

THE NEW TASMANIAN PLANNING SCHEME

Minister's Advisory Statement

AMENDMENTS TO THE STATE PLANNING PROVISIONS

Purpose

This advice is issued by the Planning Policy Unit (PPU), Department of Justice as endorsed by the Minister for Planning and Local Government to provide guidance on the process for amendments to the State Planning Provisions (SPPs).

Background

The Government recognises the importance of keeping the SPPs under regular review to ensure the intended planning outcomes are being delivered.

The SPPs were made on 22 February 2017 and came into effect on 2 March 2017. As with the establishment of any new statutory instrument, there will be a period of review to correct any errors or address any issues with their implementation. There is also a need to keep abreast of emerging planning matters ensuring they are adequately managed through the SPPs.

Planning authorities are currently in the process of preparing their Local Provisions Schedules (LPSs). This provides an appropriate opportunity to address any issues that are identified in the SPPs prior to them becoming operative in each municipality. The assessment of the draft LPSs provides another opportunity for addressing any issues that are identified in the SPPs.

Requesting amendments to SPPs

Part 3, Division 2 of the *Land Use Planning and Approvals Act 1993* (the Act) outlines the process for amending the SPPs.

In preparing a draft amendment to the SPPs, the Minister must first prepare terms of reference for the draft amendment. A planning authority or another person may request the Minister to consider preparing terms of reference in relation to a draft amendment to the SPPs under section 30C(4) of the Act.

A request must be submitted to the Minister in writing and must:

- specify that a request is being made under section 30C(4) of the Act for the Minister to consider preparing terms of reference for a draft amendment to the SPPs;
- include details on why an amendment is being sought to the SPPs; and
- include justification for any policy changes being sought.

A request may also include a copy of the suggested draft amendment to the SPPs.

It is recommended that requests made by planning authorities under section 30C(4) of the Act be coordinated through the regional council groups. This will assist with avoiding multiple requests for the similar amendments.

Section 35G of the Act also provides a process for planning authorities to request an amendment to the SPPs after considering any representations made during the exhibition of their draft LPS. A request under section 35G of the Act must be made by notice to the Tasmanian Planning Commission (Commission). The Commission must first consider a request made under section 35G of the Act and advise the Minister as to whether the request has merit. The Minister must consider the planning authorities request along with the advice from the Commission.

Process for preparing and approving draft amendments to SPPs

The Minister may prepare a draft amendment to the SPPs, or may request the Commission to prepare a draft amendment to the SPPs. Any amendments to the SPPs must meet the SPP criteria under section 15(2) of the Act.

The Commission is responsible for the public exhibition and assessment of draft amendments to the SPPs. Draft amendments to the SPPs, and associated documentation, must be publicly exhibited by the Commission for a period 42 days, unless the Minister declares that public exhibition is not required under section 30H(2) of the Act.

The Minister may declare that public exhibition is not required only after considering the advice of the Commission and being satisfied that the:

- draft amendment is for a purpose listed under section 30H(3) of the Act; and
- public interest will not be prejudiced.

The Commission must report to the Minister on their recommendations relating to the draft amendment. The Minister must consider the Commission's recommendations and may take in account any other matters that he thinks fit before deciding whether to make an amendment to the SPPs.

For draft amendments declared as not requiring public exhibition, the Commission has a period of 42 days after declaration to report to the Minister on the draft amendment, including recommendations on whether the draft amendment should be approved, refused or modified.

For draft amendments requiring public exhibition, the Commission has a period of 90 days, or a longer period allowed by the Minister, to report to the Minister on the draft amendment, including consideration of any representations received and the holding of any public hearings.

Where can I get more information?

General information about the Tasmanian Planning Scheme and the preparation of draft Local Provisions Schedules can be found on the Department of Justice's [Tasmanian planning reform website](#).



AMENDMENTS TO THE STATE PLANNING PROVISIONS

General enquiries about amendments to the SPPs or the preparation of the Tasmanian Planning Scheme should be directed to:

Planning Policy Unit, Department of Justice
GPO Box 825 HOBART TAS 7001
Ph (03) 6166 1429
email planning.unit@justice.tas.gov.au

Enquiries on the public exhibition and assessment process of draft amendments to the SPPs should be directed to:

The Tasmanian Planning Commission
GPO Box 1691 HOBART TAS 7001
Ph (03) 6165 6828
email tpc@planning.tas.gov.au

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