPER**

EDO Tasmania is a non-profit, community based legal service specialising in environmental and planning law. We welcome the opportunity to provide comments on the *Low Carbon Tasmania Issues Paper*.

We commend the Tasmanian government for both the content and tone of the document, and for the extensive and constructive community consultation process that it has engaged in on the Issues Paper.

While EDO Tasmania is supportive of the overarching vision and generally in support of the visions expressed for each sector, our comments focus primarily on potential legislative and policy reforms in areas relating to renewable energy, transport planning and the built environment.

### **General comments**

#### Government leadership

The importance of whole of government leadership in relation to emissions reduction cannot be overstated. We urge the government to ensure that responsibility for climate change activity is not seen as being limited to the Minister for Climate Change or the Climate Change office, but extends to decision-making by all departments.

Particularly in Tasmania, where government employees comprise a significant proportion of the workforce, the government has considerable opportunities to facilitate cultural change amongst staff, use its purchasing power to create market demand for energy efficient products and services, encourage investment in innovative technologies and adopt more strategic approaches to planning.

Government also provides a critical “voice” and should ensure that its messages are consistent. Examples of mixed messages include:

- encouraging business to invest in 6 star commercial buildings, but government tenants refusing to pay the premium rent for such buildings;
- promoting reduced private vehicle travel, while continuing to invest in road infrastructure to encourage intrastate travel and requiring government staff to regularly drive between the north and south of the State for meetings.

Government support for productivity and economic growth is completely understandable, however efforts should be made to better align the achievement of those goals with the low carbon visions outlined in the Issues Paper. The Economic Development Plan does recognise that investment in renewable energy projects and low-carbon agriculture contributes both to reducing emissions and encouraging economic growth and creating jobs – similar initiatives should be strongly supported by government policies to facilitate a rapid movement towards investment decisions that will allow Tasmania to take advantage of a low carbon economy.

Briefly, we also encourage government leadership on emissions reduction through:

- A range of Ministers and heads of agencies making public statements regarding climate change, the importance of action in their portfolios and the benefits for Tasmanians of reducing emissions and adapting to a changing climate;
- Developing a whole-of-government waste management strategy;
- Increased use of video-conferencing, both within government, and by making government facilities available to community organisations at low cost;
- Providing for separate metering of departments, so that each agency can track its emissions reductions. Allowing individual agencies to retain costs savings produced as a result of their reductions would provide a further incentive;
- Nominate, and provide support to, a Climate Officer in each department. Ideally, this would be a senior officer, with clear responsibilities and performance indicators outlined as part of their role.

We also recommend that the *Subordinate Legislation Act 1992* be amended to require regulatory impact statements to consider climate change impacts. Government policies on the development of legislation and procurement decisions should also be amended to require explicit consideration of climate change issues in the decision-making process.

### Integration

At the risk of labouring the point, it is essential that “climate change action” is implemented by ensuring that climate change (both mitigation and adaptation) is considered across the full range of government decisions. These include transport planning, criteria for assessing resource projects, funding and investment decisions, staff travel plans, office selection, incentive programmes for energy efficiency, settlement planning and encouraging active recreation.

Greater integration of climate change considerations will maximise the prospects of actions being implemented, and of those actions contributing to net emissions reduction.

## Renewable Energy

EDO Tasmania supports the goal of satisfying at least 100% of Tasmania's stationary energy needs from renewable sources by 2020, consistent with the position adopted by the Tasmanian Renewable Energy Industry Development Board.<sup>1</sup> Clearly, this goal will only be achieved if it is supported by the introduction of appropriate policy settings (as well as reducing energy demand through improved efficiency and changing patterns of use).

EDO Tasmania supports the development of a Low Carbon Economic Strategy to identify ways to attract renewable energy projects, and to attract businesses seeking to take advantage of the availability of renewable energy. Government should consider adopting a loan scheme to facilitate investment in new technologies and capital outlays to assist industry to transition away from coal-fired energy sources to more renewable options.

Developing Statewide planning guidelines in relation to assessment and development of renewable energy projects at all scales will also facilitate investment. These guidelines could be implemented through a Planning Directive identifying projects that will be exempt or permitted uses, and those that will require more comprehensive assessment (due to their scale or location).

Where a project will be discretionary, the Planning Directive should set out the criteria against which the project will be assessed. For example, it will be important to address visual amenity and potential bird strike issues. Failure to clearly identify these issues as assessment criteria does not mean that they will not be considered or cannot form the basis of an appeal. Instead, failing to clearly identify criteria often results in greater confusion and legal delays. Providing clear guidance from the outset will streamline the assessment process, facilitate consultation with third parties and likely result in quicker approvals that have greater community support.

For 'Level 2' activities, the EPA should develop standard guidelines for the preparation of a Development Proposal and Environmental Management Plan in relation to large energy projects (currently, limited to wind farms with a maximum generating capacity of 30 megawatts or more).

Given the support for renewable energy projects expressed in the Economic Development Plan, large scale renewable energy projects may also be assessed as Projects of State Significance under the *State Policies and Projects Act 1993*.

In addition to clearer planning guidelines, we recommend the following actions to encourage investment in small and medium scale renewable energy:

- retention of a fair feed-in tariff;
- developing an accreditation programme allowing tradespeople with expertise in relation to the installation of solar panels, small scale wind turbines and domestic hydro energy technologies to credibly market themselves as "clean energy" specialists; and
- extending interest-free loan programmes to community organisations to provide upfront capital for investment in renewable energy infrastructure.

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<sup>1</sup> TREIDB. 2011. *Tasmanian Renewable Energy Strategy*. Available at [www.development.tas.gov.au/\\_data/assets/pdf\\_file/0015/47121/DEDTA\\_TasRenewEnergyStrat.pdf](http://www.development.tas.gov.au/_data/assets/pdf_file/0015/47121/DEDTA_TasRenewEnergyStrat.pdf)

## **Transport planning**

Emissions from transport make up a significant proportion of Tasmania's emissions, and reductions in this sector will be critical to the achievement of the 2050 target.

EDO Tasmania strongly supports the development of a sustainable transport policy to guide current and future planning decisions. Importantly, such a policy must be informed by the best available data regarding likely demographic changes, and must integrate with land use policies such as Metropolitan plans, regional land use strategies and local government strategic plans, and the State and regional Economic Development Plans.

New multi-use developments, such as the Macquarie Point Redevelopment, should be "model projects", designed to encourage better integration of transport, including passive transport options, reduce reliance on private vehicle travel and improve community well-being. The Green Building Council's "Green Star Communities" programme provides a good model for the design and assessment of new urban developments, and should be considered by the Macquarie Point Development Board when developing criteria for projects.

Planning schemes could discourage reliance on private vehicle usage by reducing the minimum number of parking spaces required to be provided for developments, particularly in inner city areas. Any such amendment would need to be supported by better availability of public transport.

EDO Tasmania supports further investigation regarding options to introduce electric cars and lower emission fleet vehicles. However, it is beyond our expertise to comment on appropriate mechanisms to roll out such technologies.

## **Built environment**

EDO Tasmania strongly supports efforts to improve planning frameworks in order to encourage more integrated, well-designed and energy efficient buildings. In particular, we support the following actions (some of which are set out in the Issues Paper):

- Adopting regional settlement strategies, based on demographic data, to guide planning decisions;
- Developing a coherent set of sustainability principles to inform land use planning at all levels, including increased co-location of housing, transport, employment, education and recreation. These principles could be implemented by:
  - inclusion in the objectives of the Resource Management and Planning System (e.g Schedule 1 of LUPAA);
  - a Planning Directive, supported by a clear implementation guide outlining how the directive will be translated into criteria in a planning scheme.
- Finalising the coastal management and planning framework, consistent with the sustainability principles discussed above. While promoting infill development, the coastal framework will need to ensure that development is not encouraged in areas that will be increasingly subject to coastal hazards in a changing climate;

- Requiring climate change assessments to accompany development applications for greenfields sites, as well as strategic land use and planning decisions, including rezoning of land for residential uses, transport planning and infrastructure development. Climate change assessments should consider:
  - the potential impacts of climate change on the matter under consideration (including direct, indirect and cumulative environmental, health, social and economic impacts); and
  - the potential contribution that the decision under consideration may make to Tasmania's emissions and / or capacity to adapt to climate change impacts.

Local governments, the Planning Commission and relevant government officers must be provided with adequate information, training and other resources to allow them to interpret climate change assessments and make strategic decisions on the basis of those documents. The Green Building Councils range of assessment tools may provide some useful guidance in this regard.

- Maintaining the government's Green Leasing Policy, and providing clear guidance to departments and asset managers regarding its implementation;
- Encouraging retro-fitting of existing building stock, rather than new construction, wherever appropriate. We encourage government support for such initiatives, such as the Tune-Ups programme, as well as government leadership to allow retrofitted government offices to provide demonstration models.

EDO Tasmania appreciates the opportunity to make these comments. Please do not hesitate to contact us to discuss any issue raised in this submission.

Kind regards,

**Environmental Defenders Office (Tas) Inc**

Per:



Jess Feehely  
Principal Lawyer