

Subject: Urgent amendments

Purpose: To provide guidance on planning scheme amendments under former section 30IA of the *Land Use Planning and Approvals Act 1993*¹.

1.0 Introduction

Urgent amendments to interim planning schemes may be authorised by the Minister for Planning but only if for the specific purposes set out under the Act and provided the public interest will not be prejudiced. [[section 30IA\(3\)](#)]

The urgent amendment process was a key mechanism for responding to matters raised in representations to interim planning schemes, as these were not publicly exhibited until after becoming effective. [[section 30K](#)]

While urgent amendments can still be made, planning authorities should consider whether the urgent amendment process is appropriate. A substantial period of time has now elapsed since the introduction of interim planning schemes. Public exhibition of each interim planning scheme has taken place and the Commission has responded to the matters raised in representations. Interim planning schemes are now well established and to modify or alter provisions on an 'urgent' basis, may not be in the public interest, particularly when other processes are available to consider amendments.

Amendments that have policy or strategic significance are likely to impact the public interest and should be initiated in the usual manner. This process includes public notification of the draft amendment and invites representations. [[section 34](#)]

For the correction of minor errors, amongst other matters, the Commission may allow the planning authority to dispense with notification and public exhibition where it meets the requirements of the Act. [[section 37](#)] This process requires that the planning authority to first initiate and certify a draft amendment and then request that the Commission dispense with the notification and public exhibition process.

¹ References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the **former provisions** of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015*. Parts 2A and 3 of the **former provisions** remain in force until a Local Planning Schedule comes into effect for the municipal area.

2.0 Requests for urgent amendments

If a planning authority or other person requests the Commission for an urgent amendment of an interim planning scheme, the request should be accompanied by:

- submissions that the amendment is for a purpose specified under the Act and will not prejudice the public interest [[section 37\(1\)\(a\) and \(b\)](#)];
- the reasons why the amendment is urgently required, for example, explaining the consequences of not remedying the current provisions immediately and why the normal amendment process is not appropriate.

If the request is made by a planning authority, it must be accompanied by a copy of the planning authority's decision or its delegation to the officer requesting the urgent amendment.

If requested by another person, the Commission will seek the planning authority's comments.

3.0 Amendment document

If the Commission agrees the urgent amendment should be authorised, it will prepare a notice to the Minister recommending authorisation for the urgent amendment. As part of this process, the Commission will also prepare an amendment document.

For quality assurance, the Commission will liaise with the planning authority or person making the request to ensure the accuracy of the amendment document.

4.0 Approval of the urgent amendment

If the Commission's recommendation is accepted by the Minister, the amendment document will be signed by the Executive Commissioner and the interim planning scheme amended. The amendment takes effect on the date specified in the amendment document or, if no date is specified, seven days later.

The Commission will provide the planning authority a copy of the instrument of amendment for its records.

5.0 Notification

The Commission will notify the planning authority, relevant State agencies, and the other planning authorities within the same regional planning area that the amendment has been made. [[section 30IA\(e\)](#)]

The planning authority must then publicly notify and exhibit the amended interim planning scheme as set out in section [30IA\(6\)\(f\) and \(g\)](#).

Further information

For further information contact the Tasmanian Planning Commission:

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