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The Executive Officer
NRM Review
GPO Box 44
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By email: nrmreview@dpiw.tas.gov.au

Dear Sir / Madam

Review of Tasmanian Natural Resource Management Framework

Thank you for the opportunity to participate in the review of the Tasmanian Natural Resource Management (**NRM**) Framework, and for agreeing to the extension of time for making a submission.

The Environmental Defenders Office (**EDO**) is a non-profit, community based legal service specialising in environmental and planning law. As such, our specific comments relate primarily to the integration of the NRM framework with the Resource Management and Planning System (**RMPS**).

As a general comment, we strongly support the objectives of natural resource management and the regional approaches being adopted for on-ground implementation. We particularly commend the role of NRM committees in collating information and identifying priorities to inform both immediate and strategic planning decisions.

We acknowledge that the NRM Framework is not intended to create a new regulatory system. However, significant valuable work has gone into producing the regional strategies and identifying regional priorities and targets. Therefore, in our view, more needs to be done to utilise these documents and ensure that they inform natural resource decision-making at local and State levels.

PLANNING DOCUMENTS

Section 75(9) of the South Australian *Natural Resource Management Act 2004* explicitly requires councils to have regard to the relevant regional NRM plan when performing its functions.

Given the broad terms in which Tasmania's three NRM strategies are drafted, it would be difficult to use these documents directly in the assessment of particular development applications. However, requiring planning authorities to have regard to the information and targets in the regional strategies will ensure a degree of consistency in regional decision making. For this reason, providing a statutory link between the NRM documents and the statutory planning process is identified as a high priority in the Southern NRM Strategy (Management Action Target 105).

As the discussion paper recognises, local government planning schemes and strategic plans are often the most appropriate means of achieving particular resource management outcomes. Currently, the NRM strategies provide that NRM principles and the regional outcomes and targets “should be considered” when developing or reviewing local planning schemes.

We acknowledge that NRM emphasises partnerships with local councils and many councils have NRM issues in mind when considering proposed amendments to planning schemes. However, we recommend that consideration of whether proposed amendments are consistent with the NRM strategies should be compulsory.

Planning schemes are already required to be consistent with the broad objectives of the RMPS (ss. 20(1) and 32(1) of the *Land Use Planning and Approvals Act 1993*). The NRM priorities, Regional Outcomes and Resource Condition Targets provide a more practical, measurable expression of these objectives and it is appropriate that regard be had to these when developing planning schemes and strategic planning documents.

We recommend that LUPAA be amended to require planning authorities (and the RPDC) to ensure that draft planning schemes and planning scheme amendments:

- Are consistent with the NRM principles and regional priorities;
- Do not compromise the achievement of Resource Condition Targets; and
- Are consistent with Management Action Targets for the region.

Other resource management documents should also be required to be consistent with the NRM strategies. These include:

- forest management plans developed under the *Forestry Act 1920*;
- water management plans under the *Water Management Act 1999*;
- management plans for parks and reserves under the *National Parks and Reserves Management Act 2002*;
- marine farming development plans under the *Marine Farming Planning Act 1995*;
- fisheries management plans and marine resources protected area management plans under the *Living Marine Resources Management Act 1995*; and
- weed management plans under the *Weed Management Act 1999*.

PLANNING DIRECTIVES

To be most effective as a strategic planning tool, NRM strategies need to provide guidance on mechanisms to improve resource management. Under the South Australian *Natural Management Act 2004*, regional NRM plans must include information about local and regional resource management, including:

- methods for improving the quality or value of natural resources within the relevant region, and the health of those aspects of the environment that depend on those natural resources; and
- methods for the conservation, use or management of natural resources within the relevant region; and
- action plans to ensure proper stormwater management and flood mitigation; and

- arrangements to ensure proper management of wetlands and estuaries, and marine resources, with particular reference to the relationships between catchment, wetland, estuarine and marine systems (s.75(3)(b)).

Regional plans must also identify development policies in a Development Plan, or any other statutory plan or policy, that needs to be reviewed or changed in order to reflect the NRM policies (s.75(3)(f) and (fa)).

Following this example, Tasmania's NRM committees should play an active role in identifying practical action plans for addressing resource management issues. The committees could develop planning directives (in consultation with the RPDC) to promote consistency between planning schemes in relation to use, development, protection or conservation of resources (see s.9 of LUPAA). Affected local councils would then be required to take steps to comply with a planning directive, possibly including modifying their planning scheme.

NRM planning directives could provide, for example, model codes for development near wetlands or standard criteria for assessing applications for land clearing. The directives may apply to a particular NRM region or on a State-wide basis.

REGIONAL PLANNING

Issues such as resource allocation, health, transport and maintaining viable ecosystems frequently transcend municipal boundaries. Therefore, sustainable management of natural resources relies on an integrated, coordinated and strategic approach to planning.

For this reason, the EDO has been a long-term advocate for regional planning models. We are encouraged by recent moves towards regional planning, and commend the north-west councils and the Land Use Planning branch for their recent agreement to develop a Regional Land Use Strategy and update their planning schemes to improve certainty and consistency of resource management decisions within the region.

Regional planning provides an ideal opportunity to implement the NRM strategies. If regional plans are prepared as planning schemes (pursuant to section 22(2A) of LUPAA), the same provisions recommended above should apply to ensure that the plans are consistent with the objectives of the regional NRM strategy.

The NRM framework also continues to play a vital role in the collation and sharing of information about natural resource management at a regional level. The multi-disciplinary constitution of NRM regional committees could also provide a reasonable model for regional planning authorities.

STATE POLICIES

The objectives of State Policies are to provide a strategic basis for planning decisions and to ensure a consistent, State-wide approach to particular resource management issues. The limited number of State Policies that have been implemented to date has hampered the achievement of these objectives.

Given the information available to the NRM Committees, and the work already done to identify state and regional priorities, targets and actions to achieve long-term goals, the NRM Council and committees should play a leading role in championing the development of more State Policies to guide resource decisions. These could include:

- Vegetation Management

- Natural Hazards (including bushfires, floods and shoreline recession)
- Tourism
- Affordable Housing
- Settlement Strategy

Local and regional planning authorities, in consultation with NRM committees, will need to amend their planning documents to implement the provisions of State Policies.

RESOURCES

The NRM framework is a good system to underpin natural resource management in Tasmania. In particular, the NRM strategies play an important role in facilitating:

- information sharing to ensure that resource management decisions are based on accurate and up-to-date data;
- partnerships between resource management stakeholders; and
- education / awareness raising about the need for integrated approaches to natural resource management.

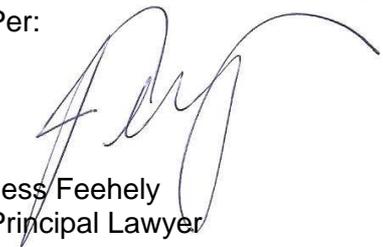
It is trite to say that this system will only be effective if it is supported by government. It is essential that sufficient money is directed to NRM committees to ensure that they have the energy and the resources needed to capitalise on opportunities to engage with stakeholders (and the community generally).

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

Kind regards,

Environmental Defenders Office (Tas) Inc

Per:



Jess Feehely
Principal Lawyer