

	State Policies	Tasmanian Planning Policies
Legislation	<i>State Policies and Projects Act 1993, Part 2</i>	<i>Land Use Planning and Approvals Act 1993, Part 2A</i>
Purpose and contents	<p>A State Policy –</p> <p>(a) must seek to further the RMPS objectives; and</p> <p>(b) may be made only where there is, in the opinion of the Minister, a matter of State significance to be dealt with in the State Policy; and</p> <p>(c) must seek to ensure that a consistent and co-ordinated approach is maintained throughout the State with respect to the matters contained in the State Policy; and</p> <p>(d) must incorporate the minimum amount of regulation necessary to obtain its objectives.</p> <p>A State Policy may contain matters relating to one or more of the following:</p> <p>(a) sustainable development of natural and physical resources;</p> <p>(b) land use planning;</p> <p>(c) land management;</p> <p>(d) environmental management;</p> <p>(e) environment protection;</p> <p>(f) any other matter that may be prescribed.</p>	<p>TPPs must satisfy the TPP Criteria, being that they must</p> <p>(a) seek to further RMPS Objectives ; and</p> <p>(b) be consistent with any relevant State Policy</p> <p>The purposes of the TPPs are to set out the aims, or principles, that are to be achieved or applied by –</p> <p>(a) the Tasmanian Planning Scheme; and</p> <p>(b) the regional land use strategies.</p> <p>The TPPs may relate to the following:</p> <p>(a) the sustainable use, development, protection or conservation of land;</p> <p>(b) environmental protection;</p> <p>(c) liveability, health and wellbeing of the community;</p> <p>(d) any other matter that may be included in a planning scheme or a regional land use strategy.</p>
Effect	<p>A State Policy binds the Crown and councils.</p> <p>A person who contravenes or fails to comply with a provision of a State Policy or a requirement or obligation imposed under a State Policy is guilty of an offence punishable on summary conviction.</p> <p>Where there is an inconsistency between a provision of a State Policy and a provision of a planning scheme in force at the time when the State Policy comes into operation, the provision of the planning scheme or interim order is void to the extent of the inconsistency.</p> <p>The TPC must amend all planning schemes to incorporate all parts of a</p>	<p>The TPPs may specify the manner in which the TPPs are to be implemented into the SPPs, LPSs and regional land use strategies.</p> <p>The TPPs are a subordinate level of policy to the State Policies and will only affect Tasmania’s land use planning system. They will provide strategic direction on land use planning matters by informing the regional land use strategies and the content and scope of the SPPs and LPSs. This means that, unlike State Policies, the TPPs will not be self-executing or directly override decisions on development applications made under other parts of the land use planning system. They will be</p>

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Effect (cont'd)	<p>State policy that are relevant to it and remove any inconsistencies (and the scheme amendment process under LUPAA does not apply to these amendments). Any of these scheme amendments are deemed to have come into operation at time of State Policy came into effect.</p> <p>A State Policy may be implemented by any means available to the Crown.</p> <p>A State Policy may require a statutory authority or statutory office holder to undertake activities, perform functions and exercise powers specified in the State Policy.</p>	<p>implemented through the regional land use strategies and the SPPs and LPSs that form the Tasmanian Planning Scheme.</p>
How made	<ul style="list-style-type: none"> - Minister to prepare draft State Policy and provide a notice to TPC to prepare a report. - TPC to place draft State Policy on public exhibition for a period of 8 weeks. - Representations can be made to TPC during the public exhibition period. - TPC must consider the representations and may hold a hearing ins relation to any representations. - The TPC may make modifications to a draft State Policy (at which point, the modifications may need to be publicly exhibited again). - The TPC must then submit a report to the Minister, and the Minister may recommend that the Governor make the State Policy. The Governor may make the State Policy and fix the day it shall come into effect. However, before it comes into effect the state Policy must be notified in the Gazette and laid in both Houses of Parliament within the first 10 sitting days of the gazette notice. The State Policy is of no effect until 	<ul style="list-style-type: none"> - Minister to prepare draft TPPs. - Minister must consult with the TPC, Planning Authorities, Government departments, and other Ministers - Minister to provide draft TPPs to the TPC and the TPC to undertake public consultation for a period of 60 days. - Representations can be made to TPC during the public exhibition period - TPC must as soon after the close of exhibition period: <ul style="list-style-type: none"> o consider whether draft TPP meets TPP criteria o consider whether there are matters of a technical nature in relation to the application of the TPPs to the TPS or each RLUS o may hold one or more hearings (if it sees fit). - The TPC must within 90 days after the exhibition period (or longer if allowed by Minister) provide a Minister a report on TPPs. - After considering the TPC's report, the Minister may make the TPPs provided he or she is satisfied that they meet the TPP Criteria.

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How made (cont'd)	<p>approved by both Houses of Parliament.</p> <ul style="list-style-type: none"> - Any National Environment Protection Measure is taken to be a State Policy without going through this process. 	<ul style="list-style-type: none"> - TPPs come into effect when gazetted or at a later specified date.
How amended	<p>A person may submit a proposed amendment to the Minister. The Minister may then direct the TPC to give advice as to whether the proposed amendment is a significant change to the State Policy. Where, after considering the TPC's advice, the Minister is satisfied that the amendment is not a significant change, then the Minister must publish a notice of the proposed amendment in the Gazette and lay the notice of the amendment and the TPC's advice before both Houses of Parliament. If not disallowed by Parliament, the amendment comes into effect when published in the Gazette.</p> <p>If the Minister determines the amendment is a significant change, then the same process for the creation of State Policies must be followed before the amendment is made.</p> <p>An amendment is taken to be a significant change to the State Policy to which it relates if it is a change which substantially alters the content or effect of the State Policy</p>	<p>Minister may prepare an amendment to a TPP.</p> <p>Generally, amendments are made in the same way as full TPP, however, the Minister may not undertake public consultation where he or she is satisfied that it is a minor amendment. A minor amendment is one where:</p> <ul style="list-style-type: none"> - the Minister is of the opinion that the public interest will not be prejudiced if the draft amendment of the TPPs is not publicly exhibited; and - the draft amendment of the TPPs is for one or more of the following purposes: <ul style="list-style-type: none"> (i) correcting an error in the TPPs; (ii) removing an anomaly in the TPPs; (iii) clarifying or simplifying the TPPs; (iv) amending a provision of the TPPs other than so as to change the intent of a policy expressed in the TPPs; (v) bringing the TPPs into conformity with a State Policy; (vi) a prescribed purpose.
Public comment period	8 weeks	60 days
Review period	Every 5 years after the State Policy is made.	Every 5 years after TPP is made.