

27 September 2018

Planning Policy Unit
haveyoursay@justice.tas.gov.au

Dear Sir or Madam

Land Use Planning and Approvals Amendment (Miscellaneous Amendments) Bill 2018

Thank you for the opportunity to provide a submission on the Draft *Land Use Planning and Approvals Amendment (Miscellaneous Amendments) Bill 2018* (the Bill).

The Local Government Association of Tasmania (LGAT) is incorporated under the *Local Government Act 1993*, our functions being:

- (a) to protect and represent the interests and rights of councils in Tasmania;
- (b) to promote an efficient and effective system of local government in Tasmania;
- (c) to provide services to member councils, councillors and employees of councils.

The views and opinions expressed in this submission are representative of the Local Government sector, having been developed in consultation with member councils. LGAT fully supports councils who have made individual submissions to the consultation process and in turn, supports the content and opinions expressed within those submissions.

Those councils that have provided feedback were very supportive of the Bill and what it is seeking to achieve. There have been no significant issues raised and LGAT commends the State Government for seeking to expedite the Local Provision Schedule assessment process.

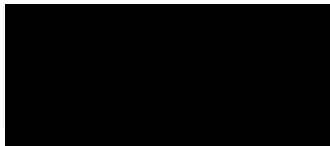
A number of councils have suggested minor improvements to the “Notice to relevant agencies” component of the Bill to support its intent. Many councils already undertake informal referral as part of their existing internal process for dealing with amendments. It has been suggested that a more proactive response would be to notify relevant agencies as early as possible in the assessment process to enable any issues to be addressed before the draft amendment is considered by the Planning Authority, rather than after the amendment is certified. One council has highlighted that under the provisions of the *Water and Sewerage Industry Act 2008*, TasWater is already notified. If the Bill is progressed in its current form there will be a duplication of process, i.e. TasWater will receive two notifications.

It has also been suggested by one council that rather than the Planning Authority write to relevant agencies, instead the Planning Authority place the amendment in a State Government 'drop-box' or similar which is directly accessed by all agencies. State Government officers can then determine the relevance of the amendment to them and process accordingly.

Finally, while the current draft amendment is limited to notifying State agencies when a Planning Authority certifies a draft amendment to the Local Provision Schedule, it has been noted by a number of councils that the State Planning Provisions are not clear about the referral process for development applications adjacent to State infrastructure. While outside the scope of the current Bill, it is suggested that this issue be considered for future amendments to the *Land Use Planning and Approvals Act 1993*, State Planning Provisions or via the preparation of some further guidance notes.

If you have any questions or would like further information, please do not hesitate to contact Dion Lester at [REDACTED] or via phone on [REDACTED].

Yours sincerely

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Dr Katrena Stephenson
CHIEF EXECUTIVE OFFICER