

FRIENDS OF THE EAST COAST INC

Comments on the: *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Bill 2015*

PART 1 – PRELIMINARY

1. Short title
2. Commencement

PART 2 – LAND USE PLANNING AND APPROVALS ACT 1993 AMENDED

3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 5A inserted
 - 5A. Regional areas and regional land use strategies
 - (3) The Minister alone may “declare a regional land use strategy”.
 - (5) A regional land use strategy may incorporate or refer to any document prepared by a planning authority which “reflects” the land use strategy to the area. Thus, highly controversial, unprofessional, arbitrary documents (e.g. BODCs *Land Use & Development Strategy*) may be referenced. Regional or Local Land Use Strategies should be prepared by the Commission in consultation with planning authorities with appropriate public exhibition, review, refinement and amendment.
 - (6) “The Minister must keep all regional land use strategies under regular and periodic review.” This is very general and vague without specifying the maximum intervals of review. Major drivers of review are population and demographic projections, economic forecasts, infrastructure growth, etc. It would be more appropriate for the Commission to have this responsibility as an independent function, separate from parochial interests of local governments and political influence.
6. Section 7 amended (Application of Tasmanian Planning Scheme, and exercise by municipalities of powers, in respect of accretions from sea, &c.)
7. Part 2: Heading repealed
8. Section 8 amended (Functions of Commission)
 - (ac) add **Regional Land Use Strategies**
9. Section 8A inserted
 - 8A. Guidelines
 - add (c) the preparation of **Municipal Land Use Strategies**
10. Parts 2A and 3 substituted

PART 2 – The Tasmanian Planning Scheme

9. The Tasmanian Planning Scheme

10. Tasmanian Planning Scheme in relation to particular municipal area

Tasmanian Planning Scheme consists of SPPs, LPSs and Special LPSs. See 35Qff re Special LPSs.

11. Contents of planning schemes and Tasmanian Planning Scheme

(2) This is the main scope of land use planning schemes.

(3) Excluding forestry operations, mineral exploration, fishing and marine farming are severe weakness of the Tasmanian Planning Scheme. E.g it is illogical to exclude forestry operations, land clearing, etc. from the scope of the Tasmanian Planning Scheme, particularly in consideration of (2)(a) “make any provision which relates to the use, development, protection or conservation of any land”.

(6) enables existing development to be brought up to standard

12. Existing uses and developments

(2) giving 3 years to complete a development under an existing scheme is generous. The term “or another permit” seems to offer an extension of the 3 year limit.

(7) what does “substantially intensified” mean?

PART 3 – State Planning Provisions

Division 1 – Making of State Planning Provisions

Subdivision 1 – Interpretation of Division 1

13. Interpretation of Division 1

Subdivision 2 – Contents, criteria and explanatory documents in relation to SPPs

14. Contents of State Planning Provisions

This is such a generalised description of the possible scope of SPPs, attempting to cover all anticipated combinations of general, particular purpose, specific area, site-specific provisions, that it is difficult to interpret until SPPs are actually revealed.

15. SPPs criteria

(b) objectives in Schedule 1 of Principal Act, (attached below).

(c) State Policies are not elaborated. Is the State Coastal Policy a State Policy? Will the State Coastal Policy survive this Bill? Which State Policies are relevant to this Act?

Under the Principal Act, State Policy means a Tasmanian Sustainable Development Policy made under section 11, or that comes into operation under section 12, of the *State Policies and Projects Act 1993*.

16. Explanatory documents

It is not indicated how many SPPs will be prepared.

(5) The Minister alone has final approval of all explanatory documents.

Subdivision 3 – Preparation of draft of the SPPs

The double options in section 17 & 18, Minister or Commission, shows political control or lack of confidence in Commission or both.

17. Terms of reference in relation to draft of the SPPs

(1) The Minister alone prepares terms of reference for a draft of the SPPs

Why not the Minister consult with key bodies in section 18(2)

(2) The Minister gives notice that terms of reference have been prepared.

Why not publish the terms of reference, not just the fact they have been prepared?

18. Preparation of draft of the SPPs by Minister

The Minister prepares the draft of the SPPs by consulting with key bodies.

Why not the Commission prepare the draft to the published terms of reference?

19. Minister may direct Commission to prepare draft of the SPPs

This is the preferred option.

20. Minister may direct Commission to modify draft of the SPPs

This is point of political control of the draft SPPs.

Subdivision 4 – Public exhibition

21. Approval for public exhibition

22. Exhibition of relevant exhibition documents in relation to draft of the SPPs

Without the benefit of hindsight it is difficult to assess whether the exhibition period of draft SPPs will be sufficient.

(4) (b) Period of exhibition of 60 days “excluding any days on which the exhibition premises are closed”. Does this mean 12 working weeks? It should.

Providing documents online for downloading is insufficient for public exhibition.

Add (6) (c) “available for purchase by any person or body at cost of production.”

23. Representations

(3) Constraining representations only to “the contents or merits of the draft” prevents the representation to consider omissions of the draft, unless “contents” includes “omissions”.

If omissions cannot be raised then the consultation process is overly constrained.

24. Consideration by Commission

(c) Further to comment at section 22 (above), the facility to accept representations after the end of the exhibition period should be equally available to persons, bodies or agencies.

(d) Presumably a request for a hearing in a representation would not be ignored under section 23(3).

25. Commission report

The 90 day or more period for preparation of the report to the Minister presumably includes the time for any hearings. See also comment at 40K. The Commission report to the Minister on the conclusions from the representations from persons and bodies, and the conclusions of any hearings, should be made available to the public. The Commission has a responsibility to represent the public interest.

Add (6) “The report to the Minister when finalised be made available to the public.”

Subdivision 5 – Making of Special Planning Provisions

This heading appears incorrect. “Special” should be replaced with “State”.

26. Matters to be considered in making the State Planning Provisions

(2) While the Minister must be able to consult with anyone he or she thinks fit, it is important for public confidence and the integrity of the system, that such consultations are not hidden. The Minister should provide to Parliament the names and affiliations of all persons the Minister has consulted with before making the State Planning Provisions.

27. Making of State Planning Provisions

Minister alone decides to make SPPs, after considering Commission’s report, and whether or not to re-exhibit draft SPPs

28. Notice of decision in relation to modifications of draft of the SPPs

Minister’s decision, whether modified or not, or whether to be re-exhibited, is notified in a newspaper. Persons and bodies who made representations should be notified.

29. When the SPPs come into effect as part of Tasmanian Planning Scheme

30. When the SPPs come into effect in relation to municipal area

Allows SPPs to come into effect in different municipalities over time.

Division 2 – Amendment of the SPPs

Subdivision 1 – Interpretation of Division 2

30A. Interpretation of Division 2

Subdivision 2 – Preparation of draft amendments of the SPPs

30B. Contents of amendments

30C. Terms of reference in relation to draft amendment of the SPPs

(2) Notification in a newspaper that Terms of Reference have been prepared by Minister. Does not specify that Terms of Reference themselves are published or publicly available.

(4) Facility for “a planning authority or another person” to request the Minister to consider preparing Terms of Reference, seems very light-hearted. The Commission should also have this facility.

(6) The consultation facility with the Commission does not give the Commission any specific role in preparing Terms of Reference.

30D. Preparation of draft amendment of the SPPs by Minister

30E. Minister may direct Commission to prepare draft amendment of the SPPs
Again, the Commission has no power to initiate a draft amendment of SPPs, unless directed by the Minister.

30F. Minister may require Commission to modify draft amendment of the SPPs

Minister has power to direct Commission to modify a draft amendment of SPPs according to Terms of Reference prepared by the Minister.

Subdivision 3 – Public exhibition

30G. Approval for public exhibition

30H. When public exhibition not required

The phrase “urgently required” obviously a judgement value and when connected to “public interest” even more so.

(vii) It is assumed that changes to a State Policy over-ride a SPP. This is unknown territory.

(viii) “structure” and “form” of LPSs are obscure concepts at this stage.

30I. Notice to be given if public exhibition is not required

Minister should also make a statement to Parliament as to why a draft amendment of SPP is not to be exhibited.

30J. Report to be given in relation to draft amendment of the SPPs that is not exhibited

The report 42 days after the Minister has decided a draft amendment of SPP is not required [30H (2)] seems illogical. Surely the report should be prepared before the Minister makes the decision not to exhibit. This implies the Commission is justifying the Minister’s decision.

(5) Again, “urgently required” is problematic.

30K. Exhibition of relevant exhibition documents in relation to draft amendment of the SPPs

(4) The 42 day period for a draft amendment of SPPs compares with 60 days for draft SPPs [22 (4)] suggests amendments are 18 days less important.

(5) (b) should be amended for consistency with [22(3)(c)] to “an invitation to all persons and bodies.....”

(6) Again, hard copies should be available. Add (c) “available for purchase by any person or body at cost of production”.

30L. Representations

(3) Again, same comment as at 23(3). The problem of omissions.

30M. Consideration by Commission

(c) Again, late representations accepted.

30N. Commission report

See also comment at section 25 and section 40K.

Subdivision 4 – Making of amendment of the SPPs

30O. Matters to be considered in making amendment of the SPPs

30P. Making of amendment of the SPPs

Minister alone decides, after considering Commission's report, to make an amendment to SPPs, and whether or not to re-exhibit draft amendment SPPs.

30Q. Notice of decision in relation to modifications of draft amendment of the SPPs

See also section 28.

30R. When amendment of the SPPs comes into effect as part of Tasmanian Planning Scheme

30S. When amendment of the SPPs comes into effect in relation to municipal area

Division 3 – Miscellaneous

30T. Review of the SPPs

(1) More appropriate for the Commission conduct 5-year reviews rather than the Minister.

(4) Terms of reference of reviews are not defined.

(5) Minister only has to "consider".

Review reports by Commission should be published.

PART 3A – Local Provisions Schedules

Division 1 – Interpretation

31. Interpretation of Part

Division 2 – Contents of LPSs

32. Contents of LPSs

(4) (a) "significant social, economic or environmental benefit" are subjective judgements.

(4) (b) "particular environmental, economic, social or spatial qualities" are subjective values.

(5) "structure" ?

(6) "form" ?

33. Interpretation of inconsistency in LPS

34. LPS criteria

(2)(c) Schedule 1 of Principal Act, attached below.

(2)(e) “regional land use strategy”: see comments at section 5 above.

(2)(f) “strategic plan”: similar comments may apply as for (2)(e)

Division 3 – Preparation of draft LPS

35. Draft LPS to be provided to Commission

Planning authorities may prepare a draft LPS or be directed by Minister to prepare a draft, and have at least 42 days to do so. Commission has oversight of preparation of draft LPSs.

35A. Commission may be required to provide draft LPS

Failure of a planning authority to prepare a draft LPS within the specified timeframe, allows the Minister to direct the Commission to prepare the draft. The planning authority has 14 days to make comment on the Commission’s draft LPS.

In both sections 35 and 35A, it will be necessary for each local authority to have available sufficient professional staff to undertake preparation or comment on draft LPSs. Currently not all local councils would have sufficient staff resources.

Division 4 – Public exhibition

35B. Directions to exhibit draft LPSs

Planning authority directed by Commission with approval of Minister to exhibit a draft LPS.

35C. Notice of exhibition of draft LPS

Exhibition period of 60 days compares with draft SPPs (section 22).

35D. Exhibition of draft LPS

Again, add (1)(b) (iii) “available for purchase by any person or body at cost of production.”

35E. Representations

(3) (a), (b), (c) constrains comment on LPS. Comment should be allowed on the merit of the proposed LPS.

(4) at this stage without any SPP being available, it seems unduly restrictive to prohibit comment on the appropriateness of an SPP as it may affect a LPS. See 35G(1) below.

(5) comments at section 23 above also apply here.

35F. Report by planning authority to Commission about exhibition

A planning authority has 60 days after an exhibition period to prepare a report to the Commission. Within this time period the authority can receive “late” submissions at its discretion, (2)(b). This enables the authority to coax submissions from any party as it may desire. See also comments at 40K.

The Planning authority’s report should be made public.

35G. Planning authority may notify Minister as to whether amendment of SPPs is required

(1) Here the planning authority in consideration of a draft LPS, can advise the Commission that the content of a provision of the SPP should be altered. While 35E(4) prevents a person or body suggesting the content of a provision of the SPPs be altered. Highly contradictory.

35H. Hearings

Commission holds hearings.

35I. Withdrawal of draft LPS

A planning authority can only withdraw a draft LPS if another draft or Special LPS is to be prepared.

Division 5 – Approval of Local Provisions Schedules

35J. Matters to be considered by Commission

Commission decides whether modifications should be made to draft LPS.

35K. Modifications to draft LPS

Commission can direct local authority to modify (1) draft LPS to its satisfaction (2). (2)(d) constrains issuing of permits in contravention of the LPS.

(3) Commission acts as Minister in regard to a direction to submit a substitute draft LPS.

(4) As for (3) for a substitute part of a draft LPS.

35L. Approval of Local Provisions Schedules

Commission approves draft LPS, with agreement of Minister, within 90 days or longer after receiving report, which was sent within 60 days of end of exhibition period [35F(1)].

35M. Notice of approval of Local Provisions Schedules

Division 6 – Review of LPSs

35N. Purposes of review

List of only purposes of reviews.

(f) conform “to any direction issued by the Minister”. Which directions?

35O. Requirement for review of LPSs

5-yearly reviews by planning authority of LPSs or by Commission as directed by the Minister.

35P. Conduct of review

(1)(a)(iii) 21 days minimum seems too short considering 5-yearly intervals of reviews.

Whereas (1)(e)(i) & (ii) the planning authority or Commission have $90-21 = 69$ days to prepare a report.

(4) Commission gives planning authority 60 days to revise its report if necessary.

(7) This is the first appearance of penalties in the Bill. Planning authorities need to have sufficient professional staff available for these 5-yearly reviews. (See also comment at 35A.)

Division 7 – Special Local Provisions Schedules

The Minister does not have any role in this Division.

The facility of Special LPSs seems directed at emergency [or temporary, 35R(5)(c)] situations where the Minister and the public are excluded from prior knowledge until approved. The normal provisions of public exhibition are excluded. The Commission has full control. Only Parliament can over-ride.

35Q. Special Local Provisions Schedules

The Commission or a planning authority may prepare a draft Special LPS.

Commission alone approves a Special LPS.

(4) (a) Special LPSs are to resolve “contradictions” or “inconsistencies” or “is necessary”. This seems quite arbitrary, particularly the latter reason.

(4)(b) Commission is satisfied public exhibition would cause “unacceptable delay”

(4)(c) Commission is satisfied it is in the public interest.

(6) Draft Special LPSs do not need to conform to preparation, public exhibition and approval requirements of draft LPSs

(8) The only notification of a Special LPS is the *Gazette*, a local newspaper and by viewing at an office.

35R. Operation of Special LPSs

(2) Special LPSs over-ride existing LPSs.

(3) The Clerk of the House of Parliament must table a Special LPS within 10 days of approval by the Commission.

(5)(b) Either House of Parliament may revoke a Special LPS.

35S. Revocation of Special LPSs

Division 8 – Commission may take over certain responsibilities of planning authority

35T. Commission may take over responsibilities of planning authority

Again, planning authorities must have the professional staff resources available to properly undertake their responsibilities re preparation of LPSs. Experience in other states of similar legislation shows this to be a problem. Instead of penalising planning authorities, the State government should ensure that all planning authorities have sufficient qualified staffing, and should fund staff shortfalls.

PART 3B – Amendments of LPSs

Division 1 – Interpretation

36. Interpretation of Part

Division 2 – Requests for amendments of LPSs

37. Request for amendment of LPSs

A person or body cannot request an amendment of LPSs unless they are owners or representatives of owners of specific land parcels. That is there is no scope for third party or community interest initiated amendments of LPSs.

38. Decision in relation to request

A planning authority has at least 42 days to decide whether or not to proceed with an amendment.

39. Limitation on multiple requests for same amendment

Approval for a multiple request for a draft amendment of an LPS within 2 years focuses on changes to SPPs or the regional land use strategy. Again, refer to comments at 5A above.

40. Additional information may be requested

(3) It seems strangely unbalanced that a planning authority has 28 days to request additional information regarding a request to amend an LPS, while the applicant has 5 years to provide that information.

40A. Review of requirement for additional information

Further to immediately above, the applicant can request the Commission to review the planning authority's request for additional information. Again, a fine for tardiness on the part of the planning authority to provide supporting information to the Commission seems severe.

40B. Review of refusal of request to amend LPS

Applicant can request the Commission to review an adverse decision, and the Commission can request from the planning authority its decision "material", with a threat of fine for tardiness.

The Commission decides whether the planning authority should reconsider its adverse decision.

(6)(a) The planning authority must reconsider whether to prepare a draft amendment of an LPS, or not.

Division 3 – Amendment of LPSs

Subdivision 1 – Preparation of draft amendments of LPSs

40C. Direction to prepare draft amendments of LPS

While a planning authority may decide, (even after 40B(6)(a) process) not to prepare an amendment of an LPS, the Minister can direct the local authority to amend an LPS merely on “a direction of the Minister”, [(1)(d) & (e)].

(2) A planning authority has 42 days to prepare the draft, and may be required to provide a copy to the Commission.

(3) Minister’s direction must be published in a newspaper.

40D. Preparation of draft amendments

40E. Withdrawal of draft amendments

40F. Certification of draft amendments

Only after the planning authority has prepared a draft amendment, and certified it, must it provide a copy to the Commission.

Subdivision 2 – Public exhibition

40G. Notice of exhibition

Again, add (3)(c)(iii) “available for purchase by any person or body at cost of production.”

40H. Exhibition

28 days exhibition

40I. Exemption from public exhibition

40J. Representations

(3) (a), (b), (c) constrains comment on draft amendment of an LPS. Comment should be allowed on the merit of the proposed amendment.

40K. Report to Commission about draft amendments

A planning authority has 35 days after an exhibition period to prepare a report to the Commission. Within this time period the authority can receive “late” submissions at its discretion, [(2)(b)]. This enables the authority to coax submissions from any party as it may desire. Obviously open to authority and staff corruption, (a single telephone call), and undue private influence.

40L. Hearings

Commission holds hearings.

Subdivision 3 – Approval of amendments of LPS

40M. Matters to be considered by Commission

40N. Action to be taken by Commission after considering report

Commission may, direct a planning authority to modify the draft amendment of an LPS, modify the amendment itself, or reject the amendment. (b) and (d) seem substantially identical.

40O. Minor modifications of draft amendments

40P. Substantial modification to draft amendments

Substantial modifications to a draft amendment are to be exhibited.

40Q. Approval of amendment of LPS

40R. How Commission to sign approvals

40S. When amendments of LPS come into effect

Division 4 – Combined permit and amendment process

This Division is a contentious area of planning schemes, as it provides for people to apply for a development approval while simultaneously requesting a change to the planning scheme to allow that permit to be issued.

40T. Permit application that requires amendment of LPS

Simultaneous applications allowed for a permit and request to amend an LPS by change of zoning, change of use or development.

(7) Exempts requirement for landowners permission if the request to amend an LPS and a simultaneous permit if the permit is to carry out mining operations already authorised.

40U. Additional information

(1) Gives planning authority 28 days to request additional information from the applicant.

(3) As with section 40 above, it seems strangely unbalanced that a planning authority has 28 days to request additional information regarding a request to amend an LPS, while the applicant has 5 years to provide that information.

40V. Review of requirement for additional information

Again, the applicant can request the Commission to review the planning authority's request for additional information. Again, a fine for tardiness on the part of the planning authority to provide supporting information to the Commission seems severe.

(4)(a)(i) & (ii) appear to be incorrect in referencing 40T(1), which should be 40U(1) which deals with a notice for additional information.

40W. Determination of amendment where concurrent permit application sought

The planning authority may agree or refuse to agree to the request of an amendment of an LPS. If agreed, the amendment cannot be exempted from public exhibition.

40X. Permit application may be considered concurrently with application for LPS amendment

Simultaneous consider application for a permit and amendment of an LPS.

40Y. Determination of concurrent permit application

(1) Permit must be determined before draft amendment to LPS is exhibited.

(2) Permit can be granted with any conditions the planning authority "thinks fit".

(3) The objectives in Schedule 1 can be referenced, rather than existing LPS.

(4) The most important clause. The planning authority must consider permit application as if the requested amendment to the LPS has been made.

(5) References to sections 51,52, 53, 54, 55, 56, 57, 58, 59 in the Principal Act.

40Z. Exhibition in respect of permit application

41. Representations

(1) Add “A person or body may make a representation...” as in 40J.

42. Report in relation to draft amendment of LPS to contain representations

The planning authority’s report to the Commission should be publicly available.

42A. Consideration by Commission of permit application

42B. Commission to review planning authority’s decision about permit

Commission to review planning authority’s permit, and may over-ride a refusal to grant a permit. If the draft amendment to an LPS is not approved, then the Commission must assess the merit of the permit with existing LPS.

42C. When permit that relates to LPS amendment takes effect

This section demonstrates how easy it is to have a permit extended.

(2)(a) Permits lapse after 2 years if the use or development is not substantially commenced.

(3) However, up to 6 months after the permit has lapsed, an extension can be applied for.

(4) An extension can be granted for another 2 years, (2)(b).

(5) A final extension can be granted for another 2 years, (2)(c).

42D. Correction of mistakes in permit

43. Minor amendment of permit

(3)(d) “minor change to the description of the use or development” seems vague, but obviously important to the applicant of the permit.

Division 5 – Miscellaneous

44. Commission may take over responsibilities of planning authority

Again, planning authorities need sufficient professional staff to undertake their additional responsibilities under this Bill. Imposing costs on local councils is not a solution.

45. Abolition of, or change of boundaries of, municipal area

11. Section 48 amended (Enforcement of observance of planning schemes)
12. Section 48A amended (Notice to remove signs)
13. Section 49 repealed
14. Section 50 amended (Certain applications deemed to be applications for permits)
15. Section 51 amended (Permits)
16. Section 52 amended (What if applicant is not the owner?)
17. Section 54 amended (Additional information)
18. Section 57 amended (Applications for discretionary permits)
19. Section 58 amended (Application for other permits)
This is the amendment to require permits to be approved within 21 days rather than 28 days in the current Act. Of concern to Local Government Association, and no doubt local authority planning staff.
20. Section 58A amended (Permits requiring entering into of agreements)
21. Section 60C amended (Projects eligible to be declared projects of regional significance)
22. Section 60N amended (Panel to determine guidelines for how assessment is to be made)
23. Section 60T amended (Grant of special permit)
24. Section 60X amended (Amendment, revocation and correction of special permits)
25. Section 60Y amended (Amendment of planning schemes, &c.)
26. Section 61 amended (Appeals against planning decisions)
27. Section 62 amended (Determination of appeals)
28. Section 63 amended (Obstruction of sealed schemes)
29. Section 63A amended (Enforcing compliance with planning schemes)
30. Section 65B amended (Notice of intention to issue enforcement notice)
31. Section 65D amended (Requirements of enforcement notices)
32. Section 65E amended (Offences and penalties in relation to enforcement notices)
33. Section 66 amended (Right to compensation)
34. Section 67 amended (Power to withdraw or modify planning scheme or interim order after compensation determined)
35. Section 69 amended (Indemnification of planning authorities for liability to pay compensation)
36. Section 71 amended (Planning authority may enter into agreements)
37. Section 72 amended (Form and contents of agreement)
38. Section 73A amended (Payments and contributions for infrastructure)
39. Section 74 amended (Duration of agreement)
40. Section 77 amended (Agreement may not breach planning scheme)
41. Section 80 amended (Application to Appeal Tribunal)
42. Section 80K amended (Database)
43. Section 80M amended (Authorised versions)

44. Section 80Q amended (Documents, submissions, &c., may be issued or made electronically)
45. Section 81A amended (Planning schemes, &c., to be registered in Central Plan Register)
46. Section 82B inserted
 - 82B. Certain instruments and notices are not statutory rules
47. Section 83 amended (Planning schemes, &c., to be judicially noticed)
48. Section 85 amended (Recovery of fees by municipalities)
49. Section 87C inserted
 - 87C. Savings and transitional – *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015*

50. Schedule 6 inserted

**SCHEDULE 6 – SAVINGS AND TRANSITIONAL PROVISIONS –
LAND USE PLANNING AND APPROVALS AMENDMENT
(TASMANIAN PLANNING SCHEME) ACT 2015**

**PART 3 – ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL
ACT 1994 AMENDED**

51. Principal Act
52. Section 24 amended (Assessment of permissible level 1 activities)
53. Section 25 amended (Assessment of permissible level 2 activities)
54. Section 25A amended (Assessment of applications for permits that are combined with applications for planning scheme amendments)

PART 4 – HISTORIC CULTURAL HERITAGE ACT 1995 AMENDED

55. Principal Act
56. Section 38 amended (Procedure if Heritage Council has no interest in discretionary permit application)

PART 5 – TASMANIAN PLANNING COMMISSION ACT 1997 AMENDED

57. Principal Act
58. Schedule 3A amended (Provisions in respect of which delegation and directions are restricted)

PART 6 – WATER AND SEWERAGE INDUSTRY ACT 2008 AMENDED

59. Principal Act
60. Section 56N amended (Interpretation)
61. Section 56O amended (Application to go to relevant regulated entity)
62. Section 56P amended (Action by relevant regulated entity)
63. Section 56R amended (Notification of decision and appeal)
64. Section 56S substituted
 - 56S. Referral to regulated entities of draft amendments to planning schemes

PART 7 – CONCLUDING PROVISION

65. Repeal of Act

Extract from Principal Act: *Land Use Planning and Approvals Act 1993*

SCHEDULE 1 – Objectives

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –
 - (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
 - (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
 - (c) to encourage public involvement in resource management and planning; and
 - (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
 - (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.
2. In clause 1(a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
 - (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

PART 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- (a) to require sound strategic planning and co-ordinated action by State and local government; and
- (b) 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; and
- (c) 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; and
- (d) 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; and
- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and
- (f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and
- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- (h) 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
- (i) to provide a planning framework which fully considers land capability.