

Regional Planning Framework

Discussion Paper



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Publisher:
Department of Premier and Cabinet

Date:
November 2022

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Glossary

The following acronyms and abbreviations are used in this report.

LUPA Act	–	<i>Land Use Planning and Approvals Act 1993</i>
LPS	–	Local Provisions Schedule
RLUS	–	Regional Land Use Strategy
TPC	–	Tasmanian Planning Commission
TPPs	–	Tasmanian Planning Policies
TPS	–	Tasmanian Planning Scheme
SPG	–	Structure Plan Guidelines
SPO	–	State Planning Office
SPPs	–	State Planning Provisions



I Introduction

This discussion paper has been prepared by the Department of Premier and Cabinet's State Planning Office (SPO) and commences the formal consultation on the regional planning framework project. The regional planning framework refers to the legislative, regulatory or administrative arrangements that support Tasmania's regional land use strategies (RLUSs).

The paper has been prepared to assist you in providing feedback on what key elements should be incorporated into the improved regional planning framework.

This discussion paper is informed by targeted consultation undertaken with the planner's reference groups in each of the Cradle Coast, Northern and Southern regions. The feedback received in response to the discussion paper will inform any legislative, regulatory, or administrative changes required, which will also be subject to further consultation.

The discussion paper also introduces the draft structure plan guidelines (SPGs) for comment. The guidelines are not intended to become a statutory instrument. The SPGs are the first step in the formulation of agreed processes and standards for structure plan preparation.

1.1 Background

The three regional land use strategies (RLUSs) in operation in Tasmania were declared in 2011 following the introduction of the Land Use Planning and Approvals Amendment (State and Regional Strategies) Act 2009. They were the first plans of their kind in Tasmania and were introduced to promote a regional approach to strategic planning in the State. A review of the RLUSs, along with the legislative and administrative framework in which the RLUSs operate, is necessary to ensure their consistency with the broader planning reform agenda.

The introduction of the State-wide Tasmanian Planning Scheme comprising the State Planning Provisions (SPPs) and the Local Provisions Schedules (LPSs) delivers Phase One of Tasmania's planning reform.

Phase Two of the planning reform agenda commenced in 2021 and includes the preparation and making of the Tasmanian Planning Policies (TPPs), the review of the regional planning framework, and the comprehensive review of the RLUSs, which will involve the preparation and making of the next iteration of the RLUSs.

This discussion paper will focus on the regional planning framework component of the Phase Two reforms. Improving the regional planning framework will better support the comprehensive review of the RLUSs, by defining their scope and purpose and providing processes around their preparation, assessment, declaration, governance, monitoring, review and amendment.



1.2 Role of regional strategic planning in Tasmania's planning system

The RLUSs set out the key agreed strategic directions for a region over the medium to longer-term. They aim to provide certainty and predictability for State government, councils, developers and the community on where, when and what type of development will proceed. In the context of the State's planning reform, the next iteration of the RLUSs will be a key instrument in the spatial implementation and further articulation of the TPPs, due to be made in 2023, in a regional context.

The RLUSs also allow for objectives and characteristics specific to the region to be recognised and strengthened, where their outcomes achieve consistency with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993* (LUPA Act), the State Policies and the TPPs.

The role of the RLUSs in decision-making will remain the same, with the preparation and amendments of each council's LPS required under the LUPA Act to be 'as far as practicable' consistent with the relevant RLUS.

The RLUSs also guides and is informed by local strategic planning documents, such as structure plans, so that finer grain planning can be undertaken where growth or land use change is identified by a RLUS.

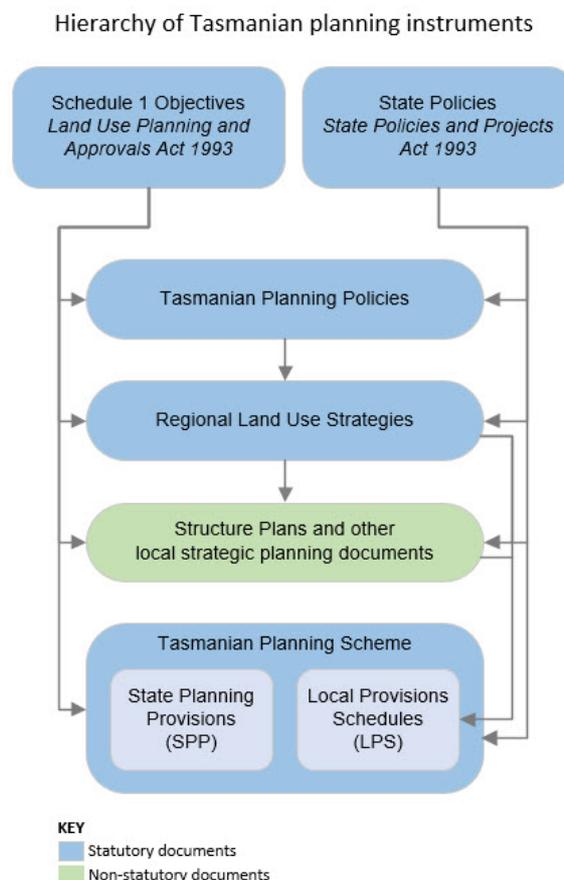


Figure 1: Hierarchy of Planning Instruments

1.3 Need for the regional planning framework review

The current framework and processes for the RLUSs is provided under [section 5A](#) of the LUPA Act. The Act provides for the making and, to a limited extent, the review of RLUSs. However, for other components of the planning system, including TPPs, SPPs, and LPSs, the LUPA Act specifies additional matters such as:

- purpose;
- content;
- processes for exhibition, hearings, approval, review and amendment; and
- criteria for assessment.

The lack of such a framework for and the inconsistencies between the RLUSs has resulted in difficulties with interpretation and ambiguity around maintenance, review processes and responsibilities. Effective review of the RLUSs following the making of the TPPs is dependent on such a framework.

The regional planning framework project will be undertaken over a number of stages:

Stage 1 (Figure 1) will provide the processes for the review of the RLUSs required after the making of the TPPs. In this phase it will be necessary to establish a framework that delivers:

- a clear scope and purpose for the RLUSs;
- improved processes for preparing, assessing, declaring, reviewing and amending the RLUSs; and
- a level of consistency between the three RLUSs.

Stage 2 involves:

- determining ongoing governance arrangements; and
- establishing data requirements for review and monitoring the RLUSs.

These components of Stage 2 will be informed by the current comprehensive review of the RLUSs and any relevant outcomes from the [Future of Local Government Review](#). It will also involve ongoing resourcing requirements to be considered and therefore it has been necessary to separate them out from the first stage of work.

1.4 Project overview

The LUPA Act currently requires the RLUSs be reviewed as soon as practicable after the making of the TPPs. Stage 1 of the regional planning framework project will, therefore, need to be in place to support the comprehensive review of the RLUSs once the TPPs are made.



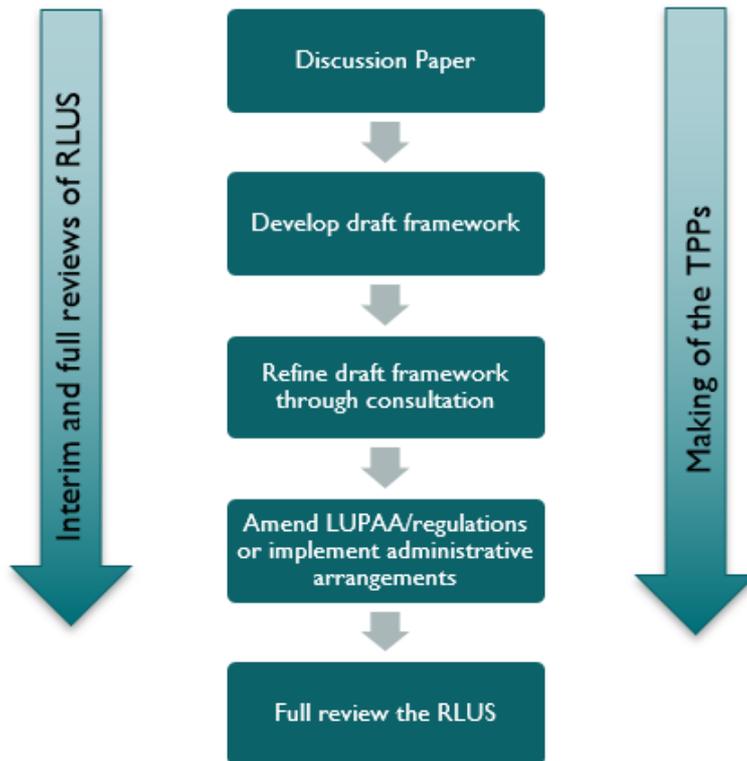


Figure 2: Stage I of Regional Planning Framework Project

2 Regional Planning Framework Project – Stage I

2.1 Scope and Purpose

The current legislative framework requires the RLUSs to be consistent with the TPPs and State Policies, and to further the objectives of Schedule 1 of the LUPA Act. The RLUSs, along with the Tasmanian Planning Scheme, will implement the TPPs.

Section 12B, particularly (1) and (2) of the LUPA Act set out the contents and purposes of the TPPs:

- (1) The purposes of the TPPs are to set out the aims, or principles, that are to be achieved or applied by –
 - (a) the Tasmanian Planning Scheme; and
 - (b) the regional land use strategies.
- (2) The TPPs may relate to the following:
 - (a) the sustainable use, development, protection or conservation of land;
 - (b) environmental protection;



- (c) liveability, health and wellbeing of the community;
- (d) any other matter that may be included in a planning scheme or a regional land use strategy...

Given the extent of issues covered by the TPPs, it is envisaged that much of the overarching policy currently contained in the RLUSs will now be captured by the TPPs.

The RLUSs will, therefore, need to spatially implement the TPPs, further articulate the TPPs in a regional context (e.g. through implementing settlement and activity centre hierarchies), and capture any regional planning issues consistent with the State Policies and objectives of Schedule 1 of the LUPA Act.

Since the scope of regional strategic planning will be changed by making the TPPs and introduction of the TPS, it may be appropriate that the legislative provisions for regional strategies are revised so general contents and purpose of RLUSs are set out in the legislation or regulations. These could be similar to [section 12B](#) of the LUPA Act for the content and purposes of the TPPs such as the following:

- (1) The purpose of a regional land use strategy is to set out the policies or strategies that are to be achieved or applied in that region by:
 - (a) a local provisions schedule; and
 - (b) any sub-regional or local land use planning strategies.
- (2) A regional land use strategy may relate to the following:
 - (a) the sustainable use, development, protection or conservation of land;
 - (b) environmental protection;
 - (c) liveability, health and wellbeing of the community;
 - (d) any other matter that may be included in a planning scheme or a regional land use strategy.

Some other matters that could be considered are:

- a consistent time horizon for the RLUSs;
- specifying that the RLUSs may include:
 - spatial application of the TPPs, regional or sub-regional policy;
 - regional policies and strategies to strengthen the social, economic and environmental attributes specific to the region; and
 - identification of any sub-regions or inter-regional relationships;
- that the RLUSs are to be accompanied by:
 - any relevant background reports and supporting studies;
 - a plan detailing how the RLUS will be implemented including:
 - prioritising or staging the release of land for settlement growth;
 - provision of key infrastructure;



- governance arrangements for implementation; and
- funding arrangements and prioritisation.

Whilst the contents and purposes of the TPPs and SPPs are provided for in the legislation, consideration can also be given to including these matters in the regulations to the LUPA Act, or as administrative arrangements for the purposes of the RLUSs. This allows their purpose and content to be more easily updated as the RLUSs evolve after the making of the TPPs.

Please provide your feedback on the purpose and scope:

Do you agree that the general content and purposes of the RLUSs should be outlined in the legislation or regulations similar to the TPPs and SPPs?

Do you agree with the suggested contents above? Are there other matters you think the RLUSs could capture?

2.2 Consistency

A key outcome of Tasmania's planning reform is to achieve a degree of consistency across planning instruments to improve the ease in which the planning system can be engaged with, and to deliver more certainty.

One of the aims of the regional planning reforms is to achieve some consistency between the three RLUSs.

In achieving the right level of consistency, the following should be considered:

- development of a template for RLUSs, which could be referred to in the legislation or regulation as an instrument prepared in a 'form approved by the Minister';
- consistent use of terminology and definitions; and
- consistent features such as categorisation of settlements and activity centres within hierarchies.

Please provide your feedback on the consistency:

What attributes should be consistent across regions (e.g., terminology, categorisation of settlement etc)?

Should there be a template for RLUSs?

2.3 Preparing regional land use strategies

Early preparation for the comprehensive review of the RLUSs after the making of the TPPs is already underway. Regional and local strategic work is being partly funded by the SPO and



has commenced in each of the regions. This work will provide data to feed into the review of the RLUSs. It will also assist in identifying the data required for ongoing monitoring and review of the RLUSs as part of Stage 2 of the regional planning framework project.

As part of the RLUSs review, each of the three regions has either appointed or is in the process of appointing a Regional Planning Coordinator. It may be that the work and preparation of the next iteration of the RLUSs is managed by the Regional Planning Coordinators, in collaboration between the councils in each of the regions and the SPO in consultation with the relevant State agencies, service and infrastructure providers and other relevant stakeholders.

Models for future reviews and preparing future iterations of the RLUS will comprise part of the consideration for the ongoing governance of the RLUSs under Stage 2 of the regional planning framework project. This will also be informed by any relevant outcomes from the Future of Local Government Review.

2.4 Assessing and declaring regional land use strategies

Under [section 5A \(3\)](#) of the LUPA Act an RLUS is currently declared by the Minister for Planning if satisfied that it meets the objectives of Schedule 1 of the LUPA Act and is consistent with the State Policies and TPPs.

The RLUSs have a public interest because landowner rights are impacted by a LPS or a LPS amendment required to be 'as far as practicable' consistent with the RLUSs. The LUPA Act, however, currently does not specify any process around public consultation or hearings for declaring or amending a RLUS.

Consideration should be given to whether the RLUSs should be assessed in a similar manner to the TPPs.

In assessing the draft TPPs, the TPC must consider:

- whether the draft TPPs meet the TPP Criteria by:
 - furthering the objectives of Schedule 1 of the Act;
 - being consistent with any relevant State Policy;
- all representations received during the public exhibition period;
- relevant matters raised at a hearing in relation to a representation;
- any matters of a technical nature in relation to the application of the TPPs into the SPPs or RLUSs.

The legislation provides that the Minister may make the TPPs if satisfied that, on the advice of the TPC, they meet the TPP Criteria.

An updated framework should consider whether the RLUSs are subject to consideration by the independent TPC, and whether this process should involve consideration of representations received and hearings into the RLUSs, with subsequent recommendations made to the Minister.



When assessing a RLUS, it may be that the TPC consider:

- whether the RLUSs:
 - further the objectives of Schedule 1 of the Act;
 - are consistent with the State Policies;
 - are consistent with the TPPs;
- all representations received during the public exhibition period;
- relevant matters raised at a hearing in relation to a representation;
- any matters of a technical nature in relation to the application of the
 - TPPs into a RLUS; and
 - RLUS into a LPS.

Please provide your feedback on assessing and declaring RLUS:

Should the RLUSs be subject to an assessment process by the TPC with recommendations made to the Minister? Should the assessment process include public hearings?

Should the matters be taken into consideration when assessing a RLUS be similar to the TPPs? Are there any different matters that should be included?

2.5 Reviewing regional land use strategies

Currently under the LUPA Act, the review cycles for each of the TPPs, SPPs and LPSs are every 5 years.

The review process for the TPPs, under [section 121](#) of the LUPA Act, requires the Minister to:

- review the TPPs; or
- direct the TPC to review the TPPs and make recommendations to the Minister; and
- table a report to Parliament on completion of the review by the Minister or the TPP.

The review process for the SPPs requires the Minister to:

- review the SPPs; or
- direct the TPC to review the SPPs and make recommendations to the Minister.

Under [section 5A \(6\)](#), the Minister is required to keep the RLUSs under periodic review, and under [section 5A \(8\)](#), review the RLUSs as soon as practicable after the making or amendment of the TPPs to ensure the strategies' consistency with the TPPs. However, no timeframes or processes are specified for the periodic reviews, such as with the TPPs or the SPPs.



Please provide your feedback on reviewing RLUS:

Should the timeframes for review of the RLUSs continue to reflect the 5 yearly cycle of the other instruments, triggered by the making or amendment of the TPPs?

Should any other matters trigger the review of the RLUSs?

Should the review process for the RLUSs be similar to that of the TPPs and SPPs?

2.6 Amending regional land use strategies

The LUPA Act does not provide a process for amending RLUSs, although allows for their amendment by requiring the Minister to keep the RLUSs under periodic review.

Currently amendments are managed through the declaration process provided for under the LUPA Act. Under [section 5A \(4\)](#) before declaring a RLUS, the Minister must consult with:

- the TPC;
- the planning authorities; and
- State service agencies and State authorities as the Minister thinks fit.

Under [section 5A \(3\)](#), having received advice from the TPC, the Minister may declare a land use strategy that:

- furthers the objectives of Schedule I of the LUPA Act;
- is consistent with the State Policies; and
- is consistent with the TPPs.

In comparison, specific criteria provide for amendment of the TPPs under the LUPA Act. [Section 12H](#) of the Act outlines the processes for an amendment of the TPPs, with a shortened process for minor amendments.

An amendment to the TPPs may consist of:

- a) an amendment of one or more of the provisions of the TPPs; or
- b) the insertion of one or more provisions into the TPPs; or
- c) a revocation of one or more of the provisions of the TPPs; or
- d) the substitution of one or more of the provisions of the TPPs.

[Part 2A](#) of the LUPA Act then applies to an amendment of a TPP as it would to the preparation of a new TPP, but with shortened timeframes in acknowledgement of the narrower scope (see [section 12H\(3\)](#) of the LUPA Act). An amendment of a TPP, therefore, requires a period of public exhibition, the receipt of representations and consideration by the TPC with a recommendation to the Minister.

An amendment of the TPPs may also be considered a minor amendment if:



- e) the Minister is of the opinion that the public interest will not be prejudiced if the draft amendment of the TPPs is not publicly exhibited; and
- f) the draft amendment of the TPPs is for one or more of the following purposes:
 - (i) correcting an error in the TPPs;
 - (ii) removing an anomaly in the TPPs;
 - (iii) clarifying or simplifying the TPPs;
 - (iv) amending a provision of the TPPs other than so as to change the intent of a policy expressed in the TPPs;
 - (v) bringing the TPPs into conformity with a State Policy;
 - (vi) a prescribed purpose in the Regulations.

The TPPs minor amendment process enables the amendments to be made without going through the full process of public exhibition and detailed review by the TPC.

For the RLUSs, there is an opportunity to consider a tiered approach similar to the TPPs. This could include processes:

- for declaring the next iteration of the RLUSs;
- for making amendments to the RLUS, which is the same as the original declaration, but with shortened timeframes; and
- for making minor amendments to the RLUS (e.g. correcting errors and making clarifications) in accordance with set criteria without having to go through the full amendment process.

The RLUSs have not been subject to a comprehensive review since their declaration in 2011. The absence of such review has created a need to amend some of the strategies to address immediate issues and growth pressures.

It is anticipated that with more regular reviews of the RLUSs undertaken as part of the improved regional planning framework, the need for amendments to the RLUSs outside the review cycles may be reduced. Furthermore, if adequate land supply is provided for after the next iteration of the RLUSs, and that supply is subject to more regular review, consideration should be given to what matters may trigger the need to amend the RLUSs outside the review cycle.

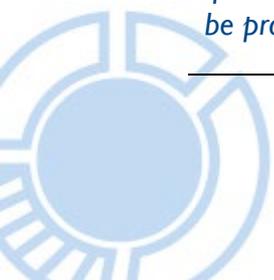
Please provide your feedback on amending RLUSs:

Should the LUPA Act provide a specific process for amending RLUSs? Should that process be similar to that of the TPPs?

Should different types of amendments be provided for, such as a minor amendment of the RLUSs?

What matters should qualify as triggers for amending a RLUS?

If more regular reviews are required of the RLUSs, should a request for amendments of a RLUS be provided for, and who should be able to make such a request?



3 Structure plan guidelines

2.3 Background

As part of the regional planning framework reforms, the SPO has been undertaking some targeted consultation for the development of structure plan guidelines (SPGs).

Structure plans strengthen communities by establishing a shared vision that guides the development or redevelopment of settlements by integrating and coordinating future land uses, development and infrastructure provision in a sustainable and orderly manner.

Structure plans include spatial representation of existing and proposed land use, social and physical infrastructure and services, natural hazards, natural values, physical and topographical features.

The SPGs, once finalised, are intended to represent agreed guidelines in relation to the input, contents and processes around the preparation of structure plans at the local level.

The SPGs are not intended to be statutory or regulatory instruments. As agreed guidelines, they can be updated when required to ensure they remain fit for purpose.

2.4 How do the structure plan guidelines relate to the regional planning framework project?

The preparation of the draft SPGs augments the regional planning framework project and the early stages of the comprehensive review of each of the RLUSs.

Whilst structure plans are not statutory instruments within Tasmania's planning system, they provide a strategic link between the RLUSs and LPSs. Structure plans also provide an important component in resolving regional and local issues where it comes to managing settlements and use and development changes.

The LUPA Act requires a LPS and a LPS amendment to be 'as far as practicable' consistent with the relevant RLUS. The RLUSs also often refer to structure plans to provide finer grain planning, particularly where use and development change is identified. The draft SPGs are, therefore, intended to assist planners, developers and councils in the preparation of a more robust structure planning process improving acceptance from decision makers, infrastructure and service providers and the community.

Strategic planning studies, data collection and analysis projects are underway as part of the preparation for the comprehensive review of the RLUSs following the making of the TPPs. This work is largely being undertaken at the regional and local level with the support of the SPO. Local strategic planning undertaken by councils in the three regions is a key aspect of this work, and the preparation of the draft SPGs will assist in informing the work at the local level.



Given the statutory RLUSs reviews are due after the TPPs are made, there is scope for the structure planning to inform the next iteration of the RLUS. The manner in which a structure plan may inform the review of RLUSs is provided in the guidelines below.

2.5 Targeted consultation

The draft SPGs in Appendix I have been prepared by the State Planning Office (SPO) following targeted consultation with regional planner's groups in each of Tasmania's three regions, key State agencies, infrastructure and service providers and the TPC.

The key issues arising from the targeted consultation indicates that structure planning should involve the following key features:

- engagement should be undertaken with State agencies, councils, infrastructure and service providers at the preliminary stages of structure plan preparation, as well as at other key stages in the structure planning process;
- early and ongoing consultation with the community;
- processes through which councils, planners or developers can more easily engage and consult with interested State agencies in planning matters;
- consideration should be given to all issues relevant to the structure plan area, and avoid ignoring issues in order to focus on a narrow set of objectives;
- consideration for issues more broadly (e.g. impacts on social and physical infrastructure and services beyond local matters; productive resources; natural values; natural hazards responded to adequately);
- justification for the any growth provided for by the structure plan in the context of broader sub-regional or regional growth;
- based on quality inputs and studies and up to date data and projections; and
- a suggested contents or list of matters/checklist that the structure plans should address (where relevant).

Please provide your feedback on the draft Structure Plan Guidelines.

Do you think the draft structure plan guidelines will assist councils, planners, developers and the community with an understanding of what should be contained in a structure plan and what the structure plans should achieve?

Are there any other additional matters or issues that should be considered for inclusion in the guidelines?



4 Next steps

Once the consultation period has concluded, the State Planning Office will carefully consider all comments received.

Feedback received from this consultation period will assist in informing any legislative, regulatory or administrative change required to improve the regional planning framework. A consultation report will be prepared in response to the feedback received.

Any legislative or regulatory changes will be subject to further consultation processes.

5 Feedback

Please provide feedback your feedback on the Regional Planning Framework Discussion Paper or the draft SPGs to yoursay.planning@dpac.tas.gov.au.

For any other queries regarding planning reform contact the State Planning Office on Ph: 1300 703 977 or stateplanning@dpac.tas.gov.au.



Appendix I – Draft Structure Plan Guidelines







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