Tasmanian Planning Scheme

FACT SHEET

A MESSAGE FROM THE MINISTER

Hon Peter Gutwein MP
Treasurer
Minister for Planning and Local Government

"The current regionally based approach to planning isn't working with different rules for different areas making the system complex and difficult to navigate.

That is why we are introducing a new Tasmanian Planning Scheme which will take a statewide approach. This will result in consistency across regions.

Currently, across the three regions, there is only around 15 per cent consistency in respect of planning schemes across the state. Under the Tasmanian Planning Scheme, there will be around 80 per cent consistency statewide, providing more clarity and certainty for everyone.

This is all about creating a planning system that is fairer, faster, cheaper and simpler that will make it easier to invest in Tasmania, encouraging more economic development and job creation.

One statewide planning system will provide confidence for those looking to invest and expand.

It means housing providers, developers, designers, planners, and builders who operate across different council areas from Bicheno to Queenstown, Devonport to Dover, will not need to use a set of different rules for each place."

What consultation has there been?

While in Opposition we announced an intention for a single statewide planning scheme in 2011, and subsequently took the policy to the 2014 election where it was overwhelmingly endorsed by the Tasmanian people.

Following the election, the Tasmanian Liberal Government formed the Planning Reform Taskforce, comprising key council, business and other key stakeholders, to consult and advise on the formulation of the legislation.

The draft legislation itself was released in June 2015 and subject to a six-week period of public consultation.

To ensure feedback is provided to stakeholders who provide commentary on the draft legislation, a number of meetings have been held to provide updates on the amendments to the draft legislation in line with responses.

What has been the process for drafting the *Tasmanian Planning Scheme*?

The process that has been underway for the drafting of the State Planning Provisions of the Tasmanian Planning Scheme is the most comprehensive consultative process ever undertaken in planning.

It is the first time that stakeholders including Local Government have been asked to work collaboratively on each section of the State Planning Provisions.

Two Technical Reference Groups have been created to provide technical advice and bring together, for the first time at a state level, land use planning and infrastructure provision:

- Planning Technical Reference Group that has nine local government planners, three from each region representing urban and rural councils.
- Infrastructure Technical Reference Group comprises nine infrastructure providers that cover hard infrastructure, transport, energy, water, port and marine, Infrastructure Tasmania and Local Government.

There are three consultative groups covering the following community interests:

- Community Sector Consultative Group
- Business and Industry Consultative Group
- Environment and Historic Heritage Group

Regular briefings are held with the three regional council groups, key State Government agencies and specialised interest groups to test the veracity of the drafting of the State Planning Provisions.

Tasmanian Government

What role will Councils have?

Local Government is fundamental to the success of the Tasmanian Planning Scheme and, together with State Government, forms a strong partnership in ensuring the community has confidence in the Planning Scheme.

Councils will still determine the zone maps, lists and overlays of the Codes for their municipal areas. Councils will also remain the planning approval bodies.

What will be different?

Instead of the current around 15 per cent commonality across regions, there will be around 80 per cent commonality. No longer will each council have its own planning scheme there will be one scheme with consistent rules.

The legislation also changes the way that planning rules are prepared and who has responsibility for preparing them.

The planning directive process will be replaced with a more transparent and comprehensive set of State Planning Provisions that will be given effect once each council has prepared its zoning maps and other local provisions.

The State Planning Provisions can be amended and reviewed in a more timely and open way to the current planning directives.

What will stay the same?

The legislation retains the role of local councils as planning authorities, determining what zones are appropriate in their areas and their capacity to propose local variations to the State rules where these can be justified.

The role of the independent Tasmanian Planning Commission also remains the same in providing a review and advisory function on both the State and local parts of a planning scheme.

The Commission will have a role in reviewing the State Planning Provisions and in approving the Local Provisions Schedules.

This is in parallel to its current roles in assessing Draft Planning Directives and the current interim planning schemes that set out the zoning of land.

When will a single statewide planning scheme be in place?

The Tasmanian Planning Scheme will be in place by the end of 2017.

A proposed timeline is outlined below, subject to enabling legislation being passed by both Houses of Parliament in 2015:

- December 2015: Draft State Planning Provisions provided to the Minister;
- February – June 2016: Minister directs exhibition / Tasmanian Planning Commission considers representations/recommends to Minister;
- July 2016: Minister declares State Planning Provisions and notifies in Gazette – directs Councils to prepare Local Provisions Schedules;
- From July 2016: Local Planning Authorities prepare Local Provisions Schedules: review zone maps, Particular Purpose Zones (PPZ) and Specific Area Plans (SAP) and Site Specific Qualifications based on criteria for variations. Councils can consult informally with communities. Proposed PPZs and SAPs - determine overlays and lists to apply State Planning Provision Codes where needed – are publicly exhibited and assessed by the Tasmanian Planning Commission (TPC); and
- From early to around mid-2017: TPC approves and Council gives notice. The Tasmanian Planning Scheme becomes operational in each municipality as its Local Provisions Schedule is made.

Will there be any flexibility to allow for geographic differences in regions?

Yes. The Government recognises that a set of state provisions that provide for most situations across all Councils, will not be appropriate for identified and unique places.

Local councils will each have Local Provision Schedules and councils will continue to provide for areas unique to their municipal area, such as Hobart's Royal Hobart Hospital, Launceston's Seaport and Devonport's Homemaker Centre.

What checks and balances will be in place to ensure proposed developments are appropriate for use?

The Local Provision Schedules will be assessed by the independent Tasmanian Planning Commission.

While local councils are expected to engage with their local communities in preparing the zone maps, they will also be required to exhibit the Schedules and seek representations formally as part of the approval process set out under the legislation.

The community will have the opportunity to raise issues with the Tasmanian Planning Commission.

These are two critically important opportunities for community members to have their say in planning outcomes that may impact on their rights and the amenity of their communities.

Similarly, the Commission will determine the need and merits of any variations and exceptions to the State Planning Provisions that are proposed as Particular Purpose Zones, Specific Area Plans and Site Specific Qualifications.

Will this mean any changes to appeal rights?

The legislation retains the public involvement in making representation about what zones apply to land through the preparation and assessment of the Local Provisions Schedules.

The legislation doesn't make any changes to the way individual developments are assessed or what appeal rights and processes follow from councils decisions on development applications.

Where can I get more information?

For more information on the Tasmanian Planning Scheme please contact Mary Massina, Executive Chair of the Planning Reform Taskforce - Email: mary.massina@stategrowth.tas.gov.au or Phone: (03) 6165 5262.