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Tasmanian Planning Commission

GPO Box 1691

Hobart Tasmania 7001

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The Hon Peter Gutwein MP
Minister for Planning
Level 9, 15 Murray Street
HOBART TAS 7000

Dear Minister

I have pleasure in submitting to you the Annual Report of the Tasmanian Planning Commission for the year ended 30 June 2015, in accordance with section 19 of the *Tasmanian Planning Commission Act 1997*.

Yours sincerely

A handwritten signature in black ink, appearing to read "G. S. Alomes.", written in a cursive style.

Greg Alomes
Executive Commissioner

Table of Contents

	page no.
Executive Commissioner: The year in review	1
Commission Overview	3
Who we are	3
What we do.....	3
The Commission.....	3
Resource Management and Planning System	4
Ministerial Responsibility	4
Report on Performance.....	5
Goal 1 Develop and maintain an integrated strategic and statutory planning framework.....	6
Goal 2 Implement strategic planning projects	7
Goal 3 Effectively undertake assessment, review and determination functions	10
Goal 4 Facilitate key spatial data to inform evidence based decision making and policy development.....	13
Goal 5 Establish and maintain effective corporate and communication arrangements	13
Appendix 1 Legislative Framework.....	15

Executive Commissioner: The year in review

Amendments to the *Land Use Planning and Approvals Act 1993* (Act) introduced on 1 January 2015 marked the first step in the Government's planning reform policy to transition from interim planning schemes to the introduction of a single statewide planning scheme – the Tasmanian Planning Scheme (TPS).

The amended Act provided a modified statutory process for the Tasmanian Planning Commission to expedite the completion of the interim scheme process. It provided statutory timeframes for the Commission to assess interim schemes, including public representations and council responses, and specific powers to initiate either urgent or normal scheme amendments.

In effect, 2014/15 was also a year of transition for the Commission. In the first six months to December 2014, the Commission's focus was on completing the statutory assessment of the Launceston Interim Planning Scheme (LIPS) - the first and only Council interim scheme to be comprehensively reviewed and redrafted prior to the Act being amended. The result is Tasmania's first statutory scheme that is fully compliant and consistent with the statewide planning scheme template (Planning Directive No.1) and a benchmark for the development of the TPS.

In this same 6 month period, the Commission also completed its report to the Minister on its compliance review of draft interim schemes submitted by the 12 Councils in Southern Tasmania. This cleared the way for Councils to make necessary modifications and resubmit their interim schemes for declaration in mid to late 2015. It also brought the total number of Council's with new interim schemes to 28.

In January 2015, the Commission redirected its focus to the significant task of implementing the modified statutory assessment process for the 15 declared interim schemes in the north and north-west of the State. The Commission completed its consideration of several hundred planning issues raised in representations on these interim schemes within the 6 month timeframe set by the Minister. The assessment process also included meetings with representors and Council planners.

A large number of urgent amendments were identified for the Minister's approval. The Commission is also working with Councils to prepare further amendments for implementation in 2015-16.

The Commission expects to complete assessments and amendments for all declared interim schemes in 2016.

The Commission's other contributions to planning reform in 2014-15 included:

- Implementation and operation of the 'iplan' digital system, integrated with the Land Information System Tasmania (LIST), to enable a transition from paper based administration and publication of planning schemes, mapping and other documentation;
- Provision of advice to the Department of Justice on draft legislative amendments; and
- Secondment and funding of senior planning staff to assist the Department of Justice with planning policy development and reforms.

Other key achievements were to hear and determine an increased number of planning scheme amendments initiated by Councils and to review and report on an amendment to the Wellington Park Management Plan.

I thank and commend Commissioners, staff and local government for their contribution to delivering these positive results in a period of rapid and significant change.

A handwritten signature in black ink, reading "G. S. Alomes." The signature is written in a cursive style with a large initial 'G' and a period at the end.

Greg Alomes

EXECUTIVE COMMISSIONER

Commission Overview

Who we are

The Tasmanian Planning Commission (the Commission) is an independent statutory body established under the *Tasmanian Planning Commission Act 1997* and performs a range of statutory planning and advisory functions as part of Tasmanian Resource Management and Planning System.

Appendix 1 summarises the various legislative provisions under which the Commission operates.

What we do

The Commission's main statutory responsibilities are to:

- assess planning schemes and planning scheme amendments;
- assess projects of state or regional significance and draft state policies;
- implement elements of the Government's planning reform policy;
- implement strategic planning projects and state of the environment reporting; and
- provide advice and support to the Minister and local government on planning matters, including regional land use strategies.

The Commission

The Commission has a full-time Executive Commissioner and seven part-time Commissioners, each appointed under section 5 of the *Tasmanian Planning Commission Act 1997* for their specific area of expertise. As at 30 June 2015 the Commission included:

- Greg Alomes – Chair and Executive Commissioner;
- John Ramsay – expertise and management experience in resource conservation;
- Roger Howlett – resource conservation or planning experience representing community interests;
- Ann Cunningham – public administration experience in regard to project implementation;
- Kim Evans – Commissioner who is the Head of the State Service Agency that is responsible for the administration of transport and provision of infrastructure;
- Michael Brewster – appointed as the CEO of the Regional Corporations and the Common Services Corporation (TasWater);
- Vacant – planning experience nominated by the Local Government Association of Tasmania; and
- Vacant – planning expertise in private development.

The 2014-15 financial year saw a change in the composition of the Commission. The Commission would like to thank Brett Torossi and Sandra Hogue for the contribution they made to the Commission's functions in their time as Commissioners, and welcome Kim Evans as new Commissioner.

The Commission is supported by a multi-disciplinary team of professional and administrative staff.

Resource Management and Planning System

As the State's principal land use planning body, the Commission has a statutory and advisory planning role in furthering the objectives of Tasmania's Resource Management and Planning System (RMPS).

The overall statutory objectives of the RMPS 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 1 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 seek to:

- require sound strategic planning and coordinated action by local and State Government;
- establish a system of planning instruments as the principal means of setting objectives, policies and controls for the use, development and protection of land;
- ensure that the effects on the environment are considered and provide for explicit consideration of social and economic impacts when decisions are made about the use and development of land; and
- ensure that land use and development planning and policy is easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.

Ministerial Responsibility

The Minister for Planning has responsibility for the administration of the *Tasmanian Planning Commission Act 1997*, *Land Use Planning and Approvals Act 1993*, 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 Premier has responsibility for the administration of the *State Policies and Projects Act 1993* (except Part 4) and the Minister for Environment Parks and Heritage has responsibility for the administration of the *National Parks and Reserves Management Act 2002*.

Report on Performance

The *Tasmanian Planning Commission Act 1997*, the *Land Use Planning and Approvals Act 1993*, the Ministerial Statement of Expectation, and the Commission’s Business Plan set out the Commission’s principal responsibilities and performance obligations.

This Annual Report documents the Commission’s activities against its five corporate goals (see Figure1).

Figure 1: Tasmanian Planning Commission Goals



The Commission’s main focus in 2014-15 was implementing statutory elements of the Government’s planning reforms while maintaining its core functions of assessing planning scheme amendments and other statutory documents.

Goal 1 Develop and maintain an integrated strategic and statutory planning framework

Improved enforcement arrangements

The *Land Use Planning and Approvals Act 1993* (the Act) was amended in 2013 to provide for improved planning enforcement processes for local government and the public.

The new provisions came into effect on 1 February 2015 and provide more efficient and effective enforcement arrangements by focusing on compliance rather than the prosecution of offenders. The provisions also provide more responsive and less expensive enforcement processes.

To encourage uniform implementation of the new enforcement provisions, the Commission prepared guidelines for the Local Government Association of Tasmania and councils. The guidelines outline enforcement options, identify when enforcement action is appropriate, specify how to conduct an investigation and also set out systems for compliance auditing and monitoring.

The new procedures provide a more conciliatory and cost effective approach to addressing planning offences by avoiding legal action to tribunal or a court in the first instance.

Progress in establishing a digital planning system

Amendments to the Act that enable planning schemes to be stored and maintained in electronic format commenced on 1 April 2015. The amendments provide for the submission, exhibition, approval and registration of the state's planning schemes in digital format.

This is the first step in a strategic project to transition from paper-based or hard copy planning schemes to planning schemes that are stored and available online. (see Planning Schemes Online Project below).

The amendments enable recognition of planning schemes and other planning instruments in electronic format as the legal version, in force, in Tasmania.

During the year the Launceston Interim Planning Scheme 2015 and all newly declared interim planning schemes in the South have been published online utilising an electronic content management system. Preparations have commenced for the management of the public exhibition and representations on interim planning scheme through the system.

Goal 2 Implement strategic planning projects

Completion of the Interim Planning Scheme Process

To implement the Government's planning reform policy, the Commission has been working to expedite completion of the interim planning scheme process and enable transition to a single statewide planning scheme – the Tasmanian Planning Scheme (TPS).

At the end of this reporting period, a total of 18 interim planning schemes had been declared and were operational. A further 10 are prepared and expected to be submitted for declaration before the end of 2015.

The process for introducing interim planning schemes requires that they be declared by the Minister for Planning and Local Government. Once declared, the interim planning scheme replaces the previous planning scheme.

The interim planning scheme is then publicly exhibited for a 42 day period and representations may be made to the Council. The Council then has three months to report to the Commission on the representations received. The Commission appoints delegates to consider the interim planning scheme and representations.

The Commission may either advise the Minister that an urgent amendment is required, or seek the Minister's approval to direct the council to amend its interim planning scheme.

Interim Schemes in the Cradle Coast and Northern Regions

Interim planning schemes for the Northern and Cradle Coast regions were declared in 2013-14. In 2014-15, the review of the following declared interim planning schemes in the Northern and Cradle Coast regions was commenced:

Northern Region

- Break O'Day
- Dorset
- George Town
- Meander Valley
- Northern Midlands
- West Tamar

Cradle Coast Region

- Burnie
- Devonport
- Central Coast
- Latrobe
- Waratah-Wynyard
- Circular Head
- West Coast
- Kentish
- King Island

The review of the declared Launceston Interim Planning Scheme was also completed, with the modified Launceston Interim Planning Scheme 2015 commencing on 29 April 2015. The Flinders Council is the only Council that has not submitted an interim planning scheme.

Interim Planning Schemes in the Southern Region

In 2014-15, the Commission completed a compliance review of draft interim planning schemes prepared by the following 12 Councils in the Southern region:

- Hobart
- Brighton
- Glenorchy
- Kingborough
- Clarence
- Glamorgan-Spring Bay
- Sorell
- Tasman
- Southern Midland
- Derwent Valley
- Central Highlands
- Huon Valley

The review identified the extent to which the draft interim planning schemes complied with essential statutory requirements of the Act, including the Southern Tasmania Regional Land Use Strategy.

The Minister advised Councils on modifications required to enable their interim planning schemes to be re-submitted in a form suitable for declaration. The Minister subsequently declared the Hobart and Brighton Interim Planning Schemes which commenced operation on 20 May 2015.

It is anticipated that the remaining interim planning schemes will be declared before the end of 2015.

Planning Schemes Online Project

The Planning Schemes Online Project is bringing statewide planning, development information and services together at www.iplan.tas.gov.au, transforming the way Tasmanians access planning information. The project is a partnership between the Commission and local government.

The foundation for the project is a content management system for managing and publishing the new interim planning schemes online. The content management system is hosted by the Commission. Mapping for declared interim schemes has been published through the Land Information System Tasmania (LIST) and the iplan website.

The iplan website has also provided the opportunity for submissions to be made online during the public exhibition for some declared interim planning schemes.

The iplan enquiry service provides zoning and overlay information in response to property enquiries and is available statewide for all interim planning schemes. The full enquiry service enables users to identify the zoning and planning provisions that apply for any type of development. The full enquiry service is currently available for Launceston and will be released for Hobart and other councils in 2015-16.

A new statutory assessments management database was also introduced and provides Commission staff, councils, applicants and the public with access to information and documents relating to current Commission assessments and public hearings.

The implementation of stage one of the planning schemes online project is expected to be completed in 2015-16.

Contribution to State Government Initiatives

The Commission contributed to State Government strategic economic and infrastructure planning by providing written advice and participating in various committees and reference groups.

Goal 3 Effectively undertake assessment, review and determination functions

Planning scheme amendments

Planning schemes are legal documents that set out how land can be used or developed.

The process for making amendments to planning schemes is set out in the Act.

Requests for amendments including those combined with an application for a permit are first made to the council. If the council supports the draft amendment, it must certify the draft and place it on public exhibition. Anyone may then provide comments (known as representations) to the council. After the council has considered any representations it must report to the Commission.

If there are representations, the Commission usually holds a hearing.

The Commission appoints delegates to assess planning scheme amendments, including holding hearings. Delegates for each assessment are appointed based on their relevant skills, experience and expertise.

After its assessment is finished, the delegates, on behalf of the Commission, may:

- approve the draft amendment,
- modify the draft amendment, or direct the council to do so,
- direct the council to alter the draft amendment to a substantial degree, or
- reject the draft amendment.

During 2014-15, the Commission finalised 67 applications to amend planning schemes, and 20 combined amendment and permit applications.

Under the Act, the Commission must hear and determine applications for amendments to planning schemes within 90 days of receiving a council's report on representations. If required, the Minister may grant an extension to complete an assessment. In 2014-15, the median number of days taken for assessments was 94 days.

Table 1 shows key amendment processing data for 2014-15.

Table 1a: Draft planning scheme amendment statistics for 2014-15

Draft planning scheme amendments	2012-13	2013-14	2014-15
Scheme amendments approved as certified	20	14	21
Scheme amendments approved with modifications	16	10	24
Scheme amendments altered to a substantial degree	0	2	4
Scheme amendments rejected	15	8	5
Percentage requiring modification or alteration to a substantial degree	31%	35%	52%
Percentage assessed approved as certified	40%	41%	39%
Percentage rejected	29%	24%	9%
Total amendments finalised by the Commission	51	34	67 [#]
Time taken for assessment of applications (median number of days)	101	91	94

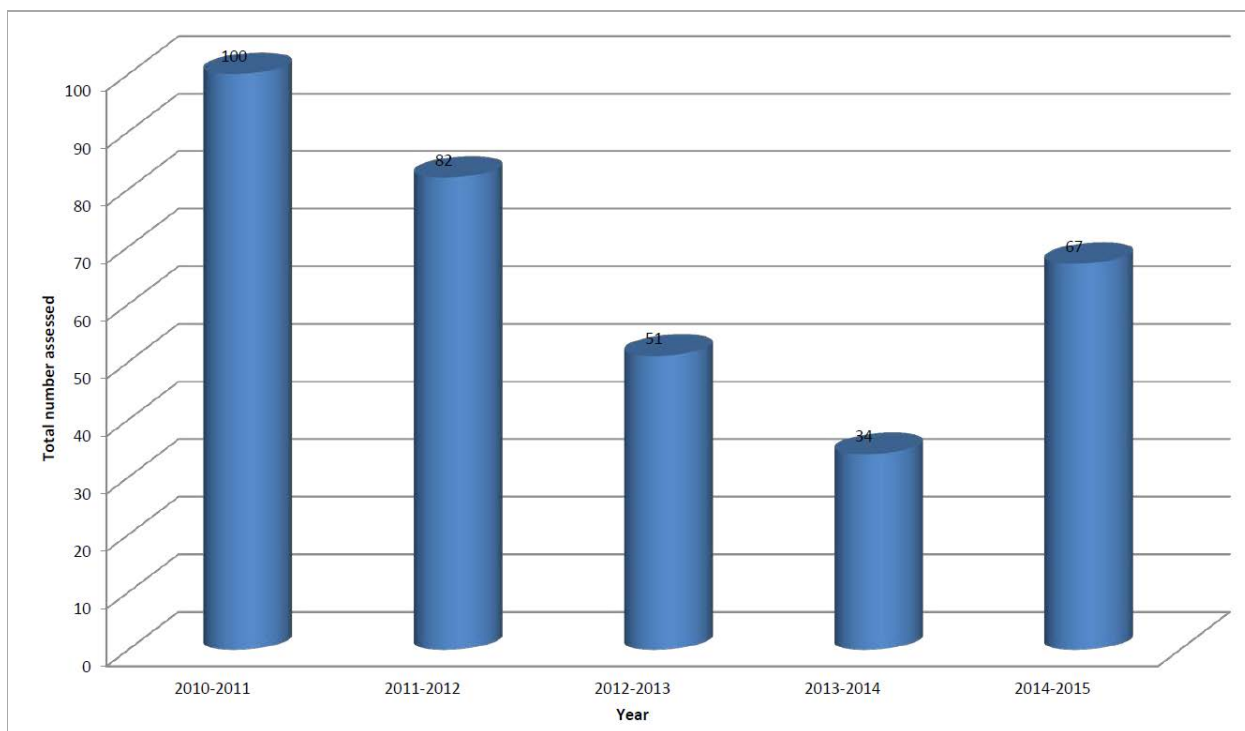
[#] includes 13 urgent amendments

Table 1b: Permits (Combined Permit & Amendment Process - S.43A of the Act)

Draft planning scheme permits	2012-13	2013-14	2014-15
Permit applications approved	3	3	3
Permit applications approved with modifications	10	8	14
Permit applications refused	7	1	2
Total permits finalised by the Commission	20	12	19
Percentage assessed confirmed	15%	25%	15%
Percentage assessed and grated but rejected by council	0%	0%	5%
Percentage requiring modification	50%	67%	70%
Percentage refused	35%	8%	10%

The preparation and declaration of the interim planning schemes had a significant impact on the number of planning scheme amendments assessed. In 2013-14 the Northern and Cradle Coast interim planning schemes were declared. As a consequence there was a significant drop in planning scheme amendment assessments during 2013-14 with the number of assessments being 66% lower than in 2010-11. However, in 2014-15 this has risen again. It is expected that this will rise significantly as a result of the assessment of declared interim planning schemes.

Figure 2 shows the total number of planning scheme amendments assessed over the past five years.

Figure 2: Total number of planning scheme amendments

Urgent Amendments - Interim Planning Schemes

As well as the usual planning scheme amendment process, a council may seek an urgent amendment to an interim planning scheme if it affects the operation of the planning scheme and needs to be changed urgently, provided the 'public interest' is not affected.

Thirteen urgent amendments were reviewed by the Commission and authorised by the Minister during 2014-15.

Draft Planning Directives

During 2014-15, the Commission progressed a draft Planning Directive on Statewide Codes including:

- Potentially Contaminated Land Code, and
- Road and Railway Assets Code.

Reviews of reports on draft management plans

In October 2014, the Wellington Park Management Trust (the Trust) referred to the Commission its report on 551 representations received during the public exhibition of a draft amendment to the Wellington Park Management Plan 2013. The draft amendment proposed to extend the Pinnacle Specific Area zone on Kunanyi / Mount Wellington.

The Commission delegated a three member Panel review the report in accordance with provisions of the *Wellington Park Act 1993*. The Panel held a public hearing prior to completing its review and submitting a report to the Trust in June 2015.

During 2014-15 there were no new directions from Ministers regarding draft management plans under either the *National Parks and Reserves Management Act 2002* or the *Water Management Act 1999*.

Other assessments

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 2014-15.

State of the Environment Reporting

The Commission is responsible for the preparation of the Tasmanian State of the Environment (SoE) Report, pursuant to section 29 of the *State Policies and Projects Act 1993*.

The 2009 SoE Report concluded that the extent and quality of data available was not to a standard or sufficiently up-to-date to meet the statutory requirements for SoE reporting. In 2012, the Commission initiated a review of the SoE reporting process which identified significant concerns about the costs and benefits of the current approach.

The outcomes of the SoE review will be considered as part of the Government's planning reform program.

Goal 4 Facilitate key spatial data to inform evidence based decision making and policy development

Spatial data informing evidence based decision making

Digital geographic information system (GIS) mapping for declared interim schemes is being published online through the Land Information System Tasmania (LIST) and iplan. Planning scheme mapping was released on the LIST for Central Coast, George Town, Launceston (2015), Hobart and Brighton during 2014-15.

The Commission has been updating the digital schemes as required, to accommodate changes resulting from scheme amendments and upgrades to the state-wide cadastre. The Commission also participates on various Government spatial information and data committees.

Goal 5 Establish and maintain effective corporate and communication arrangements

Supporting the Minister

The Commission provides regular advice to the Minister for Planning in relation to relevant statutory and strategic planning responsibilities and obligations.

During 2014-15 this was accomplished through Minutes and Briefing Notes.

The Commission also provided support to the Minister through the preparation of responses to Ministerial correspondence and Parliamentary Notices of Motion, drafting of Question Time Briefs, Budget Estimates Briefs and updating the Minister on the Commission's activities.

Advice to Agencies and Stakeholders

During the financial year the Commission completed a Communications Survey of external stakeholders. The survey has informed proposed changes to the Commission's website and its interface with the iplan website. The website redevelopment is to ensure that the websites provide an effective means for communicating information to stakeholders. Information from the survey will also be used to review other communications material produced by the Commission such as Planning Advisory Notes.

In 2014-15, the Commission continued to liaise with councils and regional council organisations to progress initiatives under the planning reform agenda.

Commission officers also provided advice to, and participated in, a number of cross State Government agency initiatives.

Senior staff also attend and speak at workshops and seminars relating to Commission processes and land use planning matters.

Physical assets

During 2014-15, the Commission co-located its Hobart staff to one floor, achieving significant rental savings.

Support to Commissioners, Delegated Panels and Advisory Committees

The Commission provided administrative and planning support to Commissioners, delegated panels and advisory committees during 2014-15.

Monitor and review internal systems and procedures for statutory processes

Statutory assessment processes are regularly monitored and reviewed by the Commission. The Commission's key priority is to progressively transition its statutory assessment processes from paper based systems to a digital system.

In 2014-15, the Commission has kept its assessments administrative processes under continuous review to ensure they respond to legislative changes.

Re-profiling the Commission's staffing skill-base to strengthen the level of planning and systems management expertise

The Commission has made a number of staff changes to increase its internal capacity to handle compliance reviews and formal assessments of interim planning schemes and the introduction of digital planning systems.

The Commission will continue to strengthen its skill base, through re-profiling, to respond to the Government's planning reform program and an anticipated increase in its assessment workload.

In 2014-15, five Commission staff members were seconded to other areas of Government relevant to planning to broaden their knowledge and skills.

Appendix 1: Legislative Framework

The Commission operates as an independent statutory body under the *Tasmanian Planning Commission Act 1997*.

Table 2 summarises the various legislative provisions under which the Commission operates.

Table 2 Legislative Framework

Legislative Instrument	Commission Functions
<i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>	<p>Assessing:</p> <ul style="list-style-type: none"> interim planning schemes and dispensations projects of regional significance 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.
<i>State Policies and Projects Act 1993</i>	<p>Assessing:</p> <ul style="list-style-type: none"> projects of State significance draft State Policies. <p>Preparing:</p> <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*
- *Forestry Act 1920*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
- *Major Infrastructure Development Approvals Act 1999*
- *Marine Farming Planning Act 1995*
- *Survey Co-ordination Act 1944.*