



# **The Way Forward**

A Feedback Report on the Discussion Paper  
**'Simplifying Planning Schemes'**

**May 2001**

# Table of Contents

Foreword

Executive Summary

1.0	Introduction .....	1
1.2	Consultation Process .....	1
1.3	Submissions to the Discussion Paper .....	1
1.4	Stakeholder Workshop.....	2
1.5	Purpose of this Report .....	3
2.0	Common Key Elements for Planning Schemes.....	3
2.1	Format and Structure of Documents and Plans.....	3
2.2	Administration .....	4
2.3	Spatial Areas .....	5
2.4	Use Classes.....	6
2.5	Definitions for Planning Terms .....	7
2.6	Schedules .....	7
3.0	Additional Common Key Elements.....	8
3.1	Strategic Planning.....	8
3.2	Overlays.....	9
3.3	Planning Scheme Review and Monitoring .....	9
3.4	Agreement on Common Key Elements .....	10
4.0	Furthering the Common Key Elements .....	10
4.1	Priority Common Key Elements .....	10
4.2	Principles for Developing Common Key Elements .....	11
5.0	Implementation .....	11
6.0	Other Issues .....	12
6.1	What is a planning scheme? .....	13
6.2	Bringing Planning Schemes Up to Date .....	13
6.3	State Policies .....	13
6.4	Discretionary and Permitted Application Processes .....	14
6.5	Exemptions from Planning Schemes.....	14
7.0	Where to from here? .....	15
	Appendix A Discussion Paper Submissions.....	16
	Appendix B Workshop Participants.....	17
	Appendix C Workshop Ranking of Support for the Common Key Elements.....	19

## **Foreword**

This feedback report is an important milestone for the Simplifying Planning Schemes project. It follows the consultation of a discussion paper making recommendations on the elements of a planning scheme for which a common approach could be developed.

The project steering committee is committed to providing opportunities for early and continued input into the process for developing common key elements for planning schemes. This process must also be open and accountable. This feedback report is a way for the steering committee to let those who have actively participated in the consultation of the discussion paper know how the submissions and workshop have influenced the project's direction.

While this feedback report has been provided primarily for your information, you are encouraged to maintain an active interest in the project as other opportunities for participation arise in its next stages.

A handwritten signature in black ink, appearing to read 'Geoff Davis', with a stylized flourish above the name.

**Geoff Davis**  
Chair of the Steering Committee

## Executive Summary

### Outcome of the Consultation

There is general agreement that a set of common key elements could comprise:

- Structure and format,
- Administration,
- Zones,
- Uses,
- Definitions for planning terms,
- Schedules,
- Strategic purpose and context,
- Overlays.

The last two elements on the list were matters that were raised in submissions and supported at the workshop. Further consideration of these matters will be necessary when the common key elements are developed in detail.

Stakeholders indicated their priorities amongst the common key elements with format and structure, administration, and definition of terms ranking highest.

The workshop provided guidance on the principles that can underpin the development of common key elements and the issues needing consideration for implementation.

A number of other matters not strictly within the scope of the project were raised in submissions. They generally relate to matters of relevance to the wider planning system and will need to be taken up elsewhere if they are to be progressed.

### Where to from here? The next steps . . .

A work program for developing the common key elements in detail will be developed and commenced immediately. It is recognised that this will need to incorporate opportunities for input to ensure a high quality output, broad support and an understanding of the common key elements amongst key stakeholders.

It is envisaged there will be two main opportunities for input.

For those with an interest in the technical detail and the process of refining options, a reference group will be established to assist the project team in developing the draft common key elements. This group will consist of representatives from the key stakeholder groups.

After the common key elements are drafted, there will be another opportunity for input through a formal consultation process. The Resource Planning and Development Commission will invite submissions on the draft common key elements and convene a hearing process. After any necessary modifications have been made, the Commission will implement the common key elements. The Commission will also be responsible for ongoing monitoring and review.

## This Report

The purpose of this is to provide information on the submissions received and how the submissions and workshop have influenced the project's direction.

It includes discussion of each of the common key elements, the priority elements and principles for their further development, stakeholder ideas for implementation and a number of other matters raised in submissions.

## 1.0 Introduction

Tasmania's state and local governments are working together on a project to simplify planning schemes by developing some common key elements for inclusion in them.

If planning schemes have a common look and feel and are set out in a way that is easy to understand there will be benefits to councils, developers and the community. Developers and the community will be able to understand the requirements for development more readily and councils preparing new planning schemes will save resources by using some ready to go elements for which a common approach has been developed.

## 1.2 Consultation Process

A consultative approach has been a key feature of the project. The process for developing common key elements includes early and ongoing opportunities for input.

At the outset a discussion paper called 'Simplifying Planning Schemes' was released to stimulate wide input into identifying the elements of a planning scheme for which a common approach could be developed. The paper provides an overview of the context within which planning schemes are prepared, followed by a discussion of the most commonly used approaches to the key elements of planning schemes. It concludes by canvassing implementation mechanisms .

The discussion paper provided an opportunity for a wide range of stakeholders to influence the project's direction early in the process.

Written submissions were invited on the discussion paper during its four (4) week consultation period from 17 February to 16 March 2001.

During this period the project team provided information on the project and the discussion paper by direct mailing stakeholders and discussing the project with stakeholders at a variety of meetings.

A workshop held in Launceston on 10 April 2001 provided a further opportunity for key stakeholders to have input. At the workshop the themes identified in the submissions were presented and formed the basis for discussions leading to the confirmation of common key elements, options/issues for implementation and the next steps for the project.

There will be further opportunities for input as the common key elements are developed in more detail and a public hearing process is will be held once the draft common key elements have been finalised.

## 1.3 Submissions to the Discussion Paper

Twenty seven (27) submissions were received in response to the discussion paper. The submissions were from industry (including consultants), professional bodies, community groups, state and local government (see Appendix A).

A range of stakeholders made submissions:

- Industry and professional bodies (10),
- Local government (7),
- State agencies (5),

- Individuals (4),
- Community organisation (1).

The majority of submissions commented on the recommended common key elements. These comments revealed general support for:

- Structure and format,
- Uses,
- Definitions, and
- Schedules.

There was also general support for Administration with some debate about which of the proposed provisions should be included, eg whether or not exemptions could be standardised.

Although the majority of submissions supported the recommendation that a zone structure be developed, there were three (3) submissions that opposed zoning. These submissions appeared to be concerned about how stringently a zone structure would be implemented. In particular, there was interest whether there would be opportunities other methods to be used such as precincts or resource management areas.

Three additional matters were raised as potential common key elements:

- Strategic planning context,
- Overlays,
- Scheme review and monitoring.

A number of submissions commented on implementation of the common key elements. There was general interest in the degree of flexibility with which the common key elements would be implemented. Views were divided on this issue with some wanting to see firm implementation over a fixed period and others seeing the common key elements as a best practice guide for voluntary application.

#### **1.4 Stakeholder Workshop**

A stakeholder workshop was convened as a way of gaining another perspective on the recommended common key elements. By holding the workshop after the close of submissions on the discussion paper it helped to validate the position emerging from the submissions.

There were almost 40 participants at the workshop, representing a range of stakeholders (see Appendix B).

The workshop was independently facilitated and structured exercises were conducted to gain an understanding of the:

- level of support for the recommendations on common key elements,
- reasons for qualified support or an inability to support any of the common key elements,
- highest priority common key elements,

- principles that should underpin further development of the common key elements, and
- implementation of the common key elements.

Participants voted to show their strength of support by placing dots on a scale ranging from 0 to 10 for each common key element. To determine priority elements voting was conducted by giving each participant three (3) votes to place against any of the common key elements. Some participants abstained from voting. In some instances this reflected a conscious lack of support for a common key element and in other cases participants simply chose not to vote.

Information on the strength of support for the recommended and potential additional common key elements is provided in Appendix C.

## 1.5 Purpose of this Report

The purpose of the report is to provide feedback to interested stakeholders.

It provides information on the submissions received and how the submissions and workshop have influenced the project's direction.

## 2.0 Common Key Elements for Planning Schemes

The discussion paper made six (6) recommendations on potential common key elements. The recommendations were arrived at after considering a number of local and interstate schemes and developing some criteria to assist in identifying those elements of a planning scheme for which a common approach could be developed.

The following part gives a background for each recommended common key element, the general response from submissions and views from the workshop. A summary of the ranking that workshop participants gave the recommended common key elements is presented in Appendix C.

### 2.1 Format and Structure of Documents and Plans

Recommendation 1 - That the format and structure of the planning scheme document and a specification for the maps/plans is a common key element.

#### Background

Frequent users of the planning system would benefit from planning schemes having a common look and feel. A common format and structure could further this objective. Planning schemes would be easier to read once some familiarity with the common format and structure was gained. For example, time would be saved locating particular provisions if they are in the same sequence in every planning scheme.

#### Submissions

The submissions provided fairly strong support for this recommendation. There was no indication that format and structure should not be treated as a common key element.

Some of the submissions qualified their support for this recommendation but the issues raised seem capable of being resolved. They related to the extent to which standardisation would occur – suggesting only a contents page was required and no further specification, and the rigor with which such an approach would be applied – with support for voluntary use of a standard format and structure.

## Workshop

Format and structure was one of the most strongly supported recommendations at the workshop. It ranked in the top three priority common key elements.

The majority of reservations about developing a common format and structure were based on broader concerns about the scope of the project and the expectations of the wider planning system. For example, there was concern that a standard format and structure could not be identified unless there was broader discussion of the purpose of a planning scheme as an instrument of the Resource Management and Planning System.

## 2.2 Administration

Recommendation 2 - That the following administrative sections could potentially be common key elements:

- The preliminary or foreword to a planning scheme;
- Clauses covering the application and assessment processes including:
  - definitions of the terms that describe the status of applications e.g. 'permitted' and 'discretionary';
  - exemptions (a basic list);
  - information requirements (a basic list),
  - matters for consideration/ consideration of an application (a basic list), and
  - existing use rights.

## Background

All planning schemes include provisions that relate to administration and development control processes. There is potential for a number of these to be common key elements. However, administrative matters are broad ranging and in some instances legal and policy issues constrain the extent to which a common approach could readily be pursued. It is therefore proposed that only some administrative provisions are common key elements and of those selected, the extent to which some are covered be limited to core matters.

## Submissions

The submissions generally supported the inclusion of administration as a common key element, although a number of submissions questioned aspects of the proposed administrative provisions. For example, that it may be difficult to standardise exemptions as some councils have a local strategic basis for particular exemption provisions.

Some submissions suggested additional matters that could be covered in administration. Some of these matters were considered at the time of drafting the recommendations and were not considered to satisfy the determining criteria for common key elements.

The level of interest in the scope of any standard administrative provisions suggests that more discussion is required before further developing administrative provisions.

## Workshop

The response was similar at the workshop. There was general support for the inclusion of administration as a common key element and it ranked highly as a priority. It was the third highest priority amongst the six (6) recommended common key elements and the three (3) additional elements arising from submissions.

There were comments about those administrative provisions that should be standardised and the degree of flexibility with which any standard administrative provisions would be applied. There was recognition that a reasonable amount of discussion would be required to reach general agreement about standard administrative provisions.

## 2.3 Spatial Areas

Recommendation 3 - That zones are a common key element and a structure is developed that is capable of accommodating a variety of strategic planning options and includes a statement of intent for each zone.

### Background

Zones are the most common method used to show spatial areas within the boundary of a planning scheme. The widespread use of zones and familiarity with them lends weight to the continued use of zones over other methods, such as precincts.

Another way of showing spatial areas is through the use of overlays (sometimes called precincts). Overlays are not used in the Model Framework for Planning Schemes, and there has been much discussion over their use. Overlays may be a common key element but further investigation is required, possibly in the next stage of the project.

It is proposed that zones be a common key element. However, a structure that can accommodate a range of strategic planning options is required. This should include a statement of intent for each zone but not the provisions applying to the zone.

### Submissions

A significant number of submissions supported the recommendation that a zone structure be developed. However, three (3) submissions were opposed to the use of zones.

The main opposition to zones was that inadequate consideration had been given to other approaches, such as no zones or precincts. There was also a suggestion that it may not be possible to develop a zone structure that could provide for performance based and prescriptive style schemes since the philosophy underlying these different approaches has fundamental consequences for the zone structure.

## Workshop

At the workshop the recommendation that a zone structure be developed was supported. However, there were a number of participants who were opposed to the concept of zones. Some opposition to the use of zones was at a fundamental level, with participants wanting other approaches to be given further consideration, eg precincts.

There was also some concern about the way that a structure for zones would work. For example, if a structure of zones is designed to be comprehensive, choosing some zones and leaving others may be problematic.

The issue of zones was further complicated by discussions on the use of overlays, which were widely seen as a very similar approach to zones.

There was some question whether zones should be a common key element and abstention was at its highest when voting on this common key element. However, it was felt that there was sufficient support for zones to warrant further development of zone structure as recommended. This gives an opportunity to respond to some of the reservations expressed but with the safety net of knowing that the resulting zone structure would be subject to further consultation.

## 2.4 Use Classes

Recommendation 4 - That the definitions of use classes be a common key element and that a structure be developed that can accommodate both prescriptive and performance approaches.

## Background

The majority of planning schemes include a long list of use definitions and a table showing the status of these uses in relation to a particular zone. The Model Framework approach is different and involves grouping uses into categories. Each use is not defined and instead the common or dictionary meaning is used.

Use classes perform a key function in delivering the planning scheme and are proposed to be a common key element. However, it will be necessary to develop a structure that can accommodate both prescriptive and performance approaches.

## Submissions

There was general support amongst the submissions for the inclusion of uses as a common key element. However, more specific comments and qualifications indicate some division of views. For example, there was support for both the prescriptive approach (an exhaustive list) and the approach in the Model Framework for Planning Schemes.

## Workshop

Support for use classes as a common key element was even stronger at the workshop. A relatively small number of participants abstained from voting or gave qualified support.

A recurring concern with a number of proposed common key elements related to the need for councils to make appropriate provision for local strategies. Some local

strategies could have implications for the range of use definitions in the planning scheme. For example, a retail hierarchy may entail distinguishing a shop and local shop on the basis of scale (probably by floor area).

## 2.5 Definitions for Planning Terms

Recommendation 5 - That definitions for planning terms be a common key element.

### Background

The planning scheme defines a number of planning terms and many are common to all planning schemes. If commonly used terms were standardised, this would avoid the need to redefine them each time a new scheme was drafted. This in turn would introduce greater consistency from scheme to scheme and make planning schemes easier to use.

Common definitions for planning terms are being pursued at the Commonwealth level by the Development Assessment Forum (DAF). This adds weight to their inclusion as a common key element.

### Submissions

Submissions indicated wide support for definitions to be a common key element and there was some support for the DAF definitions. Some submissions commented that this was a non-controversial part of the planning scheme and a stronger approach to implementation, such as the use of regulation, could be appropriate.

### Workshop

The workshop confirmed the response in submissions. Support for definitions at the workshop was strong and few participants abstained from voting in support of its inclusion as a common key element. Reservations were limited to comments about the prospect that some councils will still want their own definitions.

The workshop also identified definitions as being the No.1 priority common key element.

## 2.6 Schedules

Recommendation 6 - That schedules be a common key element to the extent of a common list of issues to be covered and a proposed format.

### Background

There is an increasing trend toward use of a number of issue specific schedules or codes at the rear of planning schemes. Schedules typically address matters such as access and parking, heritage and signs. The list of schedules is broadening to include vegetation clearance, wetlands and waterways and so on.

As there is consistent and widespread use of schedules it is proposed to include schedules as a common key element.

## Submissions

Schedules were generally supported in the submissions. A number of submissions made suggestions about matters to be considered in developing schedules:

- Specific schedules need to be commonly determined and could be worked up over time.
- The Resource Planning and Development Commission should hold the current versions of schedules.
- The schedules developed as examples for the Model Framework for Planning Schemes are a good starting point.

Others made specific suggestions about those matters that are a priority for schedules. This included some that have been substantially progressed, such as a residential schedule based on the Tasmanian Model Code for Residential Development.

## Workshop

Support for schedules at the workshop was fairly high. An area of concern was the tendency for there to be many schedules and for these to be detailed, resulting in the planning scheme being lengthy and complex – with much of the detail to be found at the rear of the scheme (where schedules are typically found).

### 3.0 Additional Common Key Elements

The discussion paper made recommendations on six (6) common key elements. In validating the recommendations through the consultation process an opportunity has been provided to identify any omissions from the suggested common key elements.

Whilst the majority of submissions focussed on the recommended common key elements, a few submissions raised other matters. In some instances, these matters were broad issues associated with the planning system and its administration generally. In other instances the comments were directly relevant to the common key elements.

Part 5 of this paper addresses the broad, planning system issues that are strictly beyond the scope of this project. Those matters of consequence for the common key elements are discussed in more detail in the following part.

#### 3.1 Strategic Planning

A number of submissions referred to the relationship between strategic planning and planning schemes. This issue also arose through discussions with stakeholder groups during the consultation period, particularly at planners' forums.

Those raising this issue expressed a degree of dissatisfaction about the way the council's strategic plan, land use strategic planning and the planning scheme currently interact.

There was a perception that the strategic planning undertaken in support of the planning scheme translates poorly to the strategic intent commonly found in the opening part of a planning scheme.

There was a further concern that in Model Planning Scheme Framework style planning schemes, where the strategic intent is synthesised into provisions, it can be difficult to express local strategic intentions clearly. There was a suggestion that a map depicting broad strategic intentions would make this clearer.

Also of concern was the need for best practice guidance on strategic planning to assist councils with the legislative context and requirements beyond the obvious requirements in Land Use Planning and Approvals Act 1993 (LUPAA).

The discussion and comments on this issue were wide ranging and at the workshop the issue was narrowed down to whether or not a strategic purpose or context should be provided as part of the planning scheme. It was accepted that the content of such a section could not be standardised beyond references to State policies and the Resource Management and Planning System (RMPS) objectives but there seemed to be support for its inclusion in any standard format and structure for planning schemes.

While the workshop agreed that strategic purpose and context was potentially a common key element further discussion of how this may occur seems beneficial. For example, it may simply be a heading in a standard format and structure but it may also include some standard provisions, such as reference to the RMPS objectives and State policies.

It is envisaged that issues of this nature will need to be explored when further work is undertaken to progress the common key elements.

### **3.2 Overlays**

Overlays were mentioned in the discussion paper although they did not form part of Recommendation 3 that proposed the development of a zone structure as a common key element. Some of the submissions supported the inclusion of overlays as an obvious adjunct to zones. Overlays and zoning were also seen as very similar tools.

At the workshop support for the inclusion of overlays was significant. Overall, the numbers in support outweighed those that abstained. The concerns expressed related to the need for local input into what is included within an overlay. It was considered especially important for some values captured in overlays to be locally determined; eg the community has an important role in determining which areas are visually sensitive or of scenic value.

On balance it was agreed to give further consideration to overlays. It was envisaged this would be limited to identifying a list of overlays but not the provisions within them.

### **3.3 Planning Scheme Review and Monitoring**

One of the submissions suggested the inclusion of a new section in the planning scheme that sets out the criteria for review and monitoring the performance of the planning scheme. It was suggested that this would assist state of environment reporting and could be linked to the council's strategic plan which is reviewed on an annual and five yearly basis.

This suggestion was difficult to pursue at the workshop, since only limited information was available on what it might entail and there is no precedent in existing planning schemes.

The discussion seemed to indicate performance of the planning scheme was valuable but it was not essential for this to form part of the statutory document.

Only one participant supported the inclusion of criteria for the review and monitoring of the planning scheme as a common key element. It was agreed that a section for planning scheme review and monitoring was not a common key element.

### **3.4 Agreement on Common Key Elements**

The consultation reflects a generally high level of support for the recommended common key elements, with the exception of zones.

Despite the debate about zones, there is a high likelihood that the majority of councils would continue to use zones in their future planning schemes. Further work on a zone structure and consideration of implementation in more detail may result in more support.

On balance, the steering committee believes that consultation of the proposed common key elements reveals support for all six (6) recommendations and the need to consider two further matters – strategic purpose and context and overlays.

## **4.0 Furthering the Common Key Elements**

The submissions and the workshop have provided valuable information to assist the steering committee in determining how best to further the development of common key elements.

At the workshop it was possible to explore with stakeholders which of the common key elements were of highest priority and the principles that should underpin their further development.

### **4.1 Priority Common Key Elements**

The discussion paper did not prioritise the common key elements but several submissions commented on priorities. Because only a small number commented on priorities and these varied considerably it is not possible to identify trends.

The priority of common key elements was explored in a structured way at the workshop. Stakeholders indicated with three (3) votes the common key elements they thought were of highest priority.

The top three (3) priorities identified at the workshop were:

- Recommendation 5 – Definition of planning terms,
- Recommendation 1 - Format and structure,
- Recommendation 2 – Administration.

This result re-affirms the strength of support for these common key elements initially identified at the workshop when stakeholders were asked to consider all six recommendations and the three (3) additional common key elements raised in submissions.

## 4.2 Principles for Developing Common Key Elements

Groups of participants canvassed the principles that should underpin the further development of common key elements. They were asked to note up to five (5) principles. The following themes were found to be common amongst groups:

- plain English,
- stakeholder ownership,
- getting standards from elsewhere, ie a national approach,
- diversity and flexibility,
- resource issues, and
- criteria to assess the merit of options.

These themes were identified from (butcher's paper) lists of principles offered by each of the groups. Analysis to determine the common threads or themes listed above was participatory, derived by taking comments from the floor.

## 5.0 Implementation

### Background

The discussion paper canvassed the preferred means of implementing common key elements, noting there are a range of mechanisms available.

Maintenance of the common key elements, including the process for adding common key elements and elaborating or changing existing common key elements was also raised.

### Submissions

Almost half of the submissions commented on implementation. The issues that arose in submissions related to:

*Flexibility*      The need for sufficient flexibility to accommodate local strategic planning and the evolution and improvement of common key elements over time. There was also concern that too much flexibility would threaten the objective of gaining greater consistency across planning schemes.

*Ownership*      There was a recognition that the Commission was key to the successful implementation of common key elements and roles were identified for the Commission. There was also a recognition that further development of the common key elements needs to occur in a consultative manner with key stakeholders, particularly local government.

*Timing* Views on timing included the idea that common key elements should be embraced and implemented quickly as they are non-controversial and planning scheme reform has taken such a long time. Others commented on the need for a finite period for implementation. There was also a concern that the review of outdated planning schemes must not be delayed as this will make a significant contribution to reducing the number and type of planning schemes in effect.

*Mechanisms* Comments were also made on specific mechanisms that are available for implementation. The Commission's proposal to amend the Land Use Planning and Approvals Act to empower it to issue directives offered a further option for implementation.

## Workshop

At the workshop ideas on implementation were discussed in groups. A large number of ideas were identified for further consideration by asking for ideas from each group. There was no analysis of the ideas at the workshop and some of the ideas listed below may overlap or be in conflict with each other:

- should be focussed on teamwork,
- councils should be encouraged to collaborate on best practice,
- there needs to be long term commitment to implementation – if we reach an agreement now must stick to it,
- ensure that implementation is voluntary,
- seek main acceptance from local authority,
- regional resource sharing and farming out responsibility,
- restructure existing schemes into a new format rather than going through the expense of a new one,
- planning schemes reviewed,
- in order to implement key elements we need more planners involved,
- agreement between what was perceived as key players and stakeholders to insure implementation,
- insist on regular progress reports,
- must provide resources to councils from state government,
- legal vetting of the key elements prior to implementation.

## 6.0 Other Issues

A number of other issues, not directly within the project scope, were raised in submissions. Generally, they relate to matters that are more closely associated with other parts of the planning system or the Resource Management and Planning System as a whole. In order for these matters to be considered in more detail, they will need to be progressed elsewhere through processes other than this project.

## 6.1 What is a Planning Scheme?

Some submissions commented on the need to be clear about the purpose of a planning scheme. It was observed that the traditional approach is for planning schemes to concern themselves with 'development control'. This means the planning scheme is only triggered when there is a change in use or a new proposal for development.

It was suggested that the definition of 'use' in the Land Use Planning and Approvals Act does not limit itself to meaning a type of activity but includes the on going operation of an activity or continued use of land. It uses the words: "... includes the manner of utilising land". This is amplified by the separation of 'development' that refers only to the acts of construction, demolition and the like.

This distinction seems consistent with the focus of the Land Use Planning and Approvals Act on the Resource Management and Planning System objective of furthering sustainable development.

An implication of such an interpretation is the requirement it imposes on councils to ensure that planning schemes make adequate provision for the ongoing control of land use, and not just the development phase that initiates the use of land. This would infer the need for standards for operation, such as those addressing environmental and other impacts during the life of an activity or use of land. In turn, there is a responsibility for enforcement of the planning scheme.

Although it is fundamental to understand the purpose of a planning scheme in order to develop some common elements for planning schemes, the issues raised in these comments have broad ranging repercussions and require wider discussion. An appropriate opportunity for this discussion may be in the context of considering broader planning system issues, potentially as part of phase 2 of the project.

## 6.2 Bringing Planning Schemes Up to Date

Some submissions emphasised the importance of the planning scheme review process to:

- eliminate multiple schemes/municipal area,
- upgrade schemes to comply with the Resource Management and Planning System – specifically, the Land Use Planning and Approvals Act and State Policies.

This importance of ensuring that planning schemes continue to be reviewed is acknowledged in the discussion paper. It is agreed that this remains an important strategy in making the planning and development environment in Tasmania easier to negotiate for all stakeholders. It is an issue for the Commission and councils.

## 6.3 State Policies

State policies were raised in some of the submissions and during the consultation period when the project team met with stakeholder groups.

There was some uncertainty regarding the effect of State policies on development where planning schemes have not been reviewed and are relying on the provisions of the *State Policies and Projects Act 1993* or the 'catch-all' clauses added to

planning schemes by amendment for their implementation. There was also some criticism of the consistency with which they are implemented into planning schemes. Both of these issues implied the need for some mechanism for quick translation of State policies to planning schemes.

A possible suggestion that may be relevant to the project is the inclusion of a section that deals with State policies in each planning scheme, so that these provisions are 'up front'. However, this assumes that State policies, where they affect planning schemes, lend themselves to the development of a concise set of provisions. This has not been the experience with the three (3) State policies currently in effect. For instance, the State Coastal Policy deals with a complex range of issues and its implications for planning schemes has seen provisions throughout the scheme being reviewed to satisfy the requirements of the policy.

The implementation of State policies is not directly relevant to the project beyond consideration of whether a State policies section ought to be included in the format and structure proposed in Recommendation 1. It is envisaged that further discussion of this aspect of implementation will occur at some future time when the details of a common format and structure are further developed.

#### **6.4 Discretionary and Permitted Application Processes**

Comments in a few submissions and from some audiences during the consultation raised the issue of discretion and the level of public input that is required for some applications. There was a concern that the current provisions under the Land Use Planning and Approvals Act that define the statutory process for discretionary and permitted uses and development are too 'black and white'. It was asserted that this can slow the planning process down by making third party appeals too accessible. It also provides a clumsy mechanism for dealing with some issues. For example, minor set back variations often trigger the discretionary process yet seldom affect more than the adjoining property.

It was suggested that there needed to be an alternative category in either the legislation or the planning scheme. This was considered necessary to ensure consultation occurs where it is appropriate and is limited where the planning scheme provides a sufficient guide to decision making.

Responses envisaged ranged from a 'permitted' category where some third party consultation is mandatory or a 'discretionary' category where limited third party consultation is required.

This issue was considered during a review of the planning system (the Edwards report) conducted in 1996. Even if this issue was eventually addressed through provisions in planning schemes, this is a broader policy issue strictly beyond the scope of the project. A similar broad planning system or legislative review process would be required for it to be properly considered. This may be a consideration for phase 2 of the partnership agreement.

#### **6.5 Exemptions from Planning Schemes**

One submission challenged the exemption of some categories of use and development from compliance with planning schemes through the provisions of the Land Use Planning and Approvals Act. These exemptions relate to aspects of forestry, mining and marine farming.

This issue is beyond the scope of this project and would require consideration in a wider review of the resource management and planning system.

## **7.0 Where to from here?**

Stakeholder input through submissions and participation in the workshop reveals there is general support for developing a common approach to particular elements of a planning scheme as a way of gaining greater consistency.

Although not all stakeholders agreed with the approach, this seems on balance to be a feasible way to progress planning scheme reform in a way and at a rate that will suit the majority of stakeholders.

It is proposed that the common key elements be furthered generally as proposed in the discussion paper recommendations. Although support for the recommendations was qualified in some cases, it is considered there is sufficient basis further develop the common key elements.

The additional elements raised in submissions and supported at the workshop – strategic purpose and context and overlays, will be considered when the common key elements are developed in further detail.

To ensure a high quality output, broad support and an understanding of the common key elements, the project will continue to invite input from stakeholders.

Input from stakeholders during the detailed development of common key elements will occur through a reference group comprising members from the key stakeholder groups - local government, industry, state government and the community. Membership may vary depending on the common key element being developed. The role of the reference group will be to assist in developing and critically reviewing detailed options for common key elements.

Once preferred options have been identified and a draft set of common key elements prepared, the Commission will conduct a formal hearing process. This will allow wide input to occur and modifications to be made where necessary. Implementation, including monitoring and review would then be the responsibility of the Commission.

## Discussion Paper Submissions

1.	Mr. D Ernest	
2.	Mr. D Tardy	Manager Planning and Development / Metro Tasmania Pty Ltd
3.	Mr. N Townsend	
4.	Mr. B Stace	Director / Levis, Stace and Cooper
5.	Mr. S Bramich	State President / Australian Institute of Building Surveyors
6.	Mr. I Whyte	Chief Executive / Forest Industries Association of Tasmania
7.	Mr. J Pretty	
8.	Mr. P Geeves	Executive Director – Tasmania / Housing Industry Association
9.	Anonymous	
10.	Ms S Raybould	Town Planner / Central Coast Council
11.	Mr. R Giblin	Planning Consultant
12.	Mr. A Smithies	Executive Director / Property Council of Australia (Tasmanian Division)
13.	Mr. K Evans	Secretary / Department of Primary Industries, Water and Environment
14.	Mr. M Roberts	General Manager / Tourism Council of Tasmania
15.	Mr. J Pauley	A/General Manager, Policy and Planning / Department of Infrastructure, Energy and Resources
16.	Mr. B Risby	Planning and Urban Design Consultant
17.	Mr. H Galea	Manager, Technical Services / Northern Midlands Council
18.	Mr. P Sims	Chairman / Launceston Environment Centre
19.	Mr. M Bresnehan	Planning Officer / Glenorchy City Council
20.	Mr. B Holmes	Manager Development Planning / Hobart City Council
21.	Mr. I Abernathy	Launceston City Council
22.	Mr. C Atkins	Executive Director / Master Builders' Association of Tasmania
23.	Mr. J Green	Executive Commissioner / Resource Planning and Development Commission
24.	Mr. A Ferrier	Manager Environment and Development Services / Huon Valley Council
25.	Mr. J Molnar	Acting Senior Planner / Devonport City Council
26.	Mr. K Pitt	Chairman / Resource Management and Planning Appeal Tribunal
27.	Mr. J Medbury	President / Institution of Surveyors

## Workshop Participants

1.	Helen Anderson	Resource Management and Planning Appeal Tribunal
2.	Brett Bacon	West Tamar Council
3.	Robyn Barwick	Kentish Council
4.	Alex Beckitt	Department of Infrastructure, Energy and Resources
5.	Evan Boardman	Local Government Association of Tasmania
6.	Mark Bresnehan	Glenorchy City Council
7.	Clive Bridges	Dorset Council
8.	Alex Brownlie	Alexapen Planning Pty Ltd
9.	Bob Campbell	Launceston City Council
10.	Cath Church	Levis, Stace and Cooper
11.	Mary Anne Edwards	Devonport City Council
12.	Patrick Earle	Burnie City Council
13.	Harry Galea	Northern Midlands Council
14.	Mike Gelling	Department of Infrastructure, Energy and Resources
15.	Liz Gillam	Local Government Association of Tasmania
16.	Rae Green	Northern Midlands Council
17.	John Hayes	Department of Primary Industries, Water and Environment
18.	Terry Hill	Central Coast Council
19.	Warren Jones	Department of Primary Industries, Water and Environment
20.	Michael Kerschbaum	Master Builders Association of Tasmania
21.	David Leung	Launceston City Council
22.	Ross Lovell	Clarence City Council
23.	Brian McFarlane	Resource Planning and Development Commission
24.	Kay McFarlane	Clarence Plains Network/Southern Regional Skyline Group
25.	James McIlhenny	Hobart City Council
26.	Don McShane	Northern Midlands Council
27.	Victoria Maxwell	Break O'Day Council
28.	Paul Micken	Launceston City Council
29.	Stan Ogden	Circular Head Council

---

30.	Len Pitt	Northern Midlands Council
31.	Michael Purves	Northern Midlands Council
32.	Tom Ransom	
33.	Ron Sanderson	Brighton Council
34.	Marguerite Scott	Local Government Division
35.	Brian Stace	Levis, Stace and Cooper
36.	Karin Van Straten	Launceston City Council
37.	John Vandenberg	Resource Planning and Development Commission
38.	Mark Westaway	Launceston City Council

---

Others in Attendance:

- Tony Ibbott (Facilitator)
- Geoff Davis (Chair of the Steering Committee)
- Sandra Hogue (Project Team)
- Marietta Wong (Project Team)
- Peter Fischer (Project Team)
- Sam Parkinson (Project Team)

Appendix C

**Workshop Ranking of Support for the Common Key Elements**

<b>Rating Scale</b>	<b>10.0-7.5</b>	<b>7.5-5.0</b>	<b>5.0-2.5</b>	<b>2.5-0</b>	<b>No Vote</b>
R1 Format and structure	17	13	1	2	5
R2 Administration	13	17	3	0	5
R3 Spatial areas	13	5	4	2	14
R4 Use classes	18	6	3	4	7
R5 Definitions for planning terms	27	4	5	0	2
R6 Schedules	14	9	5	1	9
Strategic purpose and context	22	5	1	0	10
Overlays	18	3	9	9	17
Scheme review and monitoring	1	1	0	0	36



A Tasmanian State and Local Government Partnership

ISBN 0724662626