



Resource Planning and Development Commission

Planning Advisory Note 3

Subject: Supporting Information for Draft Planning Schemes

Purpose: To provide guidance to planning authorities on what information will assist assessment of a draft planning scheme for certification under s.24(1) of the *Land Use Planning and Approvals Act 1993*

Background

Planning Directive Number 1: the Common Key Elements Template (the Template) establishes a template for the format and structure of planning schemes. All new planning schemes must conform to the Template, however, this only provides for a standard format and structure and does not prescribe how to prepare planning scheme standards or provisions to control use and development. This is a matter for planning authorities.

Before commencing the drafting of a new planning scheme, a planning authority should prepare a comprehensive land use strategy for the planning area. A comprehensive land use strategy will provide the planning authority with important background information and analysis to aid the drafting of the new planning scheme zoning, provisions and standards, and ultimately ensure compliance with the requirements of the *Land Use Planning and Approvals Act 1993* (the Act).

The Resource Planning and Development Commission (the Commission) is required to certify a draft planning scheme as suitable for exhibition within 6 weeks of submission, or such longer period as the Minister may allow, in accordance with s.24 of the Act. A draft planning scheme is suitable for exhibition if it meets the requirements of s.20 of the Act. The Commission must therefore be satisfied that the draft planning scheme:

- (i) furthers the Objectives contained in Schedule 1 of the Act; and
- (ii) is prepared in accordance with State Policies; and
- (iii) has regard to the strategic plan of a council adopted by the council at the time the planning scheme is prepared; and
- (iv) has regard to the safety of gas pipelines.

The draft planning scheme must, in accordance with s.21 of the Act:

- as far as practicable, be consistent with and co-ordinated with neighbouring planning schemes; and
- have regard for the use and development of the region as an entity in environmental, economic and social terms, and
- be prepared in consultation with the Marine and Safety Authority where a use or development is related to or affects any area of sea directly adjoining the planning area.

Planning Advisory Notes are prepared by the Resource Planning and Development Commission to explain statutory provisions and provide guidance to planning authorities and others on the operation of the planning system.

Information for Assessment of a Draft Planning Scheme

The Commission has a legal responsibility to be satisfied that a draft planning scheme meets the requirements of the Act.

The Commission therefore requires that the planning authority provides sufficient supporting documentation to demonstrate that the draft planning scheme has been prepared in accordance with the Act when submitting a draft planning scheme to the Commission for certification. The supporting documentation should include background reports, analyses and adopted land use strategies to demonstrate that these requirements have been met. This documentation should also demonstrate how this has been translated into the draft planning scheme by way of zoning and controls on use and development.

The draft planning scheme should also be drafted with the benefit of appropriate legal advice.

The commission requires two (2) copies of the ordinance and plans to be supplied. The two (2) copies must be signed, sealed and dated by the planning authority in accordance with a resolution of the planning authority to seek certification of the planning scheme, with each page of the plans appropriately authenticated. Copies of all documents incorporated under s.20(2)(g) of the Act should also be provided.

A Microsoft 'Word' version of the ordinance and a digital version of the plans suitable to be used by 'MapInfo' are also required.

Compliance with the *Land Use Planning and Approvals Act 1993*

The following sections provide guidance for planning authorities on relevant issues that should be addressed in terms of Schedule 1 Objectives of the Act and State Policies.

The following checklist will assist the assessment of a draft planning scheme by:

- identifying and correcting errors prior to submission to the Commission, certification and public exhibition; and
- avoiding representations resulting from concerns about the lack of supporting information or a lack of understanding of what is proposed; and
- ensuring compliance with the requirements of the Act.

This checklist is not exhaustive and additional issues may need to be addressed in specific cases.

State Policies

State Coastal Policy 1996

Issues to Address:

- Have all major ecosystems, natural processes and areas of conservation value been identified and adequately protected?
- Have all wetlands and areas of aesthetic quality been identified and adequately protected?
- Have all areas potentially subject to coastal hazards been identified, mapped and adequately addressed?
- Is all development, other than for environmental protection works, prohibited from occurring on actively mobile landforms?
- Have all relevant reserves, aboriginal and historic sites and sensitive areas been identified and suitable protection provided?

- Has urban and residential development been confined to existing towns and townships to avoid ribbon or unrelated cluster development?
- Have significant scenic coastal transport routes been identified and protected?
- Are there adequate controls to prevent the need for constructing new coast hugging roads?
- Are there suitable provisions allowing for tourist use and development, marine structures, port areas, and sand extraction without compromising the protection of cultural, natural and aesthetic values of the coast?
- Has public access to and along the coast been maintained?
- Are there suitable provisions to protect the coastal environment from significant damage?

State Policy on Water Quality Management 1997

Issues to Address:

- Are there adequate controls to ensure that water quality objectives are met?
- Are there adequate controls over point source emissions to prevent the contamination of surface waters, coastal waters and groundwater?
- Are there adequate controls for stormwater management?
- Have adequate streamside buffers been provided?
- Are there adequate provisions to control on-site disposal of wastewater and stormwater in unserved areas?
- Is the re-use of wastewater provided for?

State Policy on the Protection of Agricultural Land 2000

Issues to Address:

- Has all agricultural land been identified and adequately protected for agricultural use?
- Are there adequate controls for non-agricultural use of agricultural land?
- Are there adequate controls to protect agricultural uses from fettering by non-agricultural uses?
- Have all relevant irrigation schemes been identified and adequately protected for agricultural uses?

National Environmental Protections Measures (NEPMs)

Issues to Address:

- Is the planning scheme in accordance with the NEPMs?
- Are there appropriate provisions to ensure that potentially contaminated land is investigated and signed off by the Contaminated Sites Unit prior to any proposals for a sensitive use or development?

Schedule 1 of the *Land Use Planning and Approvals Act 1993*

Part 1 Objectives

Objective	Issues to Address
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	<ul style="list-style-type: none"> • Are all wetlands and watercourses identified and adequately protected? • Are all significant vegetation communities, threatened species, natural habitat and wildlife corridors identified and protected? • Is adequate provision made to prevent land degradation, erosion, salinisation and siltation? • Will there be increased environmental

Objective	Issues to Address
	protection?
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i>	<ul style="list-style-type: none"> • Are all relevant energy and mineral resources identified and protected? • Is adequate provision made for energy efficiency, the effects of climate change and the reduction of greenhouse gas emissions? • Is there identified demand for new use or development? • Can existing land supply the demand for new use or development? • Is the new use or development a sustainable use of the land? • Is the new use or development compatible with that existing in the surrounding area? • Is the overall density of development appropriate and sustainable for the given area? • Is there adequate provision made for the fair and orderly expansion of use and development? • Is there adequate access to relevant public infrastructure and social services? • Do the existing public infrastructure and social services have the capacity for new use or development? • Is adequate provision made for waste management and recycling? • Is there adequate provision for industry and access for freight transport?
<i>(c) to encourage public involvement in resource management and planning</i> <i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i>	<ul style="list-style-type: none"> • Have all interested and affected parties and community groups been involved? • Have all relevant agencies been consulted? • Has the aboriginal community been consulted on matters where aboriginal cultural heritage may be affected?
<i>(d) to facilitate economic development in accordance with objectives (a), (b) and (c)</i>	<ul style="list-style-type: none"> • Will employment and economic activity be increased? • Will social well being and liveability be enhanced?

Part 2 Objectives

Objective	Issues to Address
<i>(a) to require sound strategic planning and coordinated action by State and local government</i>	<ul style="list-style-type: none"> • Has an assessment been made on the supply and demand for new use or development or additional zoned land? • Is the planning scheme consistent with the land use strategy adopted for the local area or municipality? • What are the consequences of allowing new use or development in the given area?

Objective	Issues to Address
	<ul style="list-style-type: none"> • Has adequate provision been made for sustainable future growth? • Is land use and development effectively integrated with all relevant infrastructure and services? • Have relevant agencies been consulted?
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i>	<ul style="list-style-type: none"> • Have all aspects of use and development been considered and adequately addressed? • Is the planning scheme technically sound (clear and consistent wording and structure and legally enforceable)? • Have all relevant development plans, reserve management plans and permits been taken into account?
<i>(c) to ensure the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i>	<ul style="list-style-type: none"> • Are there adequate provisions to control emissions to air, land and water? • Are there adequate provisions to control land clearing, particularly in sensitive areas? • Will community expectations be furthered? • Is there adequate provision for and access to social services? • Will there be an adequate supply of and access to public transport and affordable housing? • Is provision made for elderly, disabled and special needs groups? • Will the viability of existing centres be maintained?
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels</i>	<ul style="list-style-type: none"> • Is there consistency with relevant regional transport, tourism and natural resource management strategies? • Are marine farming plans and industry development plans provided for? • Is there consistency with relevant catchment management and coastal and marine management plans? • Is there consistency with neighbouring planning schemes?
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals</i>	<ul style="list-style-type: none"> • Will permits be coordinated with any approvals required under any other Acts?
<i>(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania</i>	<ul style="list-style-type: none"> • Are development standards provided to protect amenity? • Are adequate areas provided for public recreation and open space and are they protected by appropriate zoning and controls? • Have important skylines and landscape areas been identified and protected? • Is there an open space/recreation strategy for the

Objective	Issues to Address
	<p>municipal area?</p> <ul style="list-style-type: none"> • Is provision made for the development of pedestrian and cycle path networks? • Are there adequate attenuation distances and controls for polluting activities? • Are appropriate noise buffers and standards included? • Is there provision for a traffic impact assessment (TIA) where traffic flows and safety may be affected? • Are there adequate provisions to maintain sight distances for road and access junctions? • Are there controls on accesses to high priority road networks? • Have all areas subject to land instability, potential contamination, flooding and bushfire hazard been identified with appropriate controls restricting use and development?
<p><i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i></p>	<ul style="list-style-type: none"> • Are all listed heritage places identified and adequately protected? • Are all significant heritage precincts, places of special cultural value, townscapes, scenery, cultural landscapes and tourist routes identified and adequately protected?
<p><i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community</i></p>	<ul style="list-style-type: none"> • Has all existing and proposed public infrastructure (road, rail, public transport, communication and power transmission routes) been identified and adequately protected? • Is there a roads schedule, road hierarchy, and requirements for car and cycle parking? • Is the development and operation of schools, hospitals, ports, airports and other public facilities adequately protected? • Will future use and development be within the capacity of existing or planned infrastructure; particularly water supply, sewer, and transport?
<p><i>(i) to provide a planning framework which fully considers land capability</i></p>	<ul style="list-style-type: none"> • Has the capability of the land been fully considered in terms of future use and development? • Has all agricultural land been identified and protected for agricultural uses?

Further Information

Relevant legislation may be viewed at <http://www.thelaw.tas.gov.au>.

For further information, contact:

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