

TASMANIAN PLANNING POLICIES

Tasmanian Planning Commission

Chair's Hearing Introduction

16 October 2023

The Minister for Planning has directed the Commission to exhibit the Tasmanian Planning Policies (the TPPs). Giving effect to that direction involves the Commission receiving representations on the TPPs, conducting hearings in relation to the representations and ultimately providing a report to the Minister.

When it considered this matter in May this year, the Commission noted the significance of any approved TPPs to the further development and operation of the Tasmanian planning system.

As a result, the Commission issued a qualified delegation to a Panel of Delegates. The Delegation requires the Delegates to undertake the hearing and assessment process and prepare a report to the Commission for the Commission.

The Delegated Panel has four members, Claire Hynes, Max Kitchell and Tony Ferrier with John Ramsay as Chair.

In the hearing assessment process, the Commission is supported by Planning Advisers, Louise Blyth and Karen Fyfe.

Aboriginal Acknowledgement

Before commencing these hearings, in recognition of the deep history and culture of this Island, the Commission acknowledges and pay its respects to all Tasmanian Aboriginal people, the past and present Custodians of the Land.

Recording the Proceedings

The Commission records its proceedings and parties are not permitted to do so. The purpose of the recording is to enable the Commission to review the oral submissions made to it, should the Commission need to do so.

Responsibilities of the Commission

It is important for all parties to note, that the Commission has three prescribed and specific responsibilities in relation to its assessment of the TPPs.

First - The Commission must consider whether it is satisfied that the TPPs meet the TPP criteria (12F(1)(a)).

The TPP criteria are,

- the TPPs must:
 - seek to further the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993* (the Act) (12B(4)(a))
 - be consistent with any relevant State Policy (12B(4)(b))

Second - The Commission must consider whether there are there any matters of a technical nature, or that may be relevant, in relation to the application of the TPPs to:

- the Tasmanian Planning Scheme; or
- each regional strategy

The Commission has considered what it is embraced within the phrase 'matters of a technical nature'. The Commission's preliminary view is:

- 'technical matters' are different to 'matters of policy'
- 'technical' should be taken to refer to matters that might affect 'policy delivery' and implementation.

Some relevant questions are:

- Is the intent of the policies clear?
- Are there any structural, administrative, or legal impediments to implementation?
- Is the terminology understood and aligned to other documentation and processes in the planning system?
- Are there structural or administrative processes that might need support or development, to ensure timely and efficient implementation of the TPPs?

Third - The Commission must prepare a report to the Minister, and the content of that report is specified. The report must include;

- First - a summary of the issues raised in the representations (12F(3)(a))
- there is a caveat to this task - The Act provides that representations must relate to the content or merits of the draft of the TPPs. Any representation or part that does not relate to the content or merits of the draft, is not to be taken as part of a representation by the Commission (12E(3))
- Second - a statement as to whether the Commission is satisfied that that TPPs meet the TPP criteria (12F(3)(b))
- Third - a statement on whether there are any matters of a technical nature, or that may be relevant to the application of the TPPs to the TPS or each regional land use strategy (12F(3)(c))

Procedure at the Hearing

The key purpose of the hearing is for the Panel to be fully informed about issues raised in representations in light of the responsibilities of the Commission under the Act

Representors will be invited to present key points of their representation.

Representatives of the State Planning Office will be invited to provide any comment they wish to make on the issues raised in the representation and submission.

The Panel may have questions of clarification of the Representor or the State Planning Office representatives.