

FACT SHEET

LAND USE PLANNING AND APPROVALS AMENDMENT (STATE AND REGIONAL STRATEGIES) BILL 2009

This Bill proposes amendments to the Land Use Planning and Approvals Act 1993 and involves two distinct matters.

Projects of Regional Significance

This introduction of a category of Projects of Regional Significance will fill a void in the existing planning system as currently there is no robust statutory process to assess major projects that have significant regional impacts.

The Government also recognises that some councils in the State do not have the 'capacity' to conduct the rigorous assessment required of higher impact regional projects and this new project category and assessment will also assist in overcoming that problem.

When the new category becomes available some councils may take a 'pro-active' approach and request that a particular projects be assessed under this new regime while other requests will come from developers.

The amendments propose that particular major projects are able to be declared 'Projects of Regional Significance' by the Minister for Planning subject to meeting specific criteria detailed in the legislation. Declared projects will then be assessed by 'expert based' Development Assessment Panels (DAPs).

DAPs will be 'expert based', provide for local (regional) representation and conduct assessments within specific timeframes. The DAP makes the final decision in relation to a Project of Regional Significance and the Government has no role. Those decisions will not be appealable on planning grounds.

Interim Planning Schemes

The Regional Planning Initiative will produce new and consistent planning schemes for all councils in the State.

It is proposed to bring these new schemes into operation simultaneously and without delay as Interim Planning Schemes and ahead of the usual Land Use Planning and Approvals Act 1993 (LUPAA) assessment and consultation procedures.

These Interim Planning Schemes will be subject to the 'normal' LUPAA assessment and consultation procedures after they come into operation ensuring that public consultation and participation rights are retained and at which point planning schemes can be amended if required.

The amendments proposed will also enable the Tasmanian Planning Commission to carry out assessments (including hearings) of a number of planning schemes concurrently.

The introduction of these new planning schemes as Interim Planning schemes enables the benefits to stakeholders to be realised in the shortest possible time-frame

The amendments to LUPAA will also ensure that any future amendments to planning schemes (interim or otherwise) will be required to be consistent with Regional Land Use Strategies.

The program for the commencement of assessment of draft Interim Planning Schemes by the TPC is

North West Coast Region Interim Planning Schemes.....early 2010

North / North East Region Interim Planning Schemes....middle 2010

Southern Region Interim Planning Schemes.....early 2011

Once Interim Planning Schemes have been assessed and approved by the TPC their 'interim' status will be removed and they will become (regular) planning schemes.