

Hello Mayors and General Managers

The Premier announced today in the State of the State address the outcomes of the review of the Planning System. The Premier's address is attached (with some highlights at the end of this email). Tomorrow there will be further detail provided by the Minister for Planning (David Llewellyn) on Wednesday and the report will be available on the web (probably at <http://www.justice.tas.gov.au/landuseplanning/planningsystemreview>) late Wednesday.

By way of background, the review of the Planning System commenced in early March last year. Andrew Paul – General Manager of Clarence City Council has been the LGAT representative on the Steering Committee. There was a public submission process in May 08 and the review also considered earlier processes such as the Building Better Outcomes project, the Legislative Council Inquiry into Planning Schemes etc. LGAT received a briefing yesterday on the outcomes of the review. This briefing was attended by the President, myself, Frank Dixon (representing PLGC) and Andrew Paul (Steering Committee Rep).

The key outcomes reported to us were:

- The Steering Committee agreed there was not a need for a major overhaul of the planning system but that there were areas which could be improved (especially in relation to redefining roles and functions in order to reduce confusion, improve efficiencies and ensure stronger direction from the State Government).
- Three options for governance were presented by the Steering Committee to the State Government for consideration. The Steering Committee suggested that the final model should meet four objectives 1) improved coordination and promotion of State interests; 2) a single voice on the State Government's planning agenda, 3) a critical mass of planning expertise and 4) retain independent decision making on development applications and major projects.
- None of the models suggested amalgamation of RMPAT and the RPDC. The Steering Committee accepted the overwhelming position of the submitters which strongly favoured the retention of the RMPAT and the RPDC as separate bodies
- The Governance model which is being supported by the State Government is an integrated planning commission – to be called the Tasmanian Planning Commission (TPC), which will be formed by integrating staff of the current Land Use Planning Branch in DoJ with the RPDC (33 professional and support staff).
- The TPC would retain the independent decision making role of the RPDC but take on the role of providing policy advice to the Minister and support State initiatives such as the regional planning initiatives; they would have an advisory role to local councils; have an increased profile and become the single definitive point of information, advice, policy direction and decision making for the Tasmanian planning system
- In order to address potential conflict of interest between the policy and decision making roles the TPC will establish panels under legislation and panel members won't include staff who have been working on an issue (quarantining).
- The TPC would be expanded by including representations from agencies that have planning related portfolio responsibilities initiatives and be subject to directions from Minister for Planning *but not in relation to the exercise of its statutory functions*. The directions could include preparation of a State Policy, prepare a planning directive, enquiries into planning matters, regional planning strategies etc.

Other recommendations from the Review included:

- That Minister for Planning have the capacity to 'call in' specified developments such as regionally significant projects with assessment and decisions on those projects to be made by an Expert Panel (see Projects of Significance later on)
- That the *State Policies and Projects Act 1993* be amended to provide for a single process of drafting, consultation, review and gazettal

- That the legislation be amended to remove the costs order against a Council under s.59 if the Tribunal rules that a Council has acted to make a decision in 'good faith' within the prescribed time period
- That Government introduce improved enforcement provisions for local government,

These are good outcomes for Local Government.

An area which will be subject to consultation and which is of potential concern to Local Government is the introduction of the "Projects of Significance".

- A new assessment process is proposed to consider proposals having 'significant regional impacts'
- Projects of Significance may have particular economic, environmental, social impact or simply a proposal that impacts on more than one Council area
- projects considered to be of 'significance' would be 'called-in' by the Minister for Planning and referred to an Expert Panel for assessment
- criteria will be developed to assist the Minister in determining what proposals might be 'called-in'
- the Expert Panel decision will be final although there may be a review mechanism for the Minister to send proposal back to the Panel for more information (this is not negotiable)
- assessment of Projects would involve public consultation but no appeals (this is not negotiable)

The mechanisms and thresholds are not yet defined.

It should also be noted that the State Government are moving away from having a State Climate Change (Planning) Policy with the intent being to pick up climate change issues in the Regional Planning Initiative, planning scheme templates, planning directives and the like.

Peter Fischer of the Land Use Planning Branch and Greg Alomes of the RPDC will meet with LGAT on the 10th March to map a process of consultation. Consultation will commence as soon as possible to allow Local Government and other stakeholder input prior to the drafting of the Bill commences. There will also be full consultation on the draft Bill. Regardless, the timeframes may be tighter than is ideal. LGAT will work to broker the best possible consultation process and the State Government has committed to being clear on what decisions are already firm and what is open for discussion so that consultation is focuses and meaningful.

While a full consultation process is yet to be mapped out there are some opportunities for information dissemination already in place.

Greg Alomes will be speaking at the General Meeting next week on policy priorities for the (RPDC in the interim) Tasmanian Planning Commission. For example progressing the Planning Scheme Templates, speeding up progression of the Regional Planning Initiative, establishment of a rapid response group to proactively liaise with Councils and troubleshoot etc.

There will also be discussion with General Managers at their workshop on the 18 19 March, particularly around the Projects of Significance issue.

Please feel free to contact me with any issues/concerns or questions.

As a guide to the State of the State see some page references below.

- *Investment in local infrastructure projects (p3)*
- *Investment in water irrigation (p5) . innovations strategy statewide water economy (p11)*
- *Transport infrastructure p 5*

- *Increased competition RTOs/apprenticeships p9*
- *Planning reform and projects of significance p15*
- *Telecommunications p17*
- *Low emissions transport p18*
- *Community transport p21*
- *Tourism/community rail p27*
- *Tasmania Day (PLGC initiative) p31*
- *Use of education facilities after hours p33*

Regards

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