

Amendments to:

- *the Land Use Planning and Approvals Act 1993 and*
- *the Housing Land Supply Act 2018*



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Overview

The planning reform program is working to create a planning system that is policy led, evidence based, strategically guided, and kept up to date. The system will include the Tasmanian Planning Scheme, augmented in coming years by a suite of planning policies and a robust and sustainable regional planning framework.

Meanwhile the Government is refining current planning processes to ensure that the planning system is efficient and responsive, and that we can achieve a fair and orderly transition to the new planning system.

The draft *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Modification) Bill 2020* (the LUPA Amendment Bill) proposes a number of amendments to the *Land Use Planning and Approvals Act 1993* (LUPA Act) to help us achieve this goal. The draft *Housing Land Supply Amendment Bill 2020* (the HLS Amendment Bill) also proposes amendments to the *Housing Land Supply Act 2018* (HLS Act).

This document has been prepared to explain the reasons for the proposed changes and how they will affect procedures and opportunities for public or agency involvement. Please read this document and the draft Bills closely, considering the role of your agency or organisation and the people you represent and respond to the Planning Policy Unit using the contact information on page 24.

A summary of the proposed amendments to the LUPA Act and the HLS Act is provided in Box 1 and Box 2. Each proposed amendment, along with the potential impacts on processes, public involvement and consistency with the objectives of the LUPA Act, is described in more detail in the following sections.

Box 1: Summary of proposed amendments to the LUPA Act

Subject of change	Proposed change and purpose of change
State Planning Provisions (SPPs)	Changes to the process for making minor amendments to the SPPs to clarify and simplify procedures and maintain an appropriate separation of responsibilities.
	Enabling some amendments to the SPPs to have interim effect, which allows quick adaptation of policy in response to urgent or significant planning issues.
Local Provisions Schedules (LPSs)	Flexibility and an extended time period for Council's to prepare for exhibition of a draft LPS.
	Enabling an LPS to be approved with any substantial modifications to be treated as an amendment of the approved LPS to simplify the process, and make the outcomes of exhibition and hearing processes on the LPS available sooner.
	Enabling approved Interim Planning Scheme amendments to be included in a LPS without re-assessment .
Development applications	Providing a fairer and simpler process for determining development applications during the transition to the Tasmanian Planning Scheme and for current planning scheme and LPS amendments, by requiring that decisions on development applications are based on the planning scheme in place at the time of lodgement, rather than the time of decision..
Planning Directives	Removing the need for an assessment of a planning directive that brings parts of the SPPs into effect through interim planning schemes to prevent a duplication of the assessment that occurred in 2016.

Box 2: Summary of proposed amendments to the HLS Act

Subject of change	Proposed change and purpose of change
Government land	Expanding the definition of available Government land to include land owned by Tasmania Development and Resources, which was unintentionally excluded from the original HLS Act.
Location criteria	Enabling a Housing Land Supply Order to be made for land on Flinders Island acknowledging its unique characteristics.
Rezoning criteria	Making the decision criteria in relation to the relevant regional land use strategy for Housing Land Supply Orders consistent with the criteria of the <i>Land Use Planning and Approvals Act 1993</i> .

Proposed Amendments to the Land Use Planning and Approvals Act 1993

I. Improved processes for amending the State Planning Provisions

It is important that legislative processes for the SPPs provide for their appropriate maintenance, review and amendment to:

- deliver improvements;
- ensure they remain contemporary and deliver on emerging planning issues; and
- ensure the process for amending the SPPs corresponds to the scope or urgency of the change to the SPPs.

Simplified process for making minor amendments to the State Planning Provisions

Section 7 of the LUPA Amendment Bill proposes to insert a new Subdivision 3A in Part 3, Division 2 of the LUPA Act that simplifies the existing process for making minor amendments to the SPPs. Sections 6, 8, 9, and 10 of the Bill also propose consequential amendments to the LUPA Act to align with the new process.

Amendments can currently be made to the SPPs without public exhibition for a range of minor or urgent matters listed in section 30H(3) of the LUPA Act (see Box 3). However, the process for making minor amendments can take 4 to 6 months, including:

- preparation of a Terms of Reference and giving notice in the newspapers;
- consultation with the TPC, planning authorities, and relevant State Service Agencies and State authorities, which generally involves at least 5 weeks;
- seeking Ministerial approval for public exhibition;
- seeking the opinion of the TPC as to whether public exhibition is not

BOX 3 – MINOR AMENDMENTS TO THE SPPS

Under section 30H(3)(b) of the LUPA Act, amendments do not require exhibition (i.e. are a *minor amendment*) if for one or more of the following reasons:

- correcting an error in the SPPs;
- removing an anomaly in the SPPs;
- clarifying or simplifying the SPPs;
- removing an inconsistency in the SPPs;
- removing an inconsistency between the SPPs and this act or any other act;
- making a change to a procedure set out in the SPPs;
- bringing the SPPs into conformity with a state policy;
- bringing the SPPs into conformity with a planning directive;
- changing provisions of the SPPs that specify the structure or form of an LPS or LPS provisions; or
- a prescribed purpose (matters addressed through regulation) –
and the Minister is satisfied that the public interest is not prejudiced by not publicly exhibiting the amendment.

required in accordance with the specified criteria;

- declaration by the Minister that public exhibition is not required (on recommendation from the TPC) and a notice given in the Gazette;
- assessment by the TPC of the amendment with recommendations to the Minister within 42 days of the Minister's declaration; and
- making of the amendment by the Minister and notice given in the Gazette with an effective date.

The Bill proposes separate processes for making minor and urgent amendments to the SPPs. This enables a clearer and simpler process for making minor amendments.

The Bill also proposes to remove the option for the Minister to direct the Tasmanian Planning Commission (TPC) to prepare an amendment of the SPPs. This ensures separation between the roles of preparing and assessing amendments.

The proposed process will still require the Minister to prepare a Terms of Reference for the minor amendment and give notice in the newspapers. However, the following changes are proposed (see flowchart at Figure 1):

- After preparing a draft amendment, the Minister may seek the advice of the TPC on whether the minor amendments criteria are met.
- The Minister may also consult with planning authorities, State Service Agencies and State authorities as necessary.
- After considering the advice of the TPC, feedback from any consultation, and being satisfied that the minor

amendment criteria are met, the Minister may make the amendment of the SPPs and give it effect under the LUPA Act.

No changes are proposed to the minor amendment criteria and the Minister must still be satisfied that:

- it is in accordance with the Terms of Reference; and
- it meets the SPPs criteria in section 15 of the LUPA Act.

A new process is also proposed for making urgent amendments to the SPPs that do not meet the minor amendment criteria.

Community Impact Statement

The proposed changes to the minor amendments process do not alter the degree of public, planning authority, State Service Agency, or State authorities involvement in the process.

Consideration of the public interest and limitations to the scope of minor amendments remain unchanged (see Box 3).

Removing the option for the Minister to request the TPC to prepare minor amendments supports the integrity and independence of the TPC by limiting their role to advising on the satisfaction of the minor amendment criteria.

The proposed changes specifically further Objective 1(b) in Part 1 of the Schedule 1 Objectives of the LUPA Act by providing for fair and orderly development through ensuring accuracy and appropriate separation of responsibilities.

Figure 1: Minor amendment of SPPs – Current Process

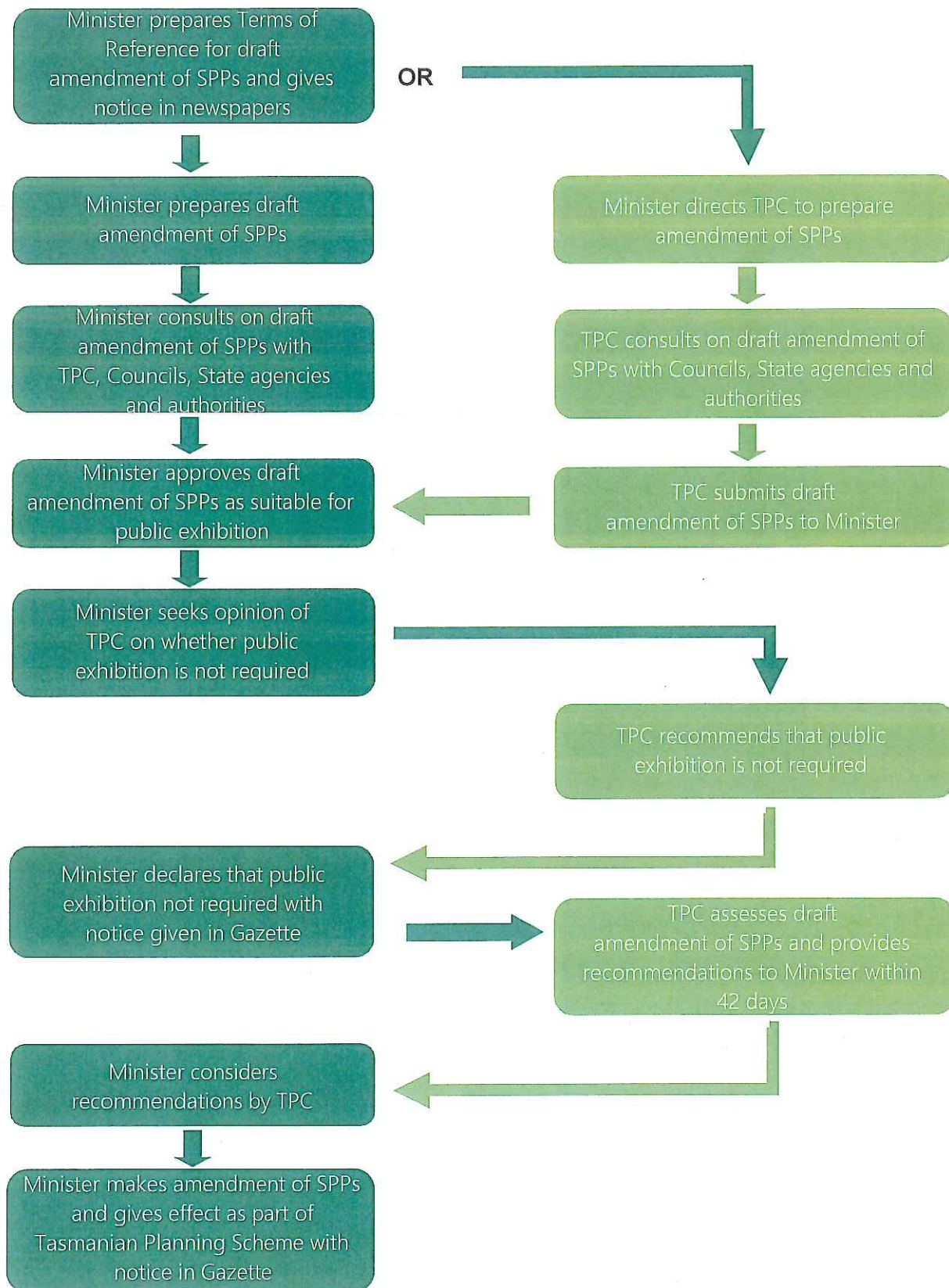
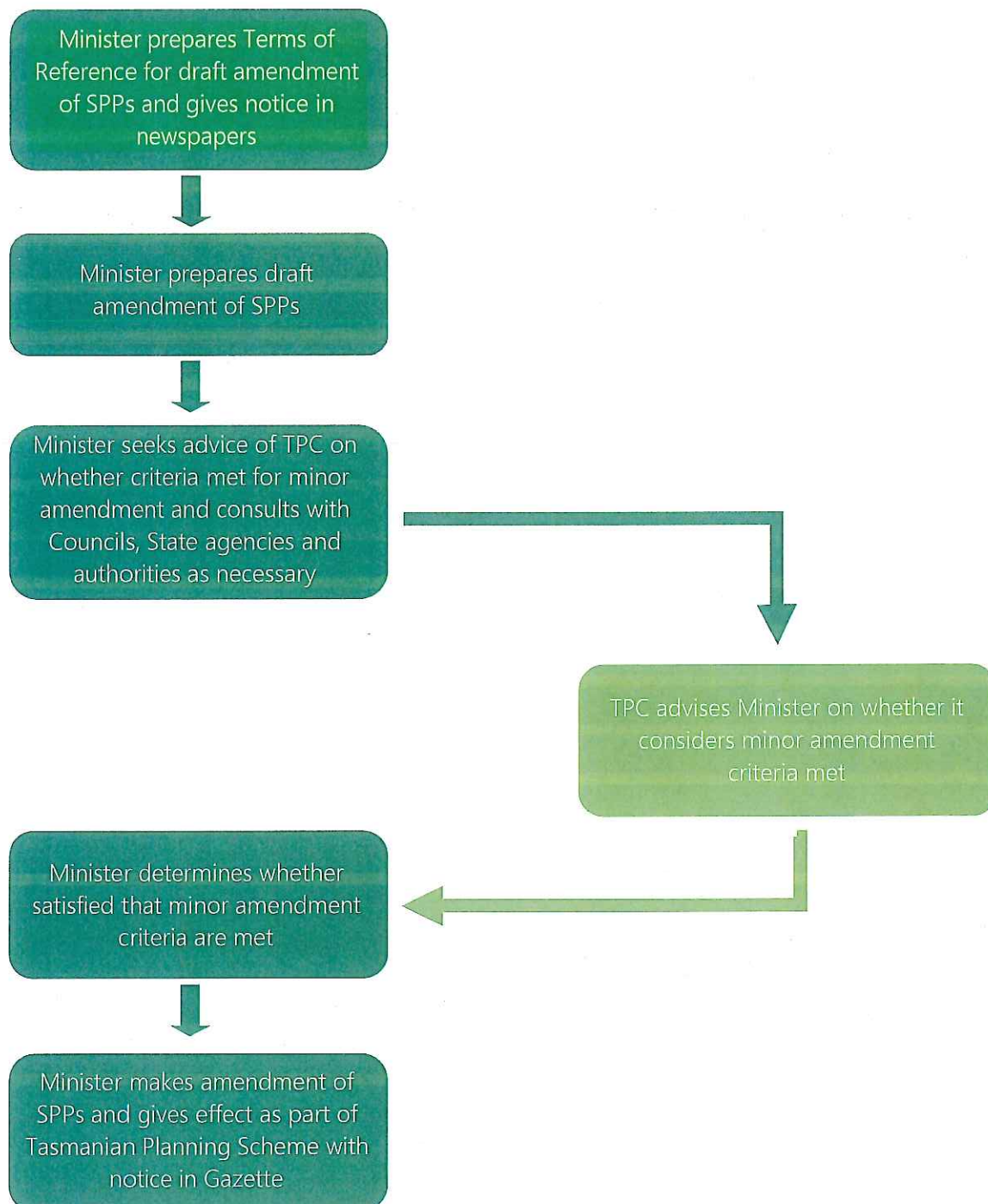


Figure 1(cont.): Minor amendment of SPPs – Proposed Process



Making 'interim' amendments to the State Planning Provisions

Section 7 of the LUPA Amendment Bill proposes to insert a new Subdivision 3B in Part 3, Division 2 of the LUPA Act that provides a new process to make 'interim' SPPs amendments. This enables an immediate response to critical or significant planning issues, such as bushfire hazard management or the recent housing shortages.

At present, responses to critical or significant planning issues can be managed through current planning schemes (excluding the Tasmanian Planning Scheme) using an interim planning directive. Interim planning directives may be issued by the Minister under former section 12A of the LUPA Act. This process provides for amendments to have immediate effect while they are being publicly exhibited and assessed and prior to the final form of the amendment being settled.

There is currently no equivalent process for amending the SPPs beyond the making of urgent amendments that are required to meet the narrow scope under section 30H(3) of the LUPA Act (refer Box 3).

The proposed process for making interim SPPs amendments is similar to the issuing of an interim planning directive under the former provisions of the LUPA Act. It also replaces the current urgent amendment process but provides broader scope to make immediate changes to the SPPs.

Under the proposed process, after the preparation of a draft amendment to the SPPs the Minister could seek the advice of the TPC on whether the amendment should have immediate effect as an interim amendment of the SPPs.

In determining whether to issue an interim amendment of the SPPs, the Minister must consider the advice of the TPC and be satisfied that:

- it is necessary or desirable to enable an immediate response to address a critical or significant planning issue; and
- it is in the public interest to give immediate effect to an interim SPPs amendment.

Similar to an interim planning directive, an interim amendment of the SPPs will remain in effect for a period of up to 12 months, unless revoked earlier. During this time the draft amendment will continue through the standard public exhibition and assessment processes. Feedback from using the interim amendment can be carried into the exhibition and assessment process so that the proposed amendment may be improved as necessary before a final SPPs amendment is made. An interim amendment of the SPPs will be revoked once the amendment of the SPPs comes into effect.

The flowchart at Figure 2 shows how the proposed interim amendment process fits in with the standard SPPs amendment process.

Community Impact Statement

The proposed inclusion of an interim amendments process does not alter the degree of public, planning authority, State Service Agency, or State authorities involvement in the SPPs amendment process.

The inclusion reflects an existing process that needs to be carried over into the new planning system. Furthermore, the process enables the final amendment to

be informed by the experience of implementing the interim amendment.

Section 30NB of the Bill provides for the TPC to advise the Minister on the suitability of the amendment to operate as an interim amendment. This section also establishes limitations for the use of interim amendments, which is an improvement to the current provisions for making interim planning directives.

The proposed changes specifically further Objective 1(b) and 1(c) in Part 1 of the Schedule 1 Objectives of the LUPA Act. Providing for immediate responses to be made through the planning system furthers Objective 1(b) by enabling responsiveness rather than rigidity at critical moments so promoting fair, orderly and sustainable use and development.

Objective 1(c) is furthered by ensuring public involvement continues through the usual amendment process and is also informed by implementation of the interim amendment.

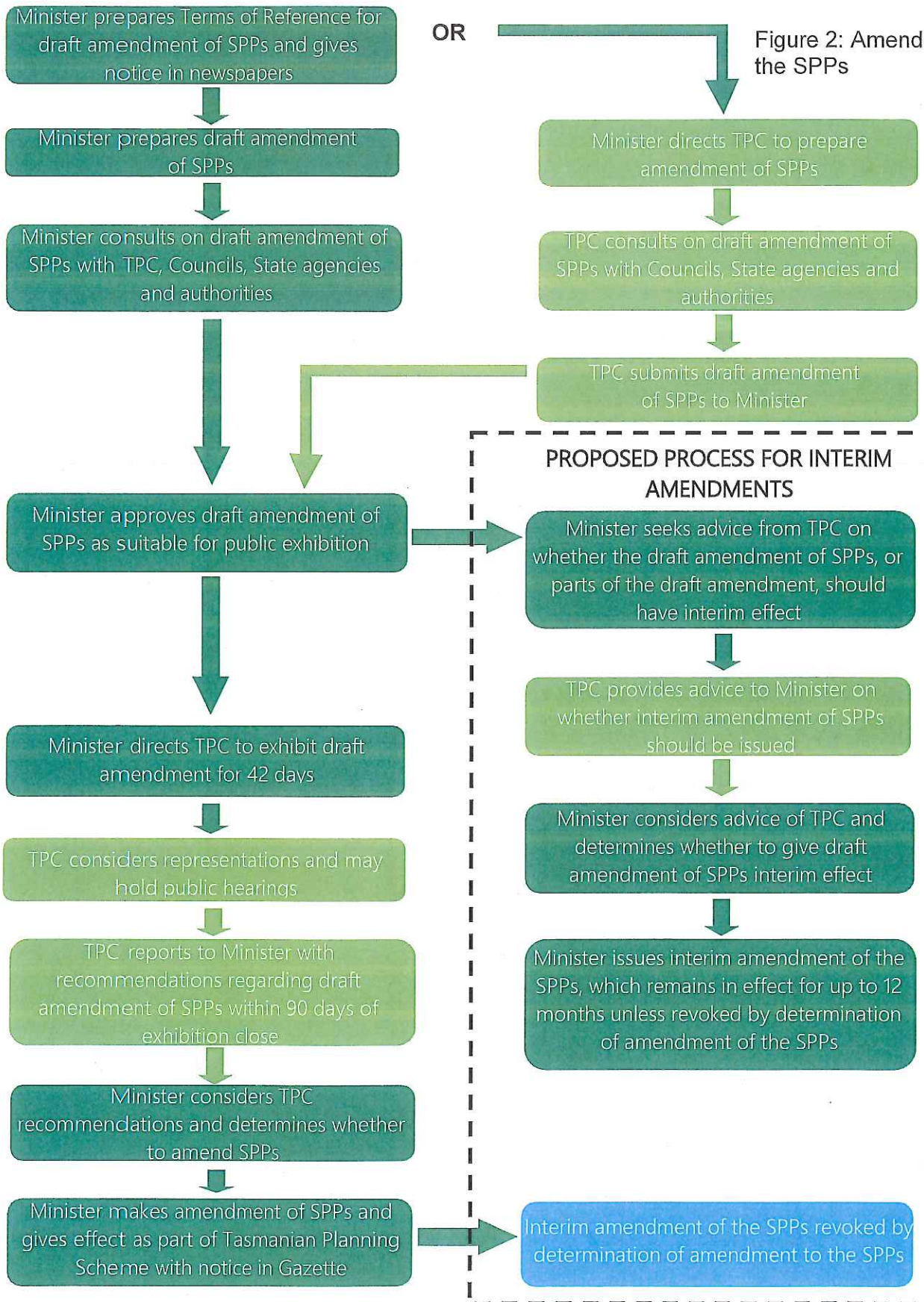


Figure 2: Amendments to the SPPs

2. Improved processes for finalising the Local Provisions Schedules

The Tasmanian Planning Scheme comes into effect in each council area once the LPS for that area is approved.

LPSs include the zone maps, code overlays and lists, and any locally unique planning requirements for each council. LPSs operate alongside the State Planning Provisions, which contain the statewide planning requirements, including zones and codes.

The LUPA Amendment Bill includes a number of amendments to the LUPA Act to assist with finalising the assessment of the remaining LPSs and bringing the Tasmanian Planning Scheme into effect across the State.

Directions to publicly exhibit draft Local Provisions Schedules

Section 12 of the LUPA Amendment Bill proposes amendments to section 35B(5) of the LUPA Act that enable the Tasmanian Planning Commission (TPC) to specify a period of up to 21 days for a Council to begin public exhibition of the draft LPS.

Currently, after determining that a draft LPS is suitable, the TPC may specify a date within 14 days for public exhibition to begin. The timing for commencing public exhibition is fixed to a specific date in the notice issued by the TPC. The current approach and the 14 day period is:

- too short for local councils to organise public exhibition; and

- inflexible, given the potential for administrative delays such as a direction needing to be reissued.

The Bill proposes to be less rigid about the exhibition start date and require the Council to exhibit their draft LPS within a longer set time frame.

Community Impact Statement

The proposed change does not alter the degree of public, planning authority, State Service Agency, or State authorities involvement in the LPS process.

The proposed changes specifically further objectives 1b), and 1c) in Part 1 of the Schedule 1 Objectives of the LUPA Act by supporting effective public exhibition processes.

New process for considering 'substantial modifications' to a draft Local Provisions Schedule

Section 15 of the LUPA Amendment Bill proposes to insert a new section 35KB in the LUPA Act establishing a new process for considering 'substantial modifications' to draft LPSs. The Bill also proposes consequential amendments to sections 35K, 35L, 40G, 40H, 51(3) and 87 of the LUPA Act to align with the new process.

Before an LPS can be approved, the TPC must consider whether any modifications are required in response to the council's recommendations on the representations, information obtained at the public hearings, or to satisfy the LPS criteria in the LUPA Act. Modifications which are deemed 'substantial' may need to be made, such as changing the zoning of specific areas of land.

Currently, any substantially modified parts of a draft LPS are subject to the same assessment and public exhibition process as a newly prepared draft LPS, including 60 days of exhibition. This process must be completed before any non-substantial modifications can be made and the LPS approved. The current process almost doubles the assessment time and can unnecessarily delay the approval of the LPS.

The proposed process provides for the TPC to approve a draft LPS, with or without any modifications considered to be non-substantial, and to direct the Council to prepare and submit any

'substantial modifications' as a draft amendment to the approved LPS. Consideration has been given to reducing the timeframes for the re-exhibition, reporting and consideration of the 'substantial modifications'. However, this still leads to delays for bringing the LPS into effect.

This proposed process will:

- bring the Tasmanian Planning Scheme into effect in each municipal area earlier, while still allowing for 'substantial modifications' to be finalised without diminishing the level of assessment and public scrutiny;
- limit the uncertainty associated with having an interim planning scheme in effect, and being amended, along with an almost approved LPS - a period which can last for 6 to 12 months; and
- result in more timely resolution of representations regarding non-substantial matters.

Figure 3 shows the current and proposed processes for considering substantial modifications to draft LPSs.

Under the proposed process, the TPC would need to be satisfied that the draft LPS meets the LPS criteria in the LUPA Act and can satisfactorily operate without the 'substantial modifications'.

The TPC would direct the planning authority to prepare a draft amendment to the LPS and submit it within 42 days after the LPS coming into effect. Once satisfied, the TPC will

direct the local council to publicly exhibit the draft amendment in accordance with the normal requirements under Part 3B of the LUPA Act.

To ensure that a planning permit cannot be issued in contravention of the 'substantial modifications' while they are still under consideration, amendments are also proposed to section 51(3) of the LUPA Act require the consideration of the 'substantial modifications' as if they were already part of the LPS. This approach is similar to what currently occurs if the TPC has directed the planning authority to undertake modifications to a draft amendment or draft LPS.

Section 21 of the Bill, which inserts new section 87F into the LUPA Act, saves the current process for making substantial modifications to a draft LPS if the TPC has already directed substantial modifications. It also enables the TPC to direct any draft LPSs in the current 'substantial modification' process to transition to the new process. This would only occur after consulting with the relevant council and will be dependent on the stage that the draft LPS has reached in the current substantial modification process. Upon switching to the new

process, the draft LPS would be approved and the substantial modifications considered as amendments at the equivalent stage of the new process.

Community Impact Statement

While the proposal would result in changes to the LPS substantial modification process, opportunities to review and comment on the modifications are retained through the amendment process. Substantial modifications carried over as amendments must also be directed as part of the LPS approval. This direction is made available for public review.

The proposed process also provides substantial benefits in allowing for the Tasmanian Planning Scheme to come into effect earlier and deliver important planning reforms embedded in the SPPs.

The proposed changes specifically further objectives 1b), and 1c) in Part 1 of the Schedule 1 Objectives of the LUPA Act by simplifying the process and providing for a more orderly transition to the Tasmanian Planning Scheme while still encouraging public involvement in the process.

Figure 3: Substantial modification to draft LPSs – Current Process

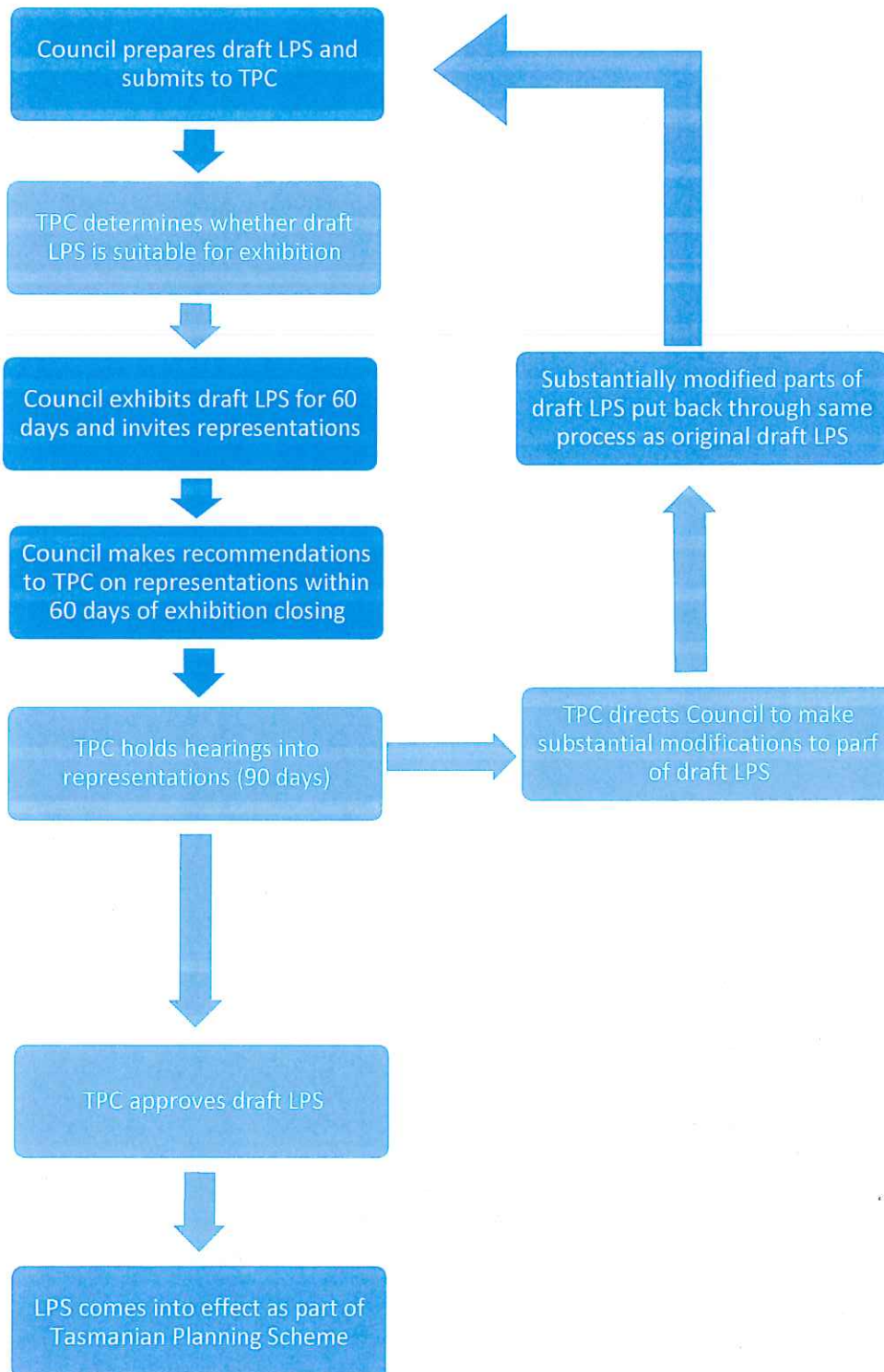
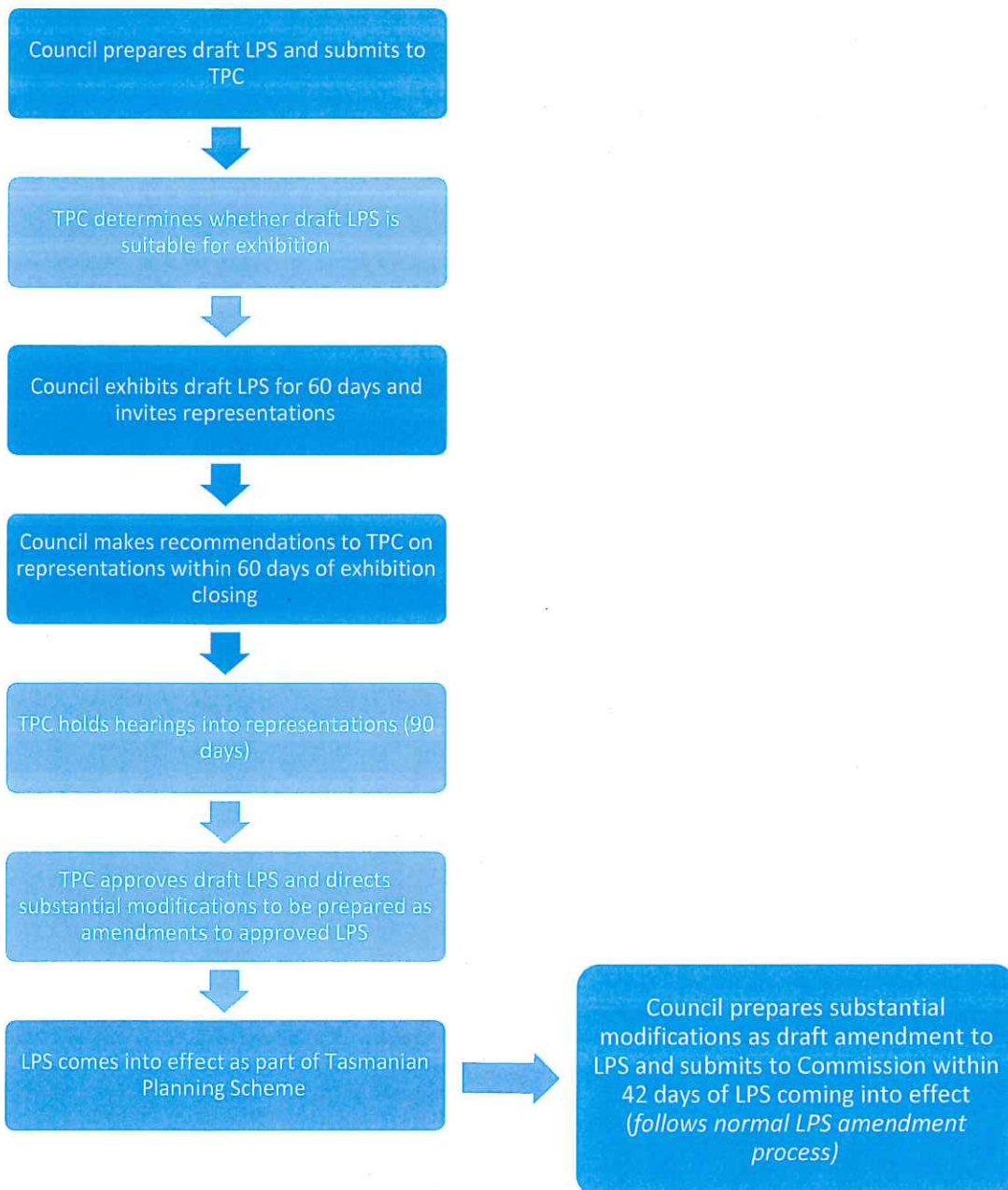


Figure 3 (cont.): Substantial modification to draft LPSs – Proposed Process



Including approved interim planning scheme amendments in Local Provisions Schedules

Sections 11, 13 and 15 of the LUPA Amendment Bill propose amendments to the LUPA Act that enable the TPC to include in a LPS certain amendments approved to the current planning scheme. These amendments may have been approved during the assessment of the draft LPS, or may date from an earlier period and been inadvertently left out of the draft LPS.

Throughout the assessment of draft LPSs, amendments to current planning schemes continue to be initiated and certified by councils and assessed by the TPC. This dual process will continue up until the date of the draft LPS being approved.

While there are transitional provisions in Schedule 6 of the LUPA Act for some amendments to current planning schemes, there is no clear process for the inclusion of approved zone amendments, overlay amendments, or new entries to code lists (e.g. local heritage places), particularly those that are made during the assessment of the draft LPSs.

The lack of a clear process in the Act could result in:

- the TPC having to undertake a second assessment of these already approved amendments as part of the draft LPS assessment process, or
- the exclusion of the approved amendment from the approved LPS, which would require it to be re-initiated and assessed as an amendment to the approved LPS.

These outcomes are inefficient and costly to all parties concerned.

The Bill:

- requires approved amendments that may be included in the LPSs to relate to matters that can be included in a LPS, such as equivalent zones in the SPPs, relevant overlays, and code lists;
- provides for the TPC, prior to directing public exhibition of the draft LPS, to also direct the planning authority to include any amendments approved to the current planning scheme since submitting the draft LPS;
- specifies that a representation cannot be made on these amendments during the public exhibition of the draft LPS to provide clarity for the community and avoid the need to re-assess an already exhibited and approved amendment; and
- provides for the TPC to include in the approved LPS any amendments approved to the current planning scheme after public exhibition of the draft LPS has commenced.

Community Impact Statement

The proposed change does not alter the degree of public, planning authority, State Service Agency, or State authorities involvement in the LPS process but rather prevents inefficient repetition of exhibition and approval processes that have already occurred.

The proposed changes specifically further objectives 1b) and 1c) in Part 1 of the Schedule 1 Objectives of the LUPA Act by improving the fairness and functionality of the LPS transition process. Objective a) in Part 2 of the Schedule 1 Objectives is also furthered through better coordination across State and local planning processes.

3. Fairer process for determining planning applications during the transition to the Tasmanian Planning Scheme

Section 20 of the LUPA Amendment Bill proposes amendments to section 51(3) of the LUPA Act to provide a more equitable approach for determining development applications lodged before a change was made to the relevant planning scheme. This includes the transition from current planning schemes to the Tasmanian Planning Scheme.

Currently, the LUPA Act requires local councils to make a decision on a development application by reference to the planning scheme that is in effect at the date the decision is made, not when the application was lodged.

The current approach has the potential to create confusion for the applicant and the community as the planning requirements change part way through the assessment process. Complications can also arise for councils, particularly with the statutory timeframes for the assessment of applications, if:

- additional information is required to assess it against the new requirements; or
- the status of the application were to change between No Permit Required, Permitted, Discretionary, or Prohibited.

The current approach is also unfair for an applicant particularly if there are significant differences between the current planning scheme and the future or amended planning scheme.

The Bill provides for a more equitable approach by requiring a decision on a development application to be made by reference to the planning scheme that is

in effect at time of the application being validly lodged. However, an application will be assessed against pending planning requirements that are yet to be given full effect if the TPC has directed:

- modification, or an alteration to a substantial degree, of a planning scheme amendment;
- modification to a draft LPS; or
- modification to a LPS amendment.

This approach is a key principle in planning law across Australia (commonly called the Coty Principle) that ensures decisions on applications are made in accordance with any new planning requirements that are about to come into full effect. Other Australian States take a similar approach for decisions on development applications.

A 7-day transition period is also proposed for the planning authority to adjust its processes after the TPC gives its direction.

Community Impact Statement

The proposed change does not alter the degree of public, planning authority, State Service Agency, or State authorities involvement in development assessment processes.

The proposed changes specifically further objectives 1b) and 1c) in Part 1 of the Schedule 1 Objectives of the LUPA Act by improving the fairness and functionality of the LPS transition process. Objective a) of the Part 2 Objectives is also furthered through better coordination across State and local planning processes.

4. Implementation of certain State Planning Provisions through interim planning schemes

Section 22 of the LUPA Amendment Bill proposes amendments to Schedule 6 of the LUPA Act to establish a process for issuing a planning directive that brings parts of the SPPs into effect through interim planning schemes.

The SPPs were made in early 2017 and deliver a number of improvements to the planning system including:

- clearer exemptions;
- clearer application requirements;
- a broader range of general provisions for managing use and development;
- refinements to the development standards for dwellings in the General Residential Zone; and
- consistent requirements for residential development in the Inner Residential Zone.

Since the making of the SPPs, there has been growing interest in bringing some elements into effect earlier, particularly with the long-term timeframe for full implementation of the Tasmanian Planning Scheme.

The only available approach to bring parts of the SPPs into effect earlier is a draft planning directive that may be given immediate, interim effect through an interim planning directive. However, this process requires the draft planning directive, from which the interim planning directive is derived, to be publicly exhibited and assessed by the TPC. This would result in a duplicate assessment of the SPPs, which is

inefficient and costly for the community, industry, and local and State Government.

Given the SPPs have already been subject to public exhibition and independent review by the TPC, an additional assessment of the SPPs is unnecessary.

The Bill intentionally limits the scope of a planning directive that may be issued by the Minister given that only certain SPPs can operate within the structure of current interim planning schemes.

The proposed process allows the Minister to issue a planning directive relating to the SPPs without the current requirement for public exhibition and assessment by the TPC, if the following requirements are satisfied:

- the Minister has already issued an interim planning directive in the form of that planning directive;
- the planning directive includes provisions from the SPPs that are limited to:
 - planning terms and definitions contained in clause 3.0 of the SPPs;
 - exemptions contained in clause 4.0 of the SPPs;
 - application requirements contained in clause 6.1 of the SPPs;
 - general provisions contained in clause 7.0 of the SPPs;

- development standards that relate to dwellings in the General Residential Zone or Inner Residential Zone of the SPPs; and
- any other provisions to allow the provisions from the SPPs to operate effectively within interim planning schemes and in conjunction with any other planning directives.

Community Impact Statement

The proposed change does not alter the degree of public, planning authority, State Service Agency, or State authorities involvement as consultation and a determination on the SPPs has already occurred.

The Planning Policy Unit has also recently commenced a project to

review the development standards for dwellings in the SPPs General Residential Zone, which are derived from Planning Directive No. 4.1. Further consultation will occur in 2021 on the review before deciding on any amendments to the SPPs. This and other avenues, such as the council's preparing a report under section 35G of the LUPA Act as part of their LPS preparation, allow for continuing critique of the SPPs.

The proposed changes specifically further objectives 1b) and 1c) of the Part 1 Objectives of the LUPA Act by maintaining orderly processes and accepting previous engagement outcomes. Objective b) of the Part 2 LUPA Act objectives is also furthered through supporting a more orderly transition to the new planning system.

Proposed Amendments to the Housing Land Supply Act

5. Broader scope for making Housing Land Supply Orders

The HLS Amendment Bill proposes amendments to broaden the scope for making Housing Land Supply Orders under the HLS Act. Proposed changes relate to the classification of eligible Government land, providing for consistency with the LUPA Act, and the making of Orders for land on Flinders Island.

More eligible Government land

Currently, land that may be declared as housing supply land is limited to certain Crown land and land vested in, or held under, the Homes Act 1935 by the Director of Housing, provided it was government land before the commencement of the HLS Act. Some land owned by the Government at that time was unintentionally excluded from the HLS Act.

Section 4 of the HLS Amendment Bill proposes to amend section 3 of the HLS Act by broadening the scope of eligible government land to include freehold land owned by Tasmania Development and Resources, which is managed by the Department of State Growth.

National parks, Wellington Park and other reserved land, along with permanent timber production zone land and future potential production forest land, will remain excluded from the HLS Act.

Consistency with the Land Use Planning and Approvals Act 1993

To make a Housing Land Supply Order that includes rezoning land, the Minister must be satisfied that the Order is 'consistent' with the regional

land use strategy. By contrast, the criteria under the LUPA Act requires a proposal to change the zoning of land to be 'as far as practicable' consistent with the regional land use strategy.

Section 6 of the HLS Amendment Bill proposes to amend section 6(1)(a) of the HLS Act so that the criteria are consistent across the two assessment processes.

Application to Flinders Island

Section 6 of the HLS Amendment Bill proposes to amend section 6 of the HLS Act to allow for consideration of Housing Land Supply Orders for land on Flinders Island.

The HLS Act requires the Minister to be satisfied land to be declared as housing supply land is suitable for residential use by virtue of its proximity to:

- public and commercial services;
- public transport; and
- places that may provide opportunities for employment.

The HLS Act also requires that the Minister must not include in a housing land supply order a zone that has a minimum lot size, or maximum area of

land for a dwelling that is more than that in the SPPs General Residential Zone.

Due to lack of public transport and reticulated services that allow for greater dwelling densities, these requirements limit the ability to provide social housing through an Order on Flinders Island.

The proposed changes allow for the consideration of land on Flinders Island by:

- excluding the need for such land to be proximate to public transport; and
- allowing for land to be included within the Residential Zone under the Flinders Planning Scheme 2000, or the Low Density Residential Zone or the Village Zone under the Tasmanian Planning Scheme, provided the Minister is satisfied land can be provided with adequate water supply, wastewater treatment and stormwater management.

This proposal takes into account the unique circumstances that exist on Flinders Island as acknowledged in the Northern Tasmania Regional Land Use Strategy.

Community Impact Statement

The HLS Act requires that any related rezoning furthers the objectives of the LUPA Act and is considered against the:

- State Policies;
- relevant Regional Land Use Strategy;
- zone purpose; and
- relevant codes.

The proposed changes do not impact the consultation and parliamentary scrutiny processes outlined in Division 2 of the HLS Act.

Submissions and Enquiries

Submissions can be made until COB on **Friday, 5 February 2020** by email to Planning.Unit@justice.tas.gov.au or via post at:

Department of Justice
Planning Policy Unit
GPO Box 825
Hobart TAS 7001

Any enquiries can be directed to the Planning Policy Unit within the Department of Justice at Planning.Unit@justice.tas.gov.au or by telephoning (03) 6166 1429.

November 2020

GPO Box 825, HOBART TAS 7001
Phone: 03 6166 1429

Email: Planning.Unit@Justice.tas.gov.au Visit: www.planningreform.tas.gov.au



Just Cats Tasmania

Business Case for the Provision of Regional Cat Management Facilities for Northern Tasmania

www.justcats.org.au

Surrenders, Strays, Reclaims - 20 Calvary Rd Mowbray

Adoptions and Boarding - 593 Pateena Rd Longford

03 6388 9202

Founder/ Director

Rachel Beech - 0412581672

rachel@justcats.org.au



Just Cats Tasmania

Where every cat that has even a
whisper of a chance....gets a chance.

History & Current Organisation Overview

Just Cats is an organisation that commenced in November 2012 when Rachel Beech (Founder) saw the need to assist the general public with responsible rehoming of unplanned and unwanted kittens. From rescuing one litter in November to 15 litters by the end of January 2013 Rachel saw the need for an additional dedicated feline organisation in the north of Tasmania and registered Just Cats as a not for profit in March 2013.

The organisation originally ran from Rachel's privately owned property in Longford with many extensions put in place to manage the increase in demand. Due to the continued growth of the organisation, a purpose-built adoption facility was opened in 2017 at Longford with assistance from a grant received from Tasmanian Community Fund. In the same year Just Cats became only the third registered cat management facility in Tasmania. In December 2018, Just Cats was awarded the cat management contract by Launceston City Council (after RSPCA indicated it would no longer provide dog or cat facilities) and commenced operation from a second facility at Mowbray.

Just Cats have successfully rehomed more than 8000 cats over the last seven years and have a high volume of supporters from across the state and proudly have a very high reputation.

Just Cats Tasmania also strives to aid those who may at first feel the need to surrender their cat, by assisting where possible to prevent this from happening. Services that we offer are:

- Crisis Care Food Packs
- Crisis Care Boarding
- Desexing free or discounted

This service has managed to prevent people surrendering their cat and dropping the numbers ultimately surrendered for shelter intakes. We firmly believe that as well as assisting felines, we are providing a valuable service to the public who can maintain their pet ownership along with all the benefits this brings.

At Just Cats the adoption rate is high with approximately 20 cats per week finding responsible homes. Just Cats aims to be a G2Z (goal to zero) facility and it has never been an option to have to euthanize any healthy, rehomingable cat due to space or lengthy stays. This ethos contributes to maintaining our high support base.

Whilst being at the Mowbray facility, Just Cats has doubled its feline intakes per year, with approximately 3000 cats arriving in care during a 12-month period in which most will find homes.

Just Cats always strives to establish what is needed to be adaptable with the current times, and to have the equipment or building space needed to always run efficiently and profitably.

One of our biggest projects took place in 2020. Enough space was made to have our very own shelter clinic with an employed veterinarian and veterinarian nurse to manage our own health checks, desexing and dental work. This project was undertaken to increase efficiency and is estimated to save Just Cats over \$50,000 annually in vet services. The vet clinic was determined to be a much-needed addition to the organisation to aid our long-term strategic plan and sustainability. As of June 2020, the vet clinic is installed and working and has already made a huge difference to the organisation.

The Just Cats Board Members, Volunteers and Staff

Just Cats has a board of seven active members who have been recruited due to their individual specialties along with their concern for animal welfare:

President	Carolyn Budai (Oversees the Organisation)
Vice President	Tracey Skeet (Sales and Fundraising)
Treasurer	Tania Triffitt (Accountant)
Secretary	Rowena Macdonald (Lawyer)
Office Bearer	Rachel Beech (Director)
Committee	Lisa Reynolds (Vet)
Committee	Rain Lyall (Marketing and Advertising)

Just Cats has eight paid staff members, three veterinary surgeons, 67 registered volunteers to assist in the cattery, administration, and transport and 47 trained foster carers. All our paid staff have their first aid certificates and other relevant qualifications needed to support them when working with animals.

Sustainability

Sustainability is always on top of mind for us at Just Cats, making sure we are not just relying on public donations for our survival. We currently have the following in place to help as a funding source; this is important for Just Cats, as no matter how much fundraising or funding is supplied to the organisation, we need to have a constant source of security.

Boarding Facility

Our boarding facility is very small at this stage; it does, however, allow for a constant source of income.

Retail Shop

Our retail shop at Longford is an additional source of income, by making sure we stock what people require when adopting a cat, we can upsell associated products.

Just Cats are also in the early stages of investigating the potential to open a second-hand charity store. We are in the process of undertaking market research, investigating supply chain matters and preparing budgets so the Board can make a decision on this matter.

Regardless of the contributions made by sales and boarding, we have many loyal supporters who donate on a regular basis, along with different sponsorships and one-off donations when a call out for assistance is announced. We are glad the public see our worth and our contribution to Tasmania's feline welfare.

Just Cats is not always a free service to the community and we firmly believe that our services should not always be free. Just Cats currently charge a fee for surrendered and trapped cats. However, the fees we charge do not cover the costs for these services and we often receive push back from clients who believe this is a service that is funded via their council rates or the state government.

Under our current model, where there are no guaranteed contributions from other stakeholders, we are not able to offer such services for free. It is our strong belief that surrenders, trapped cats and feral cats should be treated as a fee for service. Surrenders have a fee to cover their costs associated with getting them ready for adoption. We expect those who surrender their cats to understand that a fee must be included to assist in covering the costs. Of course, we are flexible if this is an impossible request. Feral cats or trapped cats pose an issue for the organisation as they require more work at the shelter to hold them for 3 - 5 days and at this stage no one is funding this part of our work.

We have demonstrated over the last seven years that our organisation is required here in the north of Tasmania and we plan to continue our services to the public with the following offerings:

- Assistance with surrenders, strays and unplanned litters;
- Free advice and education for those requiring our help with feral and stray cats or their own concerns regarding feline welfare and;
- Adoption facilities, boarding facilities, and assistance for those finding themselves in a crisis.

Our Offer to Councils

As all councils will be aware, the *Tasmanian Cat Management Act 2009* will have several amendments coming into effect shortly. We anticipate that our organisation will be needed more than ever before due to these changes. We plan to be prepared, stable and ready to assist.

Our offer to councils still stands that as a cat management facility, all cat related enquiries can be diverted to Just Cats. We note, however, there is a firm belief with ratepayers, that stray and feral cats are the council's responsibility, and this belief is likely to continue.

Our primary aim is to partner up with local councils, on a user pays basis. This would allow Just Cats to take on the full role of a cat management facility for the north and enable councils to

refer local rate payers to Just Cats when needed. This proposal will allow council to provide a solution to ratepayers without having to directly operate a cat management facility or tie up internal resources – which in turn will save council funds.

We propose a financial contribution from councils based on actual cat numbers from each municipality when their ratepayers' hand in stray or feral cats. Any member of the public surrendering their own felines would continue to pay for the service, as the pet is their responsibility. This would then ensure that the services provided were truly users pay and would ensure that councils were not subsidising other municipalities or other parts of our operation.

The amendments to the *Cat Management Act 2009* will permit members of the public to trap, seize, or detain cats regardless of the proximity to other residences, provided that the cat is taken to a cat management facility if the owner of the cat cannot be identified. This is already occurring at our facility and is expected to increase. Our procedure for handling such cats is as follows:

- Cats are scanned for a microchip;
- If aggressive and unable to be scanned our protocol is to do this under sedation, if not microchipped and unable to handle it is then euthanised by a veterinarian;
- Microchipped cats are reunited with a fee charged upon collection of the cat;
- Un-microchipped, desexed cats are health checked and then held for 3 days before being rehomed and;
- Any un-desexed cats are then placed in the cattery to wait for desexing procedure and are then rehomed.

Intakes:

Just Cats intake for Stray cats by Municipality during 2020 was:

Northern Midlands	47 stray cats with 7 of these deemed as feral cats (un-handleable)
City of Launceston	226 stray cats with 43 of these deemed as feral cats (un-handleable)
George Town	36 stray cats with 1 of these deemed as a feral cat (un-handleable)
West Tamar	72 stray cats with 15 of these deemed as feral cats (un-handleable) ⁷
Meander Valley	84 stray cats with 10 of these deemed as feral cats (un-handleable)
Dorset	6 stray cats with 1 of these deemed as feral cat (un-handleable)
Break O'Day	0 stray cats

We have calculated our average cost per cat based on variable costs and fixed overheads as:

Costs for stray cat arrival, vet work and holding for required 3 days	\$550.00
If deemed un-handleable - euthanasia by veterinarian (this includes our cost of holding the cat until a decision is made)	\$120.00
Our average adoption fee per cat is	\$250.00
Loss on stray cat	\$270.00
Loss on feral cat	\$120.00

Just Cats proposes we partner with councils to assist them and their ratepayers to meet the requirements of the *Cat Management Act 2009* and to provide a dedicated, one stop solution for stray and feral cats that must be dealt with. Whilst we note that Just Cats is already to some extent providing this service, our funding from councils is not certain. To ensure our long-term sustainability and capacity to provide this service we propose that councils partially contribute to the cost of stray and feral cats from their local area.

We acknowledge that our mission statement of "where every cat who has even a whisper of a chance.... gets a chance" can result in additional costs and holding time for some cats. We do not believe it is councils' responsibility to support or fund our ethos. As such, we will only be requesting a contribution for the minimum standards set under the *Cat Management Act 2009* i.e., health check, microchip, desexing and holding costs for 3 days. Any additional costs incurred after this minimum is clearly the responsibility of Just Cats, and we have robust budgeting and financial management to ensure the ongoing long-term viability of our organisation.

As a cat management facility, Just Cats is not able to refuse cats surrendered at the organisation due to their originating location or out of council areas. Cats originating from regions outside of the northern municipalities will be funded by donations. We acknowledge that this is an area that requires assistance, and we envisage a sub shelter of Just Cats on the north-west coast would assist greatly. We have been communicating with Cradle Coast to try and facilitate a shelter in the area where we can extend our services, and this will be an ongoing matter for the organisation.

What Will This Cost Councils?

We anticipate offering two models to councils:

Model 1. Charge on a per cat basis:

When stray or feral cats are brought into Just Cats, an invoice will be sent to council on a monthly basis with an agreed fee depending on whether the cat is deemed stray or feral. Given

that we do have other sources of income, we propose that 60% of our costs associated with strays and feral cats be costed as:

Stray	\$270 per cat (excluding GST)
Feral	\$ 70 per cat (excluding GST)

The above fees would also cover councils' continued referral of rate payers to Just Cats for advice and assistance. We are open to negotiation regarding this amount.

Model 2. Annual Agreed Retainer

An annual agreed retainer could be negotiated each year, based on the previous year's intake from each Local Government Area. This would be reviewed each year and would be negotiated annually with the relevant council.

Why Choose Just Cats

Just Cats currently operate two sites in the north of the state; Longford which is our adoption and boarding facility and Mowbray which is our intake facility allowing us an area for quarantine and isolation. Our shelter vet clinic is also positioned at this site allowing us to have all the tools and expertise we require.

The Longford facility is owned by Rachel and Wayne Beech with a commercial lease in place and the Mowbray facility is owned by the Launceston City Council.

Just Cats had operated solely from the Longford Facility for 7 years before the RSPCA ceased their service in Launceston. Just Cats put in an expression of interest at the end of 2018 to take on the facility in Mowbray and was approved by December 2018 with Just Cats operating from the new site as of 3rd January 2019.

With RSPCA leaving Launceston, only Just Cats and other small cat rescue organisations such as Rescue Cats Safe Haven were left to take in the cats in this area. Just Cats were the only registered cat management facility.

2019 saw the RSPCA return to Launceston with the opening of their retail store in Invermay where they also take in surrendered cats and kittens. However, their Invermay facility does not have the necessary facilities to separate cats for quarantine and their space is understandably limited. Rescue Cats Safe Haven have closed their Launceston Shelter.

Just Cats is not government funded and relies heavily on boarding, adoptions, retail sales and donations to keep the shelter running. We currently have an agreement with Launceston City Council (expiring December 2022) with an annual donation of \$30,00. We have previously received one off payments of \$10,000 from West Tamar Council and \$5,000 from Northern

Midlands. These payments have been greatly appreciated and have assisted with the running of the shelter and covering the costs of cats arriving from these municipalities.

We are constantly reviewing operating costs and identified that an area of focus to deliver savings was veterinary costs. Our veterinary requirements were being outsourced to local vet clinics prior to the addition of our own vet clinic at the Mowbray facility. We achieved this thanks to a grant we received from WD Booth Charitable trust, and donations collected during our fundraising campaign from the general public. Our own vet clinic will save us over \$50,000 annually and we have ensured that this facility can be relocated if the shelter is to move at some point in the future.

Just Cats internal vet shelter clinic is only to be used to service the needs of the shelter cats and is not opened to provide a service to the general public. However, we do offer to assist with discounted desexing of the mother cat of the litter of kittens which are being surrendered, as this will prevent future unwanted litters. We also assist people in a financial crisis situation, helping to cover costs with desexing to prevent them from surrendering their cat.

Just Cats does not just provide a place for surrenders, strays or feral cats, but is a great source for information and education about cats for stakeholders, the community and cat owners.

Just Cats provides the community with rehoming services, boarding facilities, a retail shop, and several other community programs including:

- Education – we educate the public about responsible cat ownership, starting from school aged children with visits to high schools, TAFE facilities and universities. We hold stress free days for students to de-stress with the cats for their mental health simultaneously educating them about what cats need and how to be a better cat owner.
- Crisis Care – many times we have the call from people who have sadly become homeless or have entered the women's shelter due to drug related issues or domestic violence. We offer temporary boarding for these cats at a very low fee and sometimes it is a free service, especially for those who have been taken to hospital via ambulance and have no other means to care of their cat. During crisis care we also support people who may be experiencing financial hardship with the support of food and litter packs.
- Elderly and disabled – several of our resident cats are recognised 'therapy cats' used for visiting nursing homes to enrich the lives of residents. We also have many NDIS recipients who visit the shelter on a regular basis with their carers to assist in their therapy and undertake work placements.
- Community outreach programs – thanks to certain grants we occasionally secure funding to offer free or discounted desexing for those in need. This service is always needed but not always available. The desired outcome is to help desex as many cats as we can to then have fewer stray cats in Tasmania.

In 2019, Just Cats had 1009 surrendered cats, 913 kittens and 319 Stray Cats that arrived requiring our service; all rehomingable cats were rehomed and only 66 had to be euthanized.

The Just Cats facility is ideally positioned in Mowbray and we have never encountered any problems with the public when having to surrender or hand in a found cat. The location works well for those in the Launceston, Northern Midlands, West Tamar, George Town, Dorset and Break O'Day municipalities with Meander Valley being the furthest away.

It is Just Cats preference to continue to utilise the Mowbray facility. It is our understanding, however, that we may need to relocate due to an agreement between the Launceston City Council and the Dogs Home of Tasmania. If this matter can be resolved, we would continue at this facility and our intentions are to be here for the long term.

Just Cats is an organisation that is vital to Tasmania and we will be able to make a bigger impact on the cat problems of Tasmania by partnering with councils. We look forward to working together and forming solid partnerships and providing the best possible service for our community.



Just Cats Tasmania

Breakdown of Costs Involved in taking Stray Cats

www.justcats.org.au

Surrenders, Strays, Reclaims - 20 Calvary Rd Mowbray

Adoptions and Boarding - 593 Pateena Rd Longford

03 6388 9202

Founder/ Director

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Just Cats Tasmania

Where every cat that has even a
whisper of a chance....gets a chance.

At Just Cats taking in stray cats is costly, we hold stray cats for 3 - 5 days before doing their vet work and placing them for adoption if an owner has not come forward.

The national average for costing of stray cats to shelters is \$750 per cat and we can understand why, remembering that the law for cats is different to that of dogs where we must desex, test for FIV and microchip before they can leave the cat management facility.

Even a stray cat that arrives that displays feral behaviour is held for 3-5 days to allow time for an owner to come forward. In the case that the cat may require euthanasia, the direct cost to us is \$120.00 (and that excludes overhead costs). Feral euthanasia requires 2 to 3 people with the cat during the process (often due to OH&S) – at minimum, a veterinarian, and a nurse. The cat is administered Zoletil and sedated before being given Lethobarb, with the heart being listened to until it finally stops. Every cat is respectfully cremated through Cornerstone Pet Crematorium and not dumped at the tip. Due to the potential diseases cats can carry, deep burial of carcasses is required if disposed of at a Waste Management Facility, the cost of which is comparable to cremation.

The average cost of \$550 per cat has been arrived at by undertaking a full absorption costing - it includes the time it takes to do the surrender (including required paperwork), for the triage, initial vet exam, potential quarantine, full care for 3 - 5 days, assessment over those days and care planning.

If the stray cat is not claimed and our rehabilitation process is passed, the cats then require the following additional actions: Full vet health check (including FIV test), microchip, vaccination, flea and worm treatment, desexing, care for the duration of their stay with food, water, litter. In addition to socialisation, each cat is assessed daily by our cat behaviourist staff member to determine when they are ready for adoption. These costs are in excess of the \$550 noted above.

Trying to create a breakdown for each individual service during this time frame is difficult and may vary from cat to cat – hence why we have used a full absorption costing method to determine an average cost to Just Cats per stray cat processed through the facility.

If you require any more information please contact Rachel directly on 0412581672