



Reserve Activity Assessment Process Reform

SUBMISSIONS REPORT

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Author: Strategic Projects and Policy Branch
Cover Photo: Grant Dixon
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Introduction

In September 2021, the Tasmanian Government announced that the *National Parks and Reserves Management Act 2002* (NPRMA) would be amended to establish a statutory environmental impact assessment process for eligible proposals on reserve land providing for transparency and independent decision making.

A [Consultation Paper](#) on the proposed reforms was released for an eight week public consultation ending on 20 March 2024. Submissions were received from a wide range of stakeholders. A total of 807 submissions were received and these (excluding the eight submissions that requested confidentiality) are available on the Department of Natural Resources and Environment Tasmania (NRE Tas) web page here (<https://nre.tas.gov.au/conservation/reserve-activity-assessment-reform/have-your-say-on-reserve-activity-assessment-reform>).

This Submissions Report was prepared by NRE Tas to summarise the issues raised in the submissions received during the consultation period in response to the Consultation Paper.

Background to consultation

The Consultation Paper was designed to facilitate a conversation with interested stakeholders on the proposal for amendments to the NPRMA. It provided information on the key issues for a proposed statutory environmental impact assessment process dealing with eligible proposals on reserved land.

The proposed reforms for assessments of proposals on reserves that meet eligibility criteria include:

- a statutory environmental impact assessment process.
- independent and transparent assessments and accountable decision making via an independent assessment panel.
- cost recovery for assessments.
- removal of duplication with assessment processes under the *Land Use Planning and Approvals Act 1993* (LUPAA).
- public access to copies of leases and licences issued over reserves through a Head of Power to publish active leases and licences issued on reserves.
- additional reserve management planning processes for amending existing statutory management plans and creating statutory management statements.

Consultation involved one on one meetings with major stakeholder organisations including non-government organisations, government agencies and industry representatives, briefing sessions on request, and multiple avenues for submissions including access to the website (<https://nre.tas.gov.au/RAA-Reform>), an online form, email RAAreform@nre.tas.gov.au, or by post at GPO Box 44 HOBART TAS 7001.

Submissions were sought from:

- local councils and the Local Government Association of Tasmania;
- University of Tasmania Law Professors;
- the Aboriginal Heritage Council;
- the Tasmanian National Parks and Wildlife Advisory Council;

- State agencies and a range of State Authorities, including Mineral Resources Tasmania, TasNetworks, TasWater, Department of State Growth, Hydro Tasmania, Tourism Tasmania, Tasmania Fire Service, the State Planning Office and Aboriginal Heritage Tasmania;
- planning and environmental assessment consultants operating in the State;
- industry groups such as the Tourism Industry Council of Tasmania; and
- environmental and community groups.

Table 1 is a summary of the type and numbers of submissions received. A list of the organisations that made submissions is provided in the Appendix.

Table 1 Submissions received

Submitter type	Submission format	Number submissions received	Comments
Organisations	text	40	Agencies, private entities, Councils
Individuals	Planning Matters Alliance Tasmania (PMAT)	222	PMAT proformas – 20 with additional comments
Individuals	DoGooder https://dogooder.co/	355	145 DoGooder emails were text & not proforma
Individuals	Tasmanian Conservation Trust Inc	151	85 with individual comments
Individuals	text	39	Own format
Total	all	807	8 submissions requested confidentiality

Key themes raised in submissions

The following provides a summary of key points raised in the submissions.

1. Statutory assessment process

There was some support for a statutory Reserve Activity Assessment (RAA) process, including an interest in further understanding the detail of how such a statutory process would operate.

Key aspects of the proposed process that were addressed in many of the submissions included:

- statutory timelines
- assessment criteria
- independence of the assessment panel
- fit within the Tasmanian planning system
- public consultation steps
- appeal processes
- public performance reporting and transparency.

Cited advantages that were identified in a number of submissions for a statutory assessment process on reserved land included that it provides a mechanism for proposals by the Tasmania Parks and Wildlife Service (PWS) to be assessed by another entity, certainty of process timelines, efficient management of the assessment process, and a comprehensive assessment process that addresses all environmental issues.

Submissions also pointed to other State level assessment processes already operating and questioned why there was a need to create another process for proposals on reserves. How the assessment processes fit together was questioned in a number of submissions. Submissions referred to assessment processes under the *Environmental Management and Pollution Control Act 1994*, the *Environment Protection Biodiversity Conservation Act 1999* (EPBCA Cth), the *State Policies and Projects Act 1993* proposals of state significance assessment process, as well as the major projects assessment process under Division 2A of LUPAA.

Some submissions questioned the need for any new statutory assessment process to improve transparency or independence given there is opportunity to improve the current RAA process with enhancing the opportunity for public consultation, considering a merit appeals process, and clear timelines. It was suggested that PWS could retain its role as the responsible entity with adequate public oversight and input, internal review processes, public performance reporting and clear appeal processes.

2. Cost recovery for assessment process

The imposition of appropriate fees for the assessment process was generally supported. Submissions identified that the revenue should assist in resourcing the agency responsible for managing the assessment process.

There was also support for appropriate fees for issuing leases and licences including annual fees based on intensity of use as well as the imposition of rehabilitation bonds.

Suggestions were made on how appropriate environmental bonds could be calculated and imposed.

There were concerns expressed in some submissions that uncapped costs, fees and bonds could deter investment.

3. Remove duplication with assessment processes

There was significant comment in the submissions on keeping the LUPAA assessment process and the role of local councils in place and retaining the current local government jurisdiction for assessments on reserves.

The case put forward in a number of submissions for retaining the current local council role included the following matters:

- concerns on how the Tasmanian Planning Scheme (TPS) and any local planning schemes, including the various codes and overlays, would be applied in the statutory assessment process without also retaining the LUPAA jurisdiction on reserves;
- the need to retain consideration of the Bushfire Prone Areas Code (part of the TPS);
- access to the Tasmanian Civil and Administrative Tribunal as part of the Resource Management and Planning System should be retained; and
- support for retaining the permit and follow up role by local councils.

4. Public access to leases and licences

The submissions provided significant support for public release of all leases and licences granted under the NPRMA.

The current process to release copies of leases and licences is not well known. A significant number of leases and licences have been, and continue to be, released (refer to the Lease and Licence Portal <https://leaseslicences.nre.tas.gov.au>).

There was support for a statutory head of power to publicly release leases and licences.

5. Reserve management planning process

The proposal for amendments to the NPRMA included options for improved planning processes such as providing for the Director of National Parks and Wildlife to make minor amendments (with public consultation) to an existing management plan, providing for an RAA process that may recommend a development proposal and also necessary amendments to an existing management plan, and providing for a process to development management statements with public consultation to address planning issues as they arise.

Submissions supported a more efficient management plan amendment process provided it included extensive public consultation, did not lead to additional or easier to obtain development approvals and did not apply to major issues such as significant boundary changes.

Submissions generally viewed proposal assessment and management plan amendment as requiring two separate processes.

There was some support for a statutory management statement planning process. It was suggested in some submissions that the Minister may approve a management statement on a recommendation from the Director.

Appendix

List of organisations that made submissions

Aboriginal Heritage Tasmania
Australian Plants Society Tasmania Inc.
Break O'Day Council
City of Launceston Council
Clarence City Council
Cultural Heritage Practitioners Tasmania
Department of Premier and Cabinet
Environment Protection Authority
Environmental Defenders Office
era Planning & Environment
Fishers and Walkers Tasmania
Friends of Cradle Valley
Glebe Residents' Association
Howden Progress Association
Hydro Tasmania
Local Government Association of Tasmania
National Parks and Wildlife Advisory Council
Natural Resource Management North
No Turbine Action Group
Northeast Bioregional Network
Planning Institute Australia, Tasmanian Division
Planning Matters Alliance Tasmania
South Hobart Progress Association
Student Environmental and Animal Law Society

Taroona Community Association
Tasmania Fire Service
Tasmanian Conservation Trust Inc.
Tasmanian Land Conservancy
Tasmanian National Parks Association
Tasmanian Wilderness Guides Association
TasWater
The Board of Cape Herbert Pty Ltd
The Wilderness Society
Tourism Industry Council Tasmania
University of Law / Faculty of Law
Wellington Park Management Trust
West Tamar Council
Wild Cave Tours



Tasmanian
Government

Department Natural Resources and Environment Tasmania
Strategic Projects and Policy Branch

Email:

RAAreform@nre.tas.gov.au

www.NRE.tas.gov.au