

TASMANIAN PLANNING COMMISSION



Annual Report 2022-23

Prepared and published by:
Tasmanian Planning Commission
GPO Box 1691
Hobart Tasmania 7001

The Hon Michael Ferguson MP
Minister for Planning
Level 5, 4 Salamanca Place
Parliament Square Building
HOBART TAS 7000

Dear Minister

I have pleasure in submitting the Annual Report of the Tasmanian Planning Commission for the year ending 30 June 2023, in accordance with section 19 of the *Tasmanian Planning Commission Act 1997*.

Yours sincerely

John Ramsay
Executive Commissioner

Table of Contents

1.	Year in Review	6
2.	Overview.....	8
	Tasmanian Planning Commission	8
	Objectives	8
	What We Do	8
	Who We Are	9
	Staffing.....	11
	Financial Resources	11
	Performance	11
3.	Report on Performance	12
	Objectives and Priorities.....	12
	Planning Scheme Amendment Assessments.....	12
	Draft Local Provision Schedule (LPS) Assessment - Tasmanian Planning Scheme (TPS) Implementation.....	15
	Other Review and Advisory Tasks Performed	16
	Minor amendment to State Planning Provision (1-2022) and draft Planning Directive No.9 16	
	Housing Land Supply Orders	17
	Water Management Plan and other reviews	17
	Major project and major infrastructure project assessments	17
	New Bridgewater Bridge Major Project	17
	North East Wind Major Project	18
	North West Transmission Upgrades Project	18

State of the Environment (SOE) Reporting.....	19
Appendix 1: Resource Management and Planning System Objectives.....	20
Appendix 2: Legislative Framework	22
Appendix 3: Ministerial Statement of Expectation	24

1. Year in Review

During 2022-23, work by planning authorities and the Commission continued on the introduction of the Tasmanian Planning Scheme (TPS) in all municipalities across the State.

As at 30 June 2023 a further 7 Local Provision Schedules (LPS) were approved following public hearings, in Launceston, Northern Midlands, Sorell, Dorset, Central Highlands, Waratah-Wynyard and Latrobe. There are now 21 municipalities across the State in which the Tasmanian Planning Scheme is in operation.

King Island was the last Council to submit their draft LPS on the 21 October 2022. The other 8 draft LPSs received are progressing at different stages of the assessment processes required by the *Land Use Planning and Approvals Act 1993* (the Act).

The development of an LPS for a municipal area, be it large or small, in relation to area or population, and the application of a new set of planning rules in a municipality is a major undertaking. It is not only a major undertaking for the planning authority, but also the community, because of the changes that are required. The Commission appreciates the cooperation it has received from councils and members of the community in progressing the Tasmanian Planning Scheme reforms.

While the Commission work program had ongoing assessment of LPSs as a key focus, the Commission resources were also directed to the assessment of amendments to Interim Planning Schemes (IPSS) and LPSs. Planning authorities continued to seek amendments to their planning schemes (be they IPS or LPS) to progress contemporary land use and development initiatives in their municipal area.

The approval of the LPSs, also has a consequential effect on the Commission workload. One of the outcomes of an LPS approval is the Commission directing substantial modifications to a draft LPS as a result of major changes to the draft LPS. The Act provides that these changes must become amendments to the approved LPS and must proceed through a new public exhibition and hearing process to determine whether or not they should be approved. Consideration of these amendments has increased the Commission workload.

The Commission resources were also directed to support the Development Assessment Panel (DAP) appointed to assess a new major project, North East Wind. The project is for the

development of a major wind farm in north east Tasmania. The focus of the Panel work for the reporting period, was the development of the assessment criteria for the project.

The Commission, with the support of the Department of Justice, has progressed the development of a new online system to provide access to the provisions of the Tasmanian Planning Scheme that apply in the respective municipal areas. It is anticipated that the new system will become available in 2024.

As I stated last year, the work of the Commission is facilitated by the professional approach of local government planners, planning professionals and lawyers who specialise in planning law and practice, and the Commission benefits from the professionalism and the submissions made to it. The Commission also benefits from the representations and submissions it receives from the community which invariably present a local focus on matters the Commission must consider.

While the Commission is an independent statutory body, it has been administratively well supported by key staff in the Department of Justice, and is able to benefit from the diverse services that the Department provides to staff.

Commissioners, Hearing Delegates, Senior Planning Consultants, Planning Advisers, GIS Professionals and specialised administrative staff, all combine to deliver considered planning and development decisions in the best interest of the Tasmanian community. I thank them for their dedication and endeavour.

John Ramsay
EXECUTIVE COMMISSIONER

2. Overview

Tasmanian Planning Commission

The Commission is an independent statutory body established under the *Tasmanian Planning Commission Act 1997* (TPC Act).

Objectives

The Commission is committed to furthering Tasmania's Resource Management and Planning System (RMPS) objectives in Schedule 1 of the TPC Act (see Appendix 1) and to observing the rules of natural justice.

The RMPS objectives promote sustainable use and development of the State's resources and sound strategic planning. The objectives also encourage public involvement in, and shared responsibility for, resource management and planning.

What We Do

The Commission performs a range of independent statutory planning and project assessment, decision-making and advisory functions within the scope of its responsibilities under the TPC Act and other legislation.

The Commission's core assessment, review and advisory responsibilities are:

- the Tasmanian Planning Scheme (State Planning Provisions and draft Local Provision Schedules);
- draft planning scheme amendments and combined scheme amendments and planning permit applications;
- draft planning directives and interim planning directives;
- major projects
- Projects of State Significance;
- draft State Policies;
- draft Tasmanian Planning Policies;
- State of the Environment reporting; and

- draft national park and state reserve management plans and water management plans.

Specific assessment and reviews can be referred to the Commission by the Minister for Planning, planning authorities (councils) or other Ministers (see Appendix 2).

Most assessments and reviews include public hearings.

Services provided by the Commission include:

- online access to statutory assessment and review documentation
- the authorised version of planning schemes, including the Tasmanian Planning Scheme, as it is progressively implemented with the approval of Local Provisions Schedules (LPSs)
- online access to planning schemes and the Tasmanian Planning Scheme, when operational in municipal areas; and
- online access to general information on the Commission's functions and Tasmania's planning system.

Who We Are

The Commission has a full-time Executive Commissioner and seven part-time Commissioners, each appointed under section 5 of the TPC Act for their particular skills, knowledge and expertise.

During 2022-23, the Commission members were:

- John Ramsay - Chairperson and Executive Commissioner
- Commissioners - Ann Cunningham; Nick Heath; Max Kitchell; Pam Allan; Brett Stewart; Eamonn Tiernan; Roger Howlett (until February 2023); and Paul West (from February 2023).

Commissioner Deputies - Claire Hynes, Deputy Executive Commissioner and Paul West, Deputy Member for Commissioner Howlett until February 2023.

Monthly Commission Meeting Attendance

Commissioner	July 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023
John Ramsay (Chair & Executive Commissioner)	LA	P	P	A	A	P	P	P	P	P	P
Roger Howlett	P	P	P	P	P	P	P	-	-	-	-
Eamonn Tiernan	A	A	A	P	P	A	P	P	P	P	P
Ann Cunningham	P	P	P	P	A	P	P	P	A	P	P
Nicholas Heath	A	P	P	P	P	P	P	P	P	P	A
Brett Stewart	P	P	A	A	P	A	A	A	A	A	A
Max Kitchell	P	P	A	P	P	P	A	LA	P	P	P
Pam Allan	P	P	P	P	P	P	A	A	P	P	P
Paul West	-	-	-	-	-	-	-	P	P	P	P

- Key: - Not a member, P Present, A Absent, LA Leave of Absence

Ministerial Responsibilities

The Minister for Planning (Minister) has responsibility for the administration of the TPC Act; the *Land Use Planning and Approvals Act 1993* (the Act); Part 2 of the *Public Land (Administration and Forests) Act 1991*; and Part 4 and section 46 of the *State Policies and Projects Act 1993*.

The Minister also provides the Commission with a Ministerial Statement of Expectation. The Statement in operation in the reporting period is attached (see Appendix 3).

The Premier is the Minister responsible for the administration of the *State Policies and Projects Act 1993* (except Part 4 and section 46) and referral of Projects of State Significance and draft State Policies to the Commission for independent assessment.

The Commission operates independently within an administrative framework provided by the Department of Justice.

Staffing

As of 30 June 2023, the Commission's staffing comprised of the Executive Commissioner, senior planning consultants, planning advisers, and specialist technical and administrative staff (24 FTE).

The Commission has an employment register for senior planning consultants to assist with the increased assessment workload as result of the draft LPS and draft amendment assessments. Six senior planning consultants (casual) were appointed.

Financial Resources

The Commission's 2022-23 budget was \$4,229,888.

Performance

The Commission's key performance areas in its 2022-23 Business Plan were as follows:

1. planning scheme amendment assessments;
2. assessment of LPSs and implementation of the TPS;
3. other review and advisory tasks;
4. assessment and review resources and systems; and
5. preparing the State of the Environment (SOE) report;
6. consideration of major project proposals;
7. publishing and maintaining planning schemes online; and
8. Archiving and maintaining versions of archived planning schemes.

3. Report on Performance

Objectives and Priorities

Planning Scheme Amendment Assessments

The Commission receives notification of proposed planning scheme amendments before they are publicly exhibited by the planning authority. After the planning authority has considered any representations received during the exhibition, it submits its report and copy of the representations to the Commission. The Commission's assessment task effectively commences at this point.

The Commission's assessment performance - relating to draft amendments and combined permit and amendment assessments is set out in Table 1. The second table, Table 2 - relates to Urgent amendments to interim planning schemes. None of which were received or processed in the 2022-23 financial year.

A number of amendments and combined permits and amendments involve significant planning issues and contested private and public interests, requiring public hearings, comprehensive assessment, drafting modifications and for these reasons can necessitate Ministerial extensions of time.

Judicial review of the planning scheme amendment decisions by the Commission that are before the Supreme Court but not determined as at 30 June 2023 are:

- Glamorgan Spring Bay - AM 2018-07 - SA 2017-04, 135 Rheban Road, Orford
- Glamorgan Spring Bay (Tempus) - AM 2021-01 12371, Tasman Highway, Swansea
- Sorell - AP-SOR-43-2021-1, Josephs Road Carlton and McGuinness Road Carlton River
- Flinders Island - LPS-FLI-TPS - various properties at nine locations on the island

The Commission's amendment decisions can be accessed under Assessments and Hearings on the [Commission's website](http://www.planning.tas.gov.au) (www.planning.tas.gov.au).

Table 1. Draft amendment and combined permit and amendment assessment

	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Draft planning scheme amendment applications received						
Number received under section 35, former provisions of LUPAA, and 40F	53	38	49	28	37	23
Number received following public exhibition under section 39 (former) LUPAA, 35KB and 40K of (current) LUPAA, Commission approves not to exhibit under 40I of (current) LUPAA	42	31	47	43	39	22
Number received under section 35KB, 40K of LUPAA	n/a	n/a	n/a	4	10	26
Draft planning scheme amendment applications assessed (section 40 of LUPAA)						
Number approved without modification	17	16	15	9	6	16
Number approved with modifications	20	21	20	22	2	21
Number altered to a substantial degree	3	0	0	0	0	3
Number rejected	9	3	4	2	1	3
Other e.g. no jurisdiction to assess or withdraw	n/a	1	3	0	0	2
Total number assessed	49	40	42	33	7	45
Median number of assessment days	n/a	86	92	79.5	79	139

Combined permit applications assessed (section 43A of LUPAA)						
Number confirmed without modification	0	2	2	0	1	0
Number approved with modifications	17	8	9	8	0	9
Number refused	4	0	2	3	1	3
Other e.g. no jurisdiction to assess or withdraw	n/a	2	2	0	0	1
Total number	21	10	15	11	2	13

n/a = data not available

No urgent amendment requests under section 30IA of LUPAA were considered by the Commission during 2021-22. (see Table 2).

Table 2. Urgent amendments to interim planning schemes

Urgent amendments	2017-18*	2018-19*	2019-20	2020-21	2021-22	2022-23
Number of urgent amendments assessed by the Commission (section 30IA of LUPAA)	n/a	n/a	9	4	0	0
Number of urgent amendments recommended by the Commission and approved by the Minister	226	96	1	3	0	0
Number of urgent amendment requests rejected by the Commission	n/a	n/a	8	1	0	0

* Most of these urgent amendments resulted from assessments into representations on exhibited interim planning schemes

n/a = data not available

Draft Local Provision Schedule (LPS) Assessment - Tasmanian Planning Scheme (TPS) Implementation

Under the Act, the TPS becomes operational in a municipal area when a draft LPS, prepared by the relevant planning authority, is assessed and approved by the Commission with the agreement of the Minister. In total, 29 LPSs will need to be approved before the TPS is fully operational across the State.

As of 1 July 2022, 28 planning authorities had lodged their draft LPS with the Commission for assessment. King Island Council lodged their draft LPS with the Commission in October 2022, which is the 29th and final LPS in the State to be lodged for assessment.

When lodged, the Act sets out a two-stage review and assessment process for approving an LPS. The first stage involves compliance assessment against the requirements under the Act which includes the Commission holding a post lodgment conference with the planning authority prior to determining suitability for exhibition. The second stage involves a 60-day public exhibition period where representations may be received by the planning authority, 60 days for the planning authority to provide a response and report to the Commission and 90 days for the Commission to assess the representations, conduct a public hearing and make decisions.

The Commission may approve an LPS with modifications or substantial modifications. Subject to the agreement of the Minister, an LPS is gazetted and takes effect. A total statutory period of 7 months applies to this formal exhibition and assessment stage.

If an LPS is approved with substantial modifications, those modifications become amendments to an LPS when it is formally approved and must be further considered through the LPS amendment public assessment process.

During 2022-23, the LPSs for Launceston, Northern Midlands, Sorell, Dorset, Central Highlands, Waratah Wynyard and Latrobe were approved, bringing the TPS into effect in those planning areas. The Burnie, Devonport, Meander Valley, Brighton, Circular Head and West Coast LPSs were approved during the previous year's 2020-22.

The draft LPS for Kentish, George Town and Hobart were on exhibition in the later part of 2022-23.

As of 30 June 2023, there were 8 remaining draft LPSs under assessment by the Commission at varying stages of the statutory process.

Table 3. Local Provisions Schedules assessment statistics

Local Provisions Schedules (LPSs)	2018-19	2019-20	2020-21	2021-22	2022-23
LPSs received ¹	9	14	2	1	1
Post lodgement conferences (held before approval for exhibition) ²	13	15	7	9	4
Exhibition commenced	3	6	5	10	3
Commission directed substantial modifications draft LPS (section 35KB)	0	2	2	19	5 (28 amendments)
LPSs approved (section 35L)	0	1	5	8	7

Other Review and Advisory Tasks Performed

During 2022-23, the Commission provided advice to the Minister and the Department on draft legislation and other planning matters.

Minor amendment to State Planning Provision (1-2022) and draft Planning Directive No.9

On 16 March 2022, the Commission provided its opinion on the parts of the proposed draft amendment to the State Planning Provisions (SPPs) 1-2022 (draft SPP amendment) that met the criteria for minor amendment to the SPPs. The draft SPP amendment proposed to insert exemptions, and permitted and discretionary pathways relating to use and development required to facilitate the Container Refund Scheme (CRS).

On 25 January 2023, the Minister for Planning approved the draft SPP amendment for public exhibition, and directed the Commission commence formal assessment of the draft SPP amendment under the Act.

The Commission commenced public exhibition of the draft SPP amendment on 10 May 2023 for 42 days, as required under the Act.

Note, the Minister has also issued a modified Planning Directive No.8 and a modified Planning Directive No.5.1 to align the provisions in interim planning schemes with relevant parts of amendment 1-2021 of the SPPs, which became effective on 20 July 2022.

¹ Two LPSs were received in 2017-18 financial year that are not represented in the table.

² Note, the data for 2018-19 and 2019-20 has been revised to take into account of more than one post lodgement conference per planning authority.

Housing Land Supply Orders

The Commission received six Housing Land Supply Orders made by the Minister:

- Warrane and Burnie orders effective 13 July 2022
- Howrah and Chigwell orders effective 21 December 2022
- Howrah order effective 14 June 2023
- Ravenswood order effective 21 June 2023

Water Management Plan and other reviews

There were no Ministerial directions regarding draft management plans under the *National Parks and Reserves Management Act 2002*. There were no assessments of draft State Policies, projects of State or regional significance and there were no references to the Commission in relation to the future use of public land during 2022-23.

Major project and major infrastructure project assessments

In the 2022-23 year, the Commission continued its assessment role for two major projects and one major infrastructure project:

- the New Bridgewater Bridge Major Project declared under section 600 of LUPAA;
- the North East Wind Major Project declared under section 600 of LUPAA; and
- the North West Transmission Upgrade Project under the *Major Infrastructure Development Approvals Act 1999* (the MIDA Act).

New Bridgewater Bridge Major Project

The New Bridgewater Bridge Major Project was approved in May 2022.

The Commission has an ongoing role in the approval of actions required to be taken because of the permit conditions imposed as part of the approval.

During 2022-23 the Commission considered and endorsed plans and reports as compliant with permit conditions concerning:

- Archival records for 37 Black Snake Road;
- Design plans, responding to safety, access and public transport requirements, noise mitigation structures, and colour and finishes;
- Staging;
- Construction traffic management;
- Construction environmental management plans, including reclamation design and methodology, and exclusion areas;
- Construction heritage management of local heritage places;
- Flood management;

- Geodiversity values; and
- Weed and disease Hygiene management.

The Commission also reviewed and provided feedback on draft plans and reports associated with lighting.

North East Wind Major Project

The North East Wind Major Project was declared on 12 August 2022.

The Commission sought advice from regulators, relevant State entities that may have an interest, planning authorities in the region, and the affected and adjoining landowners on the contents of draft assessment criteria on 18 August 2022.

The participating regulators identified assessment was required relevant to the *Aboriginal Heritage Act 1975*, the *Environmental Management and Pollution Control Act 1994*, the *Nature Conservation Act 2002*, the *Threatened Species Protection Act 1995*, and associated regulations.

The Commission appointed a four person Development Assessment Panel in September 2022 under section 60V of LUPAA.

At the request of the proponent, ACEN Australia, preparation of draft assessment criteria was deferred pending determination if the major project was a controlled action under the *Environmental Protection and Biodiversity Act 1999* (EPBC Act), and if the major project assessment process would be accredited under the EPBC Act.

Following referral to the Commonwealth by ACEN Australia, in March 2023 the Development Assessment Panel sought one-off assessment accreditation for the major project process.

In April 2023 the Commonwealth Minister determined the proposal was a controlled action that would be assessed by the Commonwealth via an Environmental Impact Statement.

The Development Assessment Panel prepared draft assessment criteria in June 2023 and commenced exhibition on 26 June 2023.

North West Transmission Upgrades Project

In June 2023 TasNetworks advised that it had revised its timeframes for submitting applications associated with the North West Transmission Upgrades Project.

The Commission expects two applications for a permit for this project to proceed as follows:

- Hampshire Hills to Staverton Transmission Development - application expected late 2023
- Remaining North West Transmission Developments - application expected late 2023, after submission of Hampshire Hills to Staverton application.

In November 2020 the Commonwealth Minister for the *Environmental Protection and Biodiversity Act 1999* (EPBC Act) determined that the Hampshire Hills to Staverton portion was a controlled action under the EPBC Act and would be assessed by the Commission under the Major Infrastructure Development Approvals Act 1999 (MIDA Act) as an

accredited assessment process. Subsequently, in July 2022 the remaining portions of this project known as, the Remaining North West Transmission Developments was determined to be a controlled action under the EPBC Act to be assessed under the MIDA Act process.

State of the Environment (SOE) Reporting

The *State Policies and Projects Act 1993* requires the Commission to publish a SOE report every 5 years.

In the previous report, the appropriateness of the Commission undertaking state of the environment reporting was noted, in light of a review that had been undertaken on the Commission's functions. No resultant change to the Commission's responsibility for SOE was made.

In October 2022, the Minister issued a Direction under section 7 of the TPC Act, directing the Commission to complete an SOE Report by 30 June 2024.

In response to the Direction, the Commission has established a program of work, involving Commission members and staff and external consultants to enable it to present its report in the required timeframe.

The Commission was provided with additional funding to undertake this work.

Appendix 1: Resource Management and Planning System Objectives

The RMPS objectives are:

- to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;
- to provide for the fair, orderly and sustainable use and development of air, land and water;
- to encourage public involvement in resource management and planning;
- to facilitate economic development in accordance with the objectives set out in the above paragraphs; and
- to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State.

Each of the Acts listed in Appendix 2 include a schedule containing the RMPS objectives. There is a general requirement that undertaking the powers and functions of these Acts will promote the objectives.

Supporting the overarching RMPS objectives are additional objectives, which are specific to the land use planning process. These include:

- to require sound strategic planning and coordinated action by State and local government;
- 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;
- to ensure that 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;
- 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;
- to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;

- to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;
- to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- 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; and
- to provide a planning framework which fully considers land capability.

Appendix 2: Legislative Framework

The Commission operates as an independent statutory body under the *Tasmanian Planning Commission Act 1997*. The legislative provisions under which the Commission operates are, as follows:

Legislative Instrument	Commission Functions
<i>Housing Land Supply Act 2018</i>	Amend the relevant planning scheme to be in accordance with the housing order or revocation.
<i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>	<p>Assessing:</p> <ul style="list-style-type: none"> • planning schemes • major projects • State Planning Provisions • Tasmanian Planning Policies • draft planning directives <p>Approving:</p> <ul style="list-style-type: none"> • planning schemes and planning scheme amendments <p>Advising:</p> <ul style="list-style-type: none"> • the Minister in relation to land use planning • local government in relation to planning schemes <p>Planning:</p> <ul style="list-style-type: none"> • for the coordinated provision of transport, and infrastructure, for land development
<i>National Parks and Reserves Management Act 2002</i>	Reviewing representations, and the report of the Director of National Parks and Wildlife, relating to draft reserve management plans.
<i>Public Land (Administration and Forests) Act 1991</i>	Inquiring into public land use.

Legislative Instrument	Commission Functions
<i>State Policies and Projects Act 1993</i>	Assessing: <ul style="list-style-type: none"> • projects of State significance • draft State Policies Preparing: <ul style="list-style-type: none"> • the Tasmanian State of the Environment report
<i>Tasmanian Planning Commission Act 1997</i>	Establishes the constitution, functions and powers of the Commission and Commissioners.
<i>Water Management Act 1999</i>	Reviewing representations, and the report of the Secretary of the Department of Primary Industries, Parks, Water and the Environment, relating to draft water management plans.
<i>Wellington Park Act 1993</i>	Reviewing representations, and the report of the Wellington Park Management Trust, relating to draft management plans.

The Commission also has designated roles and functions under the following Acts:

Aboriginal Lands Act 1995

Conveyancing and Law of Property Act 1884

Environmental Management and Pollution Control Act 1994

Local Government (Building and Miscellaneous Provisions) Act 1993

Major Infrastructure Development Approvals Act 1999

Marine Farming Planning Act 1995

Survey Co-ordination Act 1944

Appendix 3: Ministerial Statement of Expectation

MINISTERIAL STATEMENT OF EXPECTATION 2020 TASMANIAN PLANNING COMMISSION

The Tasmanian Planning Commission (the Commission) is an independent statutory body, established under the *Tasmanian Planning Commission Act 1997* (the Act), and is to conduct its business and affairs in a manner consistent with this Ministerial Statement of Expectations and the Act.

This Statement specifies my expectations until otherwise amended pursuant to s7B of the Act, including implementation of the Tasmanian Planning Scheme and other planning reforms.

Functions of the Commission

The Commission performs independent statutory planning and project assessment, hearing and advisory functions under Tasmania's Resource Management and Planning System (RMPS) and other legislation.

The Commission must perform its functions and exercise its powers in a manner that furthers the RMPS objectives in Schedule I of the Act.

Relationship with Government

The Commission functions at arm's length from Government but as an instrumentality of the Crown and works within the established administrative framework of the State of Tasmania.

Communication with Minister

To meet my Ministerial obligations to Parliament and the public on the functioning of the planning system, the Commission should provide me with regular information on its operations and performance and bring to my attention in a timely manner, information regarding any significant issues affecting the Commission's work. I expect the Commission to inform me in a timely manner, of any issues affecting its capacity to fulfil its statutory functions under the Act and other relevant legislation.

I also expect the Commission to inform me in a timely manner, of any issues that may require my consideration with regard to the performance of my duties and the exercise of my powers in relation to land use planning under the *Land Use Planning and Approvals Act 1993* (LUPAA) or any other legislation.

Government policies

In performing its functions, the Commission should take into account any relevant published Government policies and any other policies and procedures as advised by me in writing that may be relevant to the Commission's functions.

I also expect the Commission to provide advice on Government policies whether published or unpublished to the extent that it is required to do so by legislation, particularly any issues that may affect the implementation of these policies in the planning system.

Legal advice

Unless the Commission perceives a potential or actual conflict of interest, it must obtain any necessary legal advice from the Office of the Solicitor General. In any legal actions taken by or against the Commission, the Commission must be represented by, or in consultation with, the Solicitor General.

While the Commission and the Department of Justice (the Department) may each seek advice from the Solicitor General on relevant matters, I expect these requests will be coordinated and that the Commission and Department will share advice relating to the operation of the legislation.

Relationship with the Department of Justice

The Department is responsible for delivering the Government's program of legislative and policy development and providing me with advice on these matters. The Department's Planning Policy Unit (PPU) will continue to take over the role of providing public information about the planning system in Tasmania. I expect the Commission to work collaboratively with the PPU and on request, provide expert planning advice on draft legislation in a timely manner.

I expect the Commission to inform the PPU where legal advice is sought on matters relating to the operation of legislation. I also expect the Commission to advise me of issues that may indicate a need to consider amending or reviewing that legislation and to work with the PPU in managing these issues.

The Department also provides the human, financial, physical, information and other resources to support the Commission to perform its functions. I expect the Commission to maintain clear lines of communication with the Department on the administration of the Commission and management of staff, through the Executive Commissioner and the Secretary of the Department.

Relationship with other State Agencies and Authorities

The Commission has statutory functions under a range of legislation administered by other state agencies, authorities and Ministerial portfolios. I expect the Commission to maintain clear lines of communication with these bodies in relation to the administration of these functions.

I expect the Commission to liaise with the PPU to coordinate the provision of advice from state agencies and authorities on the Commission's assessments of State Planning Provisions amendments.

I also expect the Commission to keep me informed of any matters relating to other Government portfolio areas in relation to its statutory functions that may have planning implications.

Relationship with Planning Authorities

One of the Commission's functions under the Act is to provide advice to local government in relation to planning schemes including the Tasmanian Planning Scheme under LUPAA and the functions of local government under that Act.

I expect the Commission to establish clear lines of communication with planning authorities to assist them in fulfilling their statutory planning responsibilities, particularly in relation to the preparation and operation of planning schemes including the Tasmanian Planning Scheme once this becomes operational.

Governance and Operations

Corporate Governance and Values

I expect the Commission to focus on and maintain high standards of corporate governance and accountability and to maintain appropriate administrative arrangements to ensure compliance with its statutory obligations.

Business Plan

I expect the Commission to manage its statutory functions and implement this Statement of Expectation through its Business Plan. The Business Plan forms part of the Department's business planning, reporting and performance review system and may include project plans for major priorities.

Reporting

I expect the Commission to provide the Department and me with quarterly reports on the implementation of the Business Plan.

The Commission's Annual Report should be provided to me by 1 October each year and include an appended copy of the Statement of Expectation in effect during the reporting period.

Statutory functions

I expect the Commission to continue to undertake its statutory assessment, review, approval and advisory functions in a professional and timely manner and to maintain effective administrative procedures to enable this to occur.

Policies and Processes

The Commission should continue to routinely review and develop its operational policies and processes to ensure it performs its statutory functions proficiently, consistently, effectively and transparently. I expect the Commission to focus on ensuring that its processes provide for timely decisions and advice to be provided.

Website, Communications and Information Systems

I expect the Commission to inform the Tasmanian public, planning authorities, state authorities, representors and stakeholders about its functions within the RMPS, particularly the

timely provision of information in relation to its statutory assessment and decision making functions.

I also expect the Commission to provide online access to existing planning schemes.

The Commission is to inform the PPU of its communications plans and work with the PPU to coordinate provision of planning and reform information.

Priorities

Existing Planning Schemes and Planning Directives

I expect the Commission to provide me with recommendations for any urgent amendments it considers may be required to planning schemes or to maintain the effective operation of these schemes, in a timely manner.

In providing advice to me regarding any proposed urgent and other amendments that may be exempt from the public exhibition process, I expect the Commission to give particular attention to whether the public interest may be prejudiced.

When considering scheme amendments or assessing any planning directives, I expect the Commission to have regard to the State Planning Provisions.

Tasmanian Planning Scheme

The Commission is to undertake the statutory public exhibition and assessment of any proposed amendments to the State Planning Provisions.

I expect the Commission to continue to manage and coordinate a program with planning authorities for the timely assessment and approval of draft Local Provisions Schedules (LPSs), in accordance with statutory requirements.

I also expect the Commission to liaise with the PPU to provide consistent advice to planning authorities on interpretation of statutory requirements for LPSs and advise me on any issues that may impact on the timely submission and approval of LPSs.

The Commission is responsible for the maintenance of the Tasmanian Planning Scheme in an online digital format and for providing the authoritative versions in accordance with the requirements of LUPAA.

Regional Land Use Strategies

I expect the Commission to inform the PPU on any strategic issues where modifications to the Regional Land Use Strategies operating in Tasmania may be appropriate, to ensure their continued effective operation and implementation of amendments to existing planning schemes and the Tasmanian Planning Scheme.

I expect the Commission to provide me with advice on any proposed modifications to existing strategies or new strategies, in terms of their compliance with LUPAA.

I also expect the Commission to contribute to any review of the scope, functions, ownership and governance of the regional land use strategies that the PPU carries out.

Planning Advice and Documents

I expect the Commission to collaborate with the PPU to prepare guidelines, practice notes and information on matters that I may determine to assist with the implementation of the Tasmanian Planning Scheme and any other matters that are provided for under relevant legislation.

Date of Statement taking effect

This Statement of Expectation takes effect on 1 February 2020



Hon Roger Jaensch MP
Minister for Planning

Date: 27.1.2020

Postal Address
GPO Box 1691, HOBART TAS 7001

Phone: 03 6165 6828

Email: tpc@planning.tas.gov.au

Visit: www.planning.tas.gov.au