

FACT SHEET

LAND USE PLANNING AND APPROVALS AMENDMENTS BILL 2013.

This Bill brings together a number of amendments, which will make statutory planning assessment and approvals processes clearer, simpler and more efficient, and will significantly reduce the administrative burden for local government, applicants and the community.

These amendments address issues that were raised by both local government and building industry representatives, and they have been subject to extensive consultation with these stakeholders.

Although each of the amendments are, to a degree, discrete, and address different elements of the statutory planning system, they have been combined into a consolidated package.

- The new enforcement provisions will primarily affect local government which has indicated its strong support for them. They provide councils with a more efficient, responsive and less expensive system of enforcement procedures.

This is achieved through a new system of 'authorised officers', 'infringement notices', 'intention to issue notices' and 'enforcement notices'.

The new procedures do not in any way reduce a council's existing obligations in enforcing its own planning scheme. In fact, it provides councils with improved and more cost effective tools, which make it easier to enforce planning scheme and permit conditions.

- Private certification provisions provide for an 'accredited person' to issue a 'planning compliance certificate' for 'permitted' and 'no permit required' development.

Private certification of these 'low risk' developments will significantly improve the efficiency of the assessment process in Tasmania.

- The Tasmanian Planning Commission is implementing a project to enable the digital submission, exhibition, approval and registration of the state's planning schemes in digital format. This is the first step in a long-term program to transition administrative processes within the resource management and planning system from paper to more efficient digital systems.

The amendment will formally establish the digital planning system as the authorised, legally recognised, version of planning documentation in force in Tasmania. This will eliminate any uncertainty regarding the up-to-date legal version that is inherent in the current paper based system.

- Section 43A of the *Land Use Planning and Approvals Act 1993* (LUPAA) provides for an application for a planning permit to be lodged concurrently with a request to amend the relevant planning scheme.

This has proved a far more efficient alternative to the two stage process where an applicant was required to first seek an amendment to a planning scheme, and

then subsequently had to submit a development application. Requests under section 43A have, over the years saved applicants several months in approval time and therefore significant costs.

The combined assessment process is not currently allowed for interim planning schemes under LUPAA. The amendment modifies the current dispensation process to enable a combined development application and dispensation process while the interim planning schemes are in place, similar to the combined process already available under section 43A for existing schemes.

- Planning directives are statutory mechanisms that enable standard statewide planning provisions to be applied consistently across all, or selected, planning schemes. Currently planning directives undergo a comprehensive assessment by the Tasmanian Planning Commission before they come into operation.

This amendment empowers the Minister for Planning, under certain circumstances, to forego this lengthy process and instead issue an interim planning directive which has effect straight away.

This will enable immediate and responsive action to address emergent planning issues. The rebuilding process after the January 2013 bushfires for example, raised a number of significant planning issues that could have been much more effectively addressed through an interim planning directive. Its introduction will be followed by the formal representation and assessment process currently in place.

The amendment is similar to the current section 12 of the *State Policies and Projects Act 1993*, which provides for the Governor to declare that an interim state policy will come into operation immediately on a temporary basis.

- The Project of Regional Significance process provides a mechanism for the assessment of major projects, which make a significant economic or social contribution to a region, and/or are of a scale that would be likely to significantly affect the provision of infrastructure, including social infrastructure, in the region.

The amendment will enable projects, to be assessed as projects of regional significance, even if they are technically prohibited under an interim planning scheme or the finalised planning scheme made under s.30N.

The amendment will provide greater flexibility for the consideration of significant and priority projects without them requiring a planning scheme amendment or dispensation process before they could be considered.

Together, these amendments will improve planning and assessment processes and will significantly reduce the administrative burden for local government, applicants and the community.