LEGISLATION FOR A TASMANIAN PLANNING SCHEME

*The introduction of a statewide planning scheme is a key part of Government’s reforms for a fairer, faster, cheaper and simpler planning system.*

*The Government intends to introduce a Bill to Parliament in 2015 to amend the Land Use Planning and Approvals Act 1993 to provide for a Tasmanian Planning Scheme, following broad consultation on a draft Exposure Bill.*

*The draft Exposure Bill gives effect to a proposed structure for the Tasmanian Planning Scheme that is consistent with the recommendations of the Planning Reform Taskforce.*

What is the Tasmanian Planning Scheme?

The Bill will replace the current provisions for planning schemes and planning directives with provisions for a Tasmanian Planning Scheme.

The Scheme will consist of a single set of Statewide Planning Provisions and a Schedule of Local Planning Provisions for each council area.

Local planning authorities will continue to implement all of the planning controls that apply in their local area.

How will the Tasmanian Planning Scheme be made?

The Minister or the Tasmanian Planning Commission at the direction of the Minister will prepare the State Planning Provisions while planning authorities will prepare the Local Planning Schedules.

The Commission will undertake the statutory public exhibition and assessment and provide advice to the Minister in relation to the draft State Planning Provisions.

Once the final State Planning Provisions are made by the Minister, planning authorities will prepare their Local Planning Schedules based on their existing interim schemes.

The Local Planning Schedules will undergo public exhibition and assessment by the Commission including hearings.

The Tasmanian Planning Scheme will take effect in each local council area when that Local Planning Schedule is approved.

What will the State Planning Provisions include?

The State Planning Provisions will include the use and development standards for each zone and a suite of statewide codes.

They will also include the purpose and objectives of the Tasmanian Planning Scheme and administrative provisions, including a template for the Local Planning Schedules.

What will the Local Provisions Schedules include?

The Local Provisions Schedules will include the zone and overlay maps that apply the State Planning Provision standards spatially, and any approved local variations.

For example, an overlay for a statewide heritage code would show the land to which that code applies in a local area.

They will also include a local purpose and objectives and any particular purpose zones, specific area plans and additional local controls that may be required.

For example, a particular purpose zone could be used for a complex site where the standard statewide controls do not readily apply, such as a university or a hospital.

How will the Tasmanian Planning Scheme be amended?

It is proposed that the making and amending of State Planning Provisions will follow a broadly similar process to the making and amending of planning directives under the current Act, involving public exhibition, representations and assessment by the Commission, with the Minister responsible for making the final provisions.

It is proposed the making and amending of Local Provisions Schedules will follow a similar process to the current processes for planning schemes under the Act.

Planning authorities will continue to be able to initiate amendments to their Local Planning Provisions. It is proposed this will follow the current amendment processes under the Act, including the combined permit and amendment process.

The power to make amendments to both State and Local Planning Provisions for urgent and minor matters will continue, based on the current provisions.

How will the Tasmanian Planning Scheme be reviewed?

It is proposed that the Minister will be required to keep the State Planning Provisions under regular review and will also be able to direct planning authorities to review their Local Planning Schedules.

Planning authorities will also be required to keep their Local Provisions Schedules under regular review in accordance with the process set out in the draft Bill.