

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I also expect the Commission to provide advice on Government policies whether published or unpublished to the extent that it is required to do so by legislation, particularly any issues that may affect the implementation of these policies in the planning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

A handwritten signature in blue ink, appearing to be 'RJ', written over a faint circular stamp or watermark.

Hon Roger Jaensch MP
Minister for Planning

Date: 27.1.2020

