



## Tasmanian Planning Policies

On 29 November 2018, the [Land Use Planning and Approvals Amendment \(Tasmanian Planning Policies and Miscellaneous Amendments\) Act 2018](#) was passed, making a number of changes to the *Land Use Planning and Approvals Act 1993 (LUPAA)*. The changes took effect on 17 December 2018.

One of the significant changes is creating a new instrument, the Tasmanian Planning Policies (**TPPs**). The TPPs will be a suite of policies covering a range of issues that benefit from a statewide approach. They are additional to State Policies, Regional Land Use Strategies (**RLUS**), and the State Planning Provisions. The TPPs are intended to provide strategic direction to State and local governments across the land use planning system and inform the content of planning schemes and strategies.

"The TPPs" refers to the full suite of policies, rather than individual policies. When a new policy is proposed, it will be added as an amendment to the TPPs. The easiest way to think of it is as a book of policies, with any new policies being an additional chapter to the book rather than a new book.

The main features of TPPs are discussed below.

## What can TPPs cover?

The TPPs may relate to:

- sustainable use, development and protection or conservation of land;
- environmental protection;
- liveability, health and wellbeing of the community; and
- any other planning matter that could be addressed in a planning scheme or RLUS.

In his [Second Reading Speech](#), the Minister gave the following examples of issues likely to be covered by TPPs:

- economic development & key resources
- settlement & liveable communities
- hazards & risks
- natural assets
- cultural heritage
- transport & infrastructure

This is not an exhaustive list. Policies may be developed on a wider range of planning issues, such as biodiversity management, tourism, affordable housing and climate adaptation.

The TPPs **must**:

- be consistent with any relevant State Policy (including the *State Coastal Policy 1996*, *Policy on the Protection of Agricultural Land 2009*, *State Policy on Water Quality Management 1997* and all National Environment Protection Measures); and
- seek to further the objectives of the Resource Management and Planning System, including promoting sustainable development, providing for fair, orderly and sustainable use and development, encouraging public participation, economic development, and shared responsibility for resource management and planning.

These requirements are called the "TPPs criteria".

## Making the TPPs

The Minister prepares an initial draft of the TPPs, in consultation with the Tasmanian Planning Commission, planning authorities and relevant government agencies. If the Minister decides to proceed with the proposed TPPs, she or he will direct the Commission to advertise the draft TPPs.

## Will I get a chance to comment?

The Tasmanian Planning Commission will place a notice in newspapers alerting the public that the draft TPPs are open for comment. The notice will include the start and closing dates for public comment, and details about where you can access a copy of the draft TPPs.

For the initial TPPs, public comment must be invited for at least **60 days**.

During the public comment period, any person can make a representation supporting, opposing, or suggesting amendments to the draft TPPs. Representations should focus on whether the draft TPPs meet the TPPs criteria (see above).

The Planning Commission **may** hold public hearings to discuss representations but is not required to do so. If you would like to appear at a hearing to discuss your concerns, it is a good idea to say that in your representation.

## How are my comments taken into account?

Within **90 days** of the end of the public comment period (including, if necessary, public hearings), the Commission will prepare a report to the Minister. The report must:

- summarise all the issues raised in representations;
- set out the Commission's opinion about whether the draft TPPs meet the TPPs criteria; and
- identify any technical matters about the way that the TPPs will apply to the Tasmanian Planning Scheme or regional land use strategies.

The Commission may recommend that the draft TPPs be adopted, modified, or rejected.

## Who makes the final decision?

After considering the Commission's report, the Minister can decide to make, modify or refuse to make the TPPs.

If the Minister proposes minor modifications that are different to the recommendations set out in the Commission's report, the Minister must consult with the Commission before making the changes. The Minister must take advice from the Commission about whether the revised TPPs meet the TPPs criteria.

If the Minister proposes to make modifications that mean the TPPs will be substantially different from the draft TPPs that were advertised, the revised draft TPPs must be re-advertised and re-assessed by the Commission (following the same process described above).

The Minister must publish a notice in the newspaper advising of her or his decision regarding the draft TPPs, and the reasons for the decision.

There is no right of appeal against a decision to make, or refuse to make, the TPPs.

## Amending the TPPs

Other than 'minor amendments', amendments to the TPPs (including to add a new policy to the "book" of policies) follow the same process as for making the TPPs. However, some of the timeframes are reduced:

- public comment is invited for **42 days** (rather than 60 days); and
- the Commission has only **60 days** (rather than 90 days) to prepare its report after the end of the public comment period.

'Minor amendments' can be made without inviting public comment. An amendment will only be considered minor if:

- it is to correct an error or anomaly, clarify or simplify the TPP without changing its intent, or to bring the TPPs into conformity with a State Policy; and
- the Minister is satisfied that it is not contrary to the public interest not to invite feedback.

Minor amendments must be consistent with the TPPs criteria.

## What is the effect of the TPPs?

Once the TPPs have been adopted (or amended), they will inform the content of future planning instruments.

The Minister **must** review all regional land use strategies as soon as practicable after making or amending the TPPs to determine whether the strategies are consistent with the TPPs and can amend the strategies as required.

The Minister is not explicitly required to review the State Planning Provisions or Local Provisions Schedules in light of new or revised TPPs (though may choose to conduct a review at any time). However, any future amendments to the SPPs or LPS must be consistent with the TPPs in effect at the time that the amendments are made.

## Reviewing the TPPs

The Minister is required to "keep the TPPs under regular and periodic review".

At least once every 5 years, the Minister must conduct, or direct the Commission to conduct, a review of the TPPs and their implementation. There is no express requirement for public consultation as part of the review, though it is open for the Minister or the Commission to invite public comment.

The results of the review must be tabled in parliament.

*If you have any questions regarding Tasmanian Planning Policies, please feel free to contact EDO Tasmania on 6223 2770 or [edotas@edotas.org.au](mailto:edotas@edotas.org.au)*