

Tasmanian Planning Commission

Process and Procedure

PRE-LODGEMENT COMPLIANCE BRIEFING - DRAFT LOCAL PROVISION SCHEDULE

1. The State Planning Provisions (SPPs), the Local Provision Schedule (LPS) criteria [including the application of the Regional Land Use Strategies (RLUS)], the section 8A Guidelines and the Commission's Practice Notes 5-8, essentially comprise a comprehensive 'rule set' that must be 'applied' when preparing a draft LPS.
2. The Tasmanian Planning Commission (the Commission) has established a Delegates Panel (the Panel) to oversight the statutory processes (including meeting the LPS criteria) that lead to the approval for a draft LPS prepared by a municipalities' planning authority (PA) being publicly exhibited.
3. The Panel notes that the LPS State Steering Committee is overseeing the efficient and timely preparation of draft LPSs by PAs. It has established a process which enables PA planning advisers or consultants to engage with the project team, which comprises planning advisers on secondment from the Commission and the Department of Justice's Planning Policy Unit (PPU), on progressing the preparation of a draft LPS, and on any issues of compliance. Any interaction and outcomes of discussions between PA and project team's planning advisers, is preliminary to formal engagement with the Commission's Panel.
4. The Panel's assessment of whether it can be satisfied that a draft LPS meets the LPS criteria, (as is required by section 34(2) of the *Land Use Planning and Approvals Act 1993* (the Act)), and that the section 8A Guidelines, and Practice Notes 5-8 have been carefully considered and applied by the PA, will have as its primary source of information, the documentation provided in support of a PA's draft LPS. As indicated in Practice Note 6 that documentation must:
 - be clear about the rationale for the spatial application of the SPPs Zones and Codes through the LPS content;
 - present justification of draft LPS content and the planning outcomes sought in light of the section 8A Guidelines and any variation from those Guidelines; and
 - justify the inclusion of any new particular purpose zones (PPZs), specific area plans (SAPs), or site specific qualifications (SSQs), in light of the criteria in section 32(4) of the Act.
5. Recognising the demands that this comprehensive compliance process places on PAs, the Panel has resolved that if requested by a PA, it is prepared to receive a pre-lodgement compliance briefing (a briefing) from a PA on the rationale and justification for the content of the PA's draft LPS. A request for a pre-lodgement briefing may be made at any time, but it is expected that a PA requesting the briefing will have considered and progressed the issues, so that the scope of any briefing on compliance matters is clear.
6. The briefing must focus on issues associated with planning policy and outcomes, referenced to:
 - compliance with the LPS part of the SPPs;

- compliance with the LPS criteria;
- consistency with the RLUS;
- consistency with, or justification of variation from, compliance with the section 8A Guideline;
- meeting the requirements for new PPZs, SAPs and SSQs reliant on section 32(4) and drafting those instruments; and
- Schedule 6 Ministerial declarations and the drafting of transitioning PPZs, SAPs, SSQs and code-applying provisions.

7. The Panel has determined that the following process will apply in relation to a briefing:

- (a) The Panel will receive a briefing on a 'without prejudice' basis.
- (b) The briefing process does not affect the powers available to the Panel to issue notices to a PA under section 35(5) of the Act to modify a draft LPS formally submitted to the Panel.
- (c) The briefing will not consider matters of planning merit.
- (d) A request from a PA for a briefing must be sent to the Chair of the Panel, with acknowledgement of acceptance of the procedure and process.
- (e) The planning/compliance linked issues to be the subject of the briefing must be outlined in writing and advised to the Panel at least 7 days in advance of the briefing.
- (f) In light of the list of issues submitted, the Panel will determine those issues to be considered at the briefing and may in its discretion determine not to consider some issues.
- (g) The Panel will determine the date and location for the briefing.
- (h) Advice on the PA representatives must be provided at least 24 hours before the conference.
- (i) The Panel will advise the PA who will represent the Panel at least 24 hours before the conference.
- (j) The project team's planning adviser who is working with the PA will attend the briefing. The PA planner or consultant may participate in the briefing if requested by the PA.
- (k) The Panel will record the briefing session to assist deliberations. The recording is not transcribed.
- (l) The Panel may indicate a preliminary view about the extent and adequacy of the compliance explanations and justifications and variations provided by the PA.
- (m) After holding the briefing, the date and location of the session and the list of issues considered, will be notified on the iplan website and must be notified on the PA website.

8. A PA is not limited to one pre-lodgement compliance briefing, however if additional briefings are sought, the process and procedures outlined above will apply.
9. When a draft LPS is formally lodged with the Commission under section 35(1) of the Act, a delegated Panel will be appointed by the Commission, who will undertake comprehensive assessment and consider planning merit, in light of representations received on the content of the draft LPS, the PA report on the merit of those representations and any evidence presented at a hearing, as required by the processes contained in Divisions 4 and 5 of Part 3A of the Act.

Process and procedure agreed by the Delegates Panel on 20 February 2019.