

BURNIE COURT COMPLEX SUBMISSION

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Firstly, I would like to thank the committee for allowing me to make this submission.

This submission adopts the **Cradle Coast Regional Land Use Framework** as a basis for assessment of the proposed location of the new Court Complex. This framework contains the Cradle Coast Regional Land Use Strategy 2010 – 2030 which is a statutory planning instrument under the Tasmanian Resource Management and Planning System.

The purpose of the strategy is to **provide consistent policy for the local planning schemes** for each municipal area. **It describes a desired future for the Cradle Coast Region and explains how the framework is to deliver that future.**

At page 5 of the document the State of **Tasmania's Planning Ministers Vision** states.

*"Reforming the State's land use planning system to better meet the challenges of the 21st Century is an **important part of ensuring Tasmania's ongoing prosperity.**"*

The State Government has committed to an integrated set of reforms covering both strategic planning and statutory planning schemes."

With the above in mind, we turn our attention to specific parts of that Framework that is relevant to the location of the new Burnie Court Complex.

Clause 3.5.2 (p53) Land for retail, business, and professional service

Retail and service activity is a significant part of the regional economy.

There is a strong public interest component in planning strategically for an **aggregation of business and commercial land uses** to support live ability and the wellbeing of communities. Designation of commercial centres allows ease of access to consumer goods and services and create places which provide a centre for community activity.

Emphasis must be given to retaining attraction and function of existing commercial centres.

The Capacity of a town centre to provide a vibrant and functional commercial space generates efficiencies in social, economic and infrastructure.

Expansion of existing centres is preferred over new locations to concentrate retail and commercial activity into geographically confined yet highly accessible locations.

Attention is required to avoid decline in attraction and performance of primary centres.

Focusing high-order business and commercial activity into major centres such as at Burnie will support on-going viability and assist sustained access by the Region's population.

It also provides incentive for effective public transport and provides a critical mass and synergies which attract other services.

Clause 4.5 (p63) Settlement Pattern – managing development and growth

Contemporary planning considerations promote settlements which are liveable and sustainable. These are places which make optimum use of land and the available and planned infrastructure, and which provide ready ability to internally access daily requirements for employment, education, retail, health, and social and recreational needs. They are also places which are energy efficient and have reduced carbon footprint. By definition, they are therefore compact and integrated places.

Current arrangements for settlement have created a number of issues for sustainable regional development, including fragmentation and dispersal of employment land, inefficient use of land and of utility and community services.

The development and growth management issues which the Framework seeks to address are sustainable urban growth and development.

The majority of settlement growth in the Region is expected to occur in the existing urban centres, including Burnie.

A number of both internal and external factors **support a settlement pattern featuring *containment of existing towns over expansion and creation of new centres*. The approach seeks to better use the land already designated and serviced rather than an outward expansion of urban boundaries onto new lands.**

The concept of containment is consistent with the ideals for liveable and sustainable centres, and with the economic imperatives to optimize use of available and planned infrastructure, to address the causes and consequences of climate change, for meeting the goals of the proposed state Economic Development Plan, and for creating active and healthy communities.

The aim is to build on established centres in order to support local and regional communities and economies, **concentrate investment into the improvement of infrastructure and services, and to maintain and enhance identity.**

While the growth and development of settlements can increase economic activity and improve the viability of services, poorly managed growth can decrease the live ability of an area and cause detriment to the special characteristics which make areas unique.

At page 66, **Municipalities are advised to prepare local settlement structure plans to establish arrangements for orderly and economic response to movement in social and economic activity.** The provision of appropriately zoned land and the finer grain detail for how development will occur is to be determined at municipal level through local settlement strategies and statutory plans, prepared in accordance with the Cradle Coast Land Use Strategy principles and reflected in the provisions of local planning schemes. **Plans must identify locations and sequence for growth and redevelopment in accordance with land capability and infrastructure capacity**, and match land supply to evidenced demand for housing and employment land.

Local plans will contain opportunities for higher density development, and requirements to address function, attractiveness, and sustainability of centres.

Settlement	Growth Scenario	Settlement Strategy
Burnie – Somerset	Medium	Contained

Clause 4.6 (p67) Settlement Character – planning for live ability

The pattern and function of settlement and the way in which towns are designed and managed not only affects how they relate and look but how they perform as liveable and sustainable places.

Well planned towns respect their identity and surroundings, protect areas of natural and cultural value, are externally and internally well connected, **encourage investment**, and provide convenient, safe, attractive, inclusive, and secure places in which to live, work, and visit.

Clause 4.6.2 (p68) Carbon Efficient Centres

Continued reliance on personal motor transport as the principle and preferred mode of transport has implication for a safe and functional intra-regional road system, and for energy and carbon efficiency.

Challenge for the Framework is to balance retention of capacity and value in the existing settlement network with **incentive for more self-contained centres in which daily requirements for employment, education, health, retail, and social activity can be satisfied with minimal travel requirements.**

Clause 4.6.3 (p68) Development Standards

There are many actions associated with stable and contained development scenarios which can improve the live ability of a place if implemented as part of a coordinated approach for urban improvement. These include regulatory arrangements which provide a broad-based approach to allocation of land use and **less emphasis on single purpose zoning**, require increased connectivity between urban spaces for walking and cycling, and which promote energy efficiency.

Ad hoc and incremental action carry potential to under-mine or destroy live ability, including insensitive civil construction, ill-conceived urban improvement programs, and the arbitrary application of externally sourced design codes **without regard to local circumstances.**

Clause 4.7 (p69) Settlement Capability – access to services

Continued sustainability of regional settlements is a key consideration for the Framework.

The ability for the Region to support a liveable and sustainable community can be enhanced and protected by ensuring the level of access and investment in community and human service infrastructure and in business and employment activity is adequate in purpose, scale, and location to meet both local and regional needs.

Activity centre policy is intended to encourage particular types of activities to co-locate under a designated hierarchy in which settlement centres are described by size, type, location, and distribution. The concept involves directed action to discourage development which is outside this model. The rationale is to improve the accessibility, productivity, complementarities, and efficiency in use of larger scale and single-site activities to meet a wider population need. **The model retains ability to provide a single local destination that will meet the majority of people's daily needs.**

Action to protect the viability of centres and their function to serve a wider population or purpose should be fully considered during the strategic planning phase. Strategies should clearly identify locations for future commercial activity and core regional functions and avoid opportunity for fragmentation into edge of centre and more remote locations.

It is possible to design one sustainable service for all of the Region's population, **the service should be provided in one location**. Sustainability will be assured where the quality or efficiency of the service is volume-dependent and there is no additional service unless there is evidence to indicate there is a reasonable demand for such services and no other service will be compromised.

The choice of location and nature of a service will be that which is most accessible to where most people live. **The nature of the service will be appropriate to need and located where it can be best integrated with other providers**. A number of factors and critical interdependences influence whether a service can be delivered sustainably from more than one or two sites.

The concept of activity centres is mooted in the draft Tasmanian Economic Development Plan.

The concept of **activity centres promotes the largest and most centralized centre as the preferred location for higher order services**.

It is important to retain and enhance the established role and the diversity of the existing regional service centre and to minimize risk for erosion in capacity.

Framework policy arrangements aim to sustain provision of higher order social and economic services for the Region into established centres.

Describing the current and desired future role and function for each of the main towns within the Region will:

- support the incumbent strength and **sustainability by agglomeration of development of a like kind**
- provide justification focus for service provision and investment decisions
- **avoid loss, depletion, fragmentation, or dysfunction in service provision through dispersal of key functions across a number of centres**

Centre Description	Centre
These towns offer higher order services reliant for operational efficiency on a population of regional, professional, and personal service. Major centres are primary nodes for industry, business, public sector, and transport activities with a regional focus; and offer a range of employment options.	Burnie

What the framework proposes is that the scale and function of each centre be focused to deliver key community requirements in a manner which is complimentary and efficient to the needs of the resident and catchment population of that centre and to the Region as an entity. It suggests the Region's centres be considered as part of a sustainable and efficient network.

Rather the concept is to ensure a continuum of size and function, and an absence of unnecessary dysfunction for activities which are regionally important.

The centres model is consistent with objectives for certainty for business and infrastructure investment, and for ability to make strategic decisions in support of liveable and sustainable communities.

Regional level activity will locate where –

- **it complements the incumbent strength and collective drawing power of existing development of a like kind**
- it relies on a major inter-regional, national, or inter-national transport node
- it is required by the policies of government or an external agency
- it will not have adverse effect on the sustainability of services provided from another location

Clause 4.10.1 (p90) Community Services

Some aspects of liveable communities require structured arrangements for provision of high cost and specialist facilities.

Community service facilities includes provision for health, education family and community care and support, public and civic administration, arts, cultural, recreation, legal and financial advice, public safety, and emergency services.

These activities are collectively high employment generators.

Clause 5.1 (p94) Integrated Infrastructure and Land use Planning

Climate change mitigation and adaption strategies will require **transition to low carbon emission practices** and technologies and for efficient and renewable energy systems **with implication for the pattern of settlements**, transport modes and energy generation and recovery.

The transport modules of the Tasmanian Infrastructure Strategy 2010 and the Cradle Coast Integrated Transport Strategy 2006 reflect a common objective for the State's transport system to “deliver connected communities and efficient and safe movement of people and freight” in a manner that will “drive economic growth, social inclusion and meet climate change challenges”.

Investment in transport systems can be costly and can have a long-term impact on economic performance, community connectedness and environmental health.

Maintenance and protection of transport infrastructure already consumes a significant proportion of the total public infrastructure budget. **As a result, long term asset management to optimize use and life cycle of existing infrastructure is as important as providing new infrastructure. This includes better integration of transport planning with land use planning – by locating employment centres closer together, to reduce trip lengths and to reduce the overall numbers of trips.**

These factors provide a number of planning considerations for maintaining strategic function and efficiency of key transport corridors and nodes.

Clause 5.2.5 (p105) Active Transport

State transport strategies aim to provide *“a safe and responsive passenger transport system that supports improved accessibility, live ability and health outcomes for all communities, in the context of the challenges of climate change”* with the objective of making public transport a first-choice option and an effective low-cost alternative to private car use.

The State Strategies also support “active transport” systems under which walking are considered to be essential low cost and reliable transport options for all communities, particularly in urban centres.

The Active Transport Strategy seeks to assist transition to a low carbon emission community by substituting short car trips with opportunity to walk or cycle.

The strategies also seek to **create more liveable communities by increasing standards of accessibility to key local destinations for daily needs, and thus increase the attractiveness of a place for living, working and recreation.**

Successful implementation of Active Transport strategies require land use planning policy to provide urban settlements that reduce car dependency and overall distances travelled. The basic pattern of settlement and the form of urban centres must be adjusted to provide more compact, higher density mixed use areas with improved levels of internal connectedness and greater local accessibility to daily needs.

Integrated transport and land use planning systems need to support sustainable strategic outcomes which support attractive low carbon transport modes.

The framework needs to take a long-term approach to:

- **Consolidate population growth into more compact and contained settlement patterns which discourage outlying development and reduce distances between origin and destination for most daily trips.**

CONCLUSION

The proposed location of the new Burnie Court Complex in Mooreville Rd away from the existing Burnie CBD is clearly contrary to the policy requirements of **The Cradle Coast Land Use Planning Framework** in that it.

- Does not place an emphasis on consolidating the existing commercial centre or aggregation of like businesses and services.
- Fragments the existing CBD activity centre and fails to build on the established centre.
- Diminishes the vibrancy and therefore the economic viability of the existing centre by moving key employment services away from the CBD when policy is to avoid decline of primary centres.
- Does not co-locate related services.
- Does not protect the viability of the existing CBD. For example, how is the CBD expected to intensify with residential accommodation via the concept of shop top housing if significant employment is taken away from the Centre.
- Reduces sustainability of the exiting CBD by moving key employment services away from the CBD
- Increases greenhouse gas emissions through increased vehicle trips both private and via public transport.
- Requires significant upgrades to the existing public transport system to create and connect to a new transport node. This also has a cost attached to it for the life of the new complex.
- As a result of the above points does not support a move to carbon zero targets.
- And does not contribute to reducing the effects of climate change.

If we looked at a practical example of some likely additional costs created by this separation of related services using the time cost of Lawyers, it could look something like this:

- on 2nd December 2021, there were around 97 different individuals listed for attendance at the existing Court Complex. For legal representation having to travel from the CBD at 15min each way (inc parking and to and fro from vehicle), it would be fair to say that an additional half an hour of legal fees would be borne by the people of the community. At somewhere between \$200 and \$400 per hour, say we use \$300 Ph that equates to an extra \$150 per trip. If we applied that to only 30% of those people that would be $30 \times \$150 = \4500 per day $\times 5 = \$22,500$ pw $\times 48$ weeks = \$1,080,000 PA $\times 40$ -year life span = 43mil in additional legal fees over the life span of the building. Quite a staggering amount. Moving legal offices from the CBD would leave the CBD significantly affected.

A similar calculation could be made for a policeman's time together with vehicle costs. This additional half an hour return travel time is also time that a police officer could be better serving the community.

Add to this the fact that this is a high employment service that if located away from the CBD will take away significant economic revenue from existing retail businesses within the CBD such as cafes etc.

And then there is the additional public transport costs. These examples are only scratching the surface and clearly none of the above represent value for money to the community.

The co-location of related courthouse services is also evident in existing and new buildings either recently built or under construction in Tasmania and Victoria as follows:

In **Tasmania** (existing)

- Hobart magistrates court located adjacent to the police station
- Launceston magistrates court located adjacent to police station

In **Victoria** (New Court Houses)

Wyndham Law Courts due for completion 2024

- Located adjacent to the Werribee Police Station

Shepparton Law Courts opened March 2019 (designed by Architectus)

- Located in the same block as the police station
- Ironically, the Architects (Architectus) statement **"It creates a complete justice precinct with the Police Station"**

As noted, **The Cradle Coast Land Use Planning Framework policy has been endorsed by the State's Planning minister.**

"The State Government has committed to an integrated set of reforms covering both strategic planning and statutory planning schemes."

The Council is empowered at page 66 of the Planning Framework policy to prepare structure plans to establish an orderly and economic response to the policy.

It is rare for the residential community, business community and local council to be aligned, and even rarer for all three to be aligned with an endorsed Government Planning Policy. It is clear from the community and government Policy that for the proper and orderly planning of Burnie, the new Court Complex should be given every opportunity to be located within Burnie's CBD. To better utilize existing services rather than outward expansion and secure the future of Burnie's CBD. The government should be honoring its commitment under its own Planning Framework Policies.

Malcolm Elliott