

Tasmanian Planning Scheme – Structure and Process

Planning Scheme Structure

The Tasmanian Planning Scheme (TPS) is made under the Land Use Planning and Approvals Act 1993 and will apply across the whole State. It will replace the current planning schemes that operate in each Council area.

The TPS is made up of the State Planning Provisions (SPP's) and Local Provisions Schedule (LPS).

The SPP's set out the way the planning scheme operates, the zones that can be applied to land and the planning rules for use and development that occurs within those zones. The SPP's also include planning rules in codes, relating to matters that occur across various zones.

The policy intent of the Tasmanian Planning Scheme is to achieve as much conformity and consistency as possible, however some elements of the current Interim Planning Schemes are allowed to carry through to the new planning scheme. These are called 'Transitional Provisions' and are declared by the Minister for Planning.

The LPS requirements are set out in the SPP's and are part of the legislated framework for the planning scheme.

The LPS is made up of:

- The zone maps;
- Local area objectives (LAO's);
- Particular Purpose Zones (PPZ's);
- Specific Area Plans (SAP's)
- Site Specific Qualifications (SSQ's)
- Code overlay maps (prescribed and local data)
- Code lists (eg. Heritage)

In preparing their LPS's, each Council must determine the best zone to apply to land from the list of available zones in the SPP's.

There is the ability for a Council to create planning rules that are different to the SPP's, however the legislation requires that the Council demonstrate that it requires a unique or tailored approach and provide justification that the variation:

- is of significant social, economic or environmental benefit to the State, region or municipal area; or
- relates to an area that has particular environmental, economic, social or spatial qualities that require unique provisions.

All of these elements are required to be represented in maps in accordance with the prescribed graphic format for colour and hatching so that all maps across the State are consistent.

Process

The SPP's have already been through a statutory process in 2016, where the proposed content of the planning scheme to be applied state wide was open for public submissions and was considered by a panel of the Tasmanian Planning Commission (Commission). The Minister for Planning made the SPP's in February 2017 and these parts of the planning scheme are not subject to further submissions from the public.

Continued overleaf

Kentish Council has now been directed by the Commission to publicly exhibit its draft LPS and invite representations from the public. This enables the community to review the Draft LPS and submit comments on the proposed application of zones and codes and also the local provisions that are different to the SPP's.

The public exhibition period is open for 60 days. When the exhibition period is closed, Council is required to consider each of the representations in a report that will be forwarded to the Commission. The Commission will then hold public hearings where representations are considered.

After considering the representations and Council's recommendations in its report, the Commission may determine that the LPS requires modification. If the modifications are considered to be 'substantial modifications', only those changes will be subject to another 60 day public exhibition period whereby public representation may be made.

A summary of the LPS process is outlined below:

