

# Review of the State Planning Provisions (SPPs)

Briefing and Q&A Session – 23 June 2022

STATE PLANNING OFFICE

State Planning Office  
Department of Premier and Cabinet



This is a presentation by the State Planning Office for the briefing and Q&A session on the State Planning Provisions Review hosted by the Planning Institute of Australia – Tasmanian Division on 23 June 2022.

The presentation provides an overview of the current planning reforms, the State Planning Provisions Review, and the process for scoping issues, and informing and making amendments to the State Planning Provisions.

## Acknowledgement

I acknowledge and pay respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

## OVERVIEW: Current Planning Reforms

Implementation and maintenance of Phase 1 Reforms

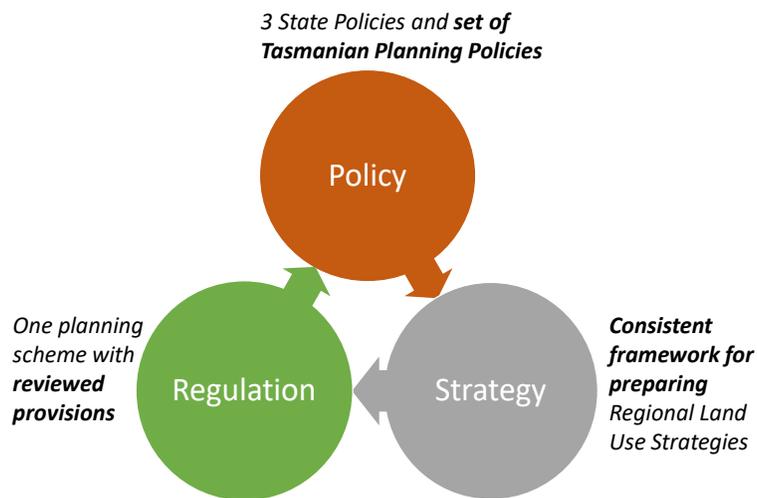
Phase 2 Reforms

Comprehensive work program for building the Tasmanian planning system...

- **Phase 1 Planning Reforms**
  - Tasmanian Planning Scheme (SPPs and Local Provisions Schedules) implementation
  - **Review of SPPs (every 5 years)**
- **Phase 2 Planning Reforms**
  - Tasmanian Planning Policies (TPPs)
    - Review regional land use strategies (RLUS)
      - Improved Regional Planning Framework
    - **Review SPPs**

- The State Planning Office currently has a comprehensive work program over the next 3 years for continuing to build the planning system.
- The Phase 1 Planning Reforms delivered the framework for the single statewide planning scheme – the Tasmanian Planning Scheme – specifically the State Planning Provisions (or the SPPs) in 2017.
- The Phase 1 Reforms are still being implemented with the Tasmanian Planning Scheme progressively coming into effect across the State as each council has their Local Provisions Schedule (or LPS) approved.
- This year also marks the 5<sup>th</sup> anniversary of the making of the SPPs which triggers a review of their content.
- The Phase 2 Planning Reforms which were announced last year represent the next major reforms to the planning system occurring over the next few years.
- The Phase 2 Planning Reforms have the Tasmanian Planning Policies (TPPs) at their centrepiece – for the first time setting clear State government planning policies for implementation through the planning system.
- The TPPs are currently being drafted with input from State Agencies prior to broader consultation later this year, and prior to the formalised public exhibition process and independent review by the Tasmanian Planning Commission in 2023.
- Implementation of the TPPs triggers reviews of the three regional land use strategies that are currently in place.
- The regional land use strategies guide the application of zoning and codes in current interim planning schemes and the LPSs in the Tasmanian Planning Scheme.
- The review of the regional land use strategies also provides the opportunity for improvements to be made to the regional planning framework – the legislative framework and ongoing governance and implementation of the regional land use strategies.
- The implementation of the TPPs also triggers a review of the SPPs for consistency.
- This is in addition to the 5 yearly review of the SPPs which commenced with the release of the SPPs Review Scoping Paper last month.
- Significant funding has been provided over successive State Budgets to enable the State Planning Office to recruit staff to manage the various projects and to fund work associated with the reforms.

## Regulation – Policy – Strategy



- The completion of the current Phase 1 and Phase 2 Planning Reforms will deliver a more mature planning system with equal proportions of Policy and Strategy to complement the current Regulation.
- It will deliver a comprehensive set of Tasmanian Planning Policies to complement the 3 current State Policies.
- It will deliver an improved and consistent framework for the regional land use strategies based on clear statewide planning policies.
- And finally, it will deliver the Tasmanian Planning Scheme with reviewed State Planning Provisions.

## What are the SPPs?

Part of the  
Tasmanian  
Planning Scheme

Consistent  
planning rules

The SPPs are the statewide consistent planning rules in the Tasmanian Planning Scheme –

- **Administrative requirements**
  - Definitions, exemptions, use descriptions, application requirements
- **23 planning zones**
  - e.g. General Residential Zone, Rural Living Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Open Space Zone
- **16 planning codes**
  - e.g. Signs Code, Parking Code, Natural Assets Code, Scenic Protection Code, Attenuation Code, Local Historic Heritage Code, codes dealing with coastal, flooding, bushfire and landslip hazards

- The SPPs are the statewide consistent planning rules in the Tasmanian Planning Scheme. These are the rules that are used for making decisions on use and development proposals.
- They contain the administrative requirements – definitions, exemptions, use descriptions, and application requirements
- They contain the 23 planning zones that are assigned to land in the State – broadly covering the Residential, Business and Commercial, Industrial, Rural and Agriculture, Environmental, Infrastructure, Tourism and Community use zones
- They also contain the 16 planning codes that apply across these zones dealing with use and development-based matters like Signs and Car Parking, through to the protection of natural and heritage values, protection of public infrastructure (electricity and road infrastructure and airports) and managing hazards (both natural hazards (e.g. bushfire, coastal hazards, flooding and landslip) and man-made hazards (e.g. potentially contaminated land)).

## Tasmanian Planning Scheme

Consists of the SPPs and LPSs

currently rolling out across the State

The SPPs and each council's Local Provisions Schedule (LPS) make up the Tasmanian Planning Scheme...

- SPPs were approved in March 2017
- Brought into effect as each council area has their LPS approved
- Tasmanian Planning Scheme in effect in 14 of the 29 municipalities so far
- Full implementation in next 6-9 months

- The SPPs and each council's LPS make up the Tasmanian Planning Scheme.
- The LPSs apply the SPPs zones and codes through zone maps and code overlays and lists. And they also contain locally unique planning requirements through Particular Purpose Zones (PPZs), Specific Area Plans (SAPs) and Site Specific Qualification (SSQs) which work in conjunction with the SPPs.
- While the SPPs were approved back in March 2017, they only come into effect in each council area as the LPS is approved.
- The Tasmanian Planning Scheme is in effect in 14 of the 29 municipalities so far, with full implementation expected over the next 6-9 months as the LPSs are approved by the Tasmanian Planning Commission.

## Why are the SPPs being reviewed?

5-yearly statutory review

Also to be reviewed for consistency with TPPs

SPPs require review every 5 years and after the making of the Tasmanian Planning Policies (TPPs)...

- Regular review is best practice
- Implements constant improvement and keeps pace with emerging planning issues
- Applies the experience of those using the SPPs
- Implements the broader policies in the TPPs

- Beside the fact that the planning legislation requires us to every 5 years, it is best practice to keep planning documents under regular review.
- It allows us to implement constant improvement and keep pace with emerging planning issues – ensuring that our planning regulations continue to evolve.
- It also allows us to capture the experience of those using the SPPs – the councils, developers, industry, and the community.
- Even though the SPPs have only been in effect in some parts of the State for up to 2 years, a suitable period has now elapsed to initiate the review.
- Some parts of the SPPs have been in effect in the remaining interim planning schemes through Planning Directive No. 8, and prior to that Interim Planning Directive No. 4.
- And further, it provides the opportunity to implement the relevant policy directions in the TPPs once they are made.

**SPPs REVIEW  
SCOPING:  
What are we  
asking?**

This is just the  
start of the  
review!

Help us scope it!

Seeking feedback from councils,  
professional planners, State agencies  
and authorities, industry, and  
community on:

- What is and isn't working well?
- How can we improve the SPPs?
- Are there things that should be added?
- Are there things that shouldn't be there?
- What should be prioritised?
- Any other matters

- So, what are we asking from our stakeholders at this stage of the review?
- Last month the SPPs Review Scoping Paper was released to introduce the review and to help scope the review.
- It is important to remember that this is just the start of the process and the first of many opportunities to get involved in the review.
- The review encompasses the entirety of the SPPs.
- We are seeking feedback from councils, State agencies and authorities, planning professionals, industry and the broader community to help scope the review and inform potential amendments to the SPPs.
- Specifically, we are seeking feedback on:
  - What is and what isn't working well?
  - What elements we can improve?
  - Are there things that are missing, or alternatively, are there things that shouldn't be in there?
  - Also, what particular things should be prioritised?
  - And any other matters relating to the SPPs.

## SPPs REVIEW SCOPING:

### Things to keep in mind

Review only relates  
to the SPPs

Some matters  
covered by other  
parts of the system

In responding to the Scoping Paper, keep in mind:

- **Not reviewing the broader planning framework**
  - e.g. *Land Use Planning and Approvals Act 1993* or other legislation, State Policies etc.
- **SPPs only being reviewed – not the LPSs**
  - Not reviewing where zones or codes have been applied in an LPS
- **Some things are exempt from planning schemes**
  - e.g. certain forestry operations and works, mineral exploration, marine farming, and infrastructure works
- **There are integrated assessment processes**
  - e.g. assessments undertaken by EPA Tasmania, Tasmanian Heritage Council and TasWater
- **Some amendments recently made to the SPPs**
  - Minor amendment 01-2021 of the SPPs (effective 20 July 2022)
- **The SPPs must be applicable & relevant across State**
- **The SPPs do not need to cover every situation and can work with the LPS**
  - Particular Purpose Zones, Specific Area Plans and Site Specific Qualifications

In responding to the Scoping Paper, there are a few things to keep in mind:

- While the review will consider the SPPs in their entirety, we are not reviewing the broader planning framework in which they live – for example the *Land Use Planning and Approvals Act 1993* and other associated legislation, and the State Policies.
- The SPPs part of the Tasmanian Planning Scheme is being reviewed, Not the LPSs – so we are Not reviewing where zones and codes have been applied in recently approved or proposed LPSs.
- Some things are exempt from planning schemes – for example:
  - Forestry operations conducted on land declared as private timber reserves and certain forestry works carried out in State forests.
  - Certain mineral exploration undertaken within leases or licences (areas under the *Mineral Resources Development Act 1995*).
  - Marine farming in State waters (excluding land-based operations), or fishing.
  - Certain electricity, water and sewerage or gas infrastructure works as outlined in their relevant legislation.
  - Emergency or routine railway works.
- There are integrated assessment processes for some matters, including:
  - Level 2 activity assessments undertaken by EPA Tasmania.
  - State heritage listings on the Tasmanian Heritage Register managed by the Tasmanian Heritage Council.
  - Water and sewer infrastructure matters managed by TasWater.
- It is also worth noting that some amendments have recently been made to the SPPs – minor amendment 01-2021 corrects various clerical errors, clarifies some provisions, implements the provisions for temporary housing currently in Planning Directive No. 7 and updates various references to Australian Standards in the *Bushfire-Prone Areas Code*.
  - Details on the amendments are available on our website – they have been gazetted and come into effect on 20 July 2022.
- The SPPs must be applicable and relevant across the State – For example, a provision that is applicable in the General Residential Zone must be appropriate for application to all areas covered by the Zone – from Hobart, to Wynyard and Campbell Town or St Helens.
- The SPPs do not need to cover every situation and can work with the locally unique requirements in the LPS – the PPZs, SAPs and SSQs.
  - These can add to, override or substitute zones and codes in the SPPs.

## Information resources available

Assist with feedback and discussions

Sharing of earlier work

Also consider the various information resources that are available...

### SPPs Review – Scoping Paper

#### Supporting information:

- **Guide to the SPPs**
  - General clause notes on the SPPs
- **Summary of Issues Previously Raised**
  - Summarises issues previously raised through statutory reporting and informally with State Planning Office
- **Review of Residential Development Standards – Issues Paper**
  - Summarises issues from the initial consultation in 2020
- **Medium Density Residential Development Standards (Apartment Code)**
  - Update on the project to deliver an Apartment Code
- **Fact sheets on the Tasmanian Planning Scheme**
  - Link to current fact sheets

- We also recommend you consider the various information resources that have been made available with the Scoping Paper.
- These additional documents have been made available to foster discussions and feedback on the SPPs.
- Along with the information provided in the Scoping Paper, we have also provided:
  - A general Guide to the SPPs, providing general clause notes to parts of the SPPs –
    - This is a document that we aim to continually enhance over time to provide a more comprehensive guide, in addition to other forms of accessible information on the planning system through improvements to our website in the coming months.
  - We have already received some feedback on the SPPs – through statutory reporting pathways available to local councils, the residential development standards review that commenced in 2020, and through general conversations and discussions with stakeholders.
    - We have summarised these issues in documents made available including a general summary table and the Issues Paper on the Review of the Residential Development Standards.
  - We have also provided an update on the Medium Density Residential Development Standards Project that will deliver the Apartment Code – providing a clear pathway for the assessment of apartments in zones which provide for this type of development and encourage quality design and liveable spaces.
    - Further consideration of the residential development standards and the Apartment Code will be covered through the SPPs Review.
    - All issues previously raised with us will be considered along with all feedback received during the scoping process.
  - And also, the fact sheets that are currently available on the SPOs website.

## What will the SPPs review involve?

Scoping issues

Informing amendments to SPPs

The SPPs Review will occur in stages –

### Stage 1

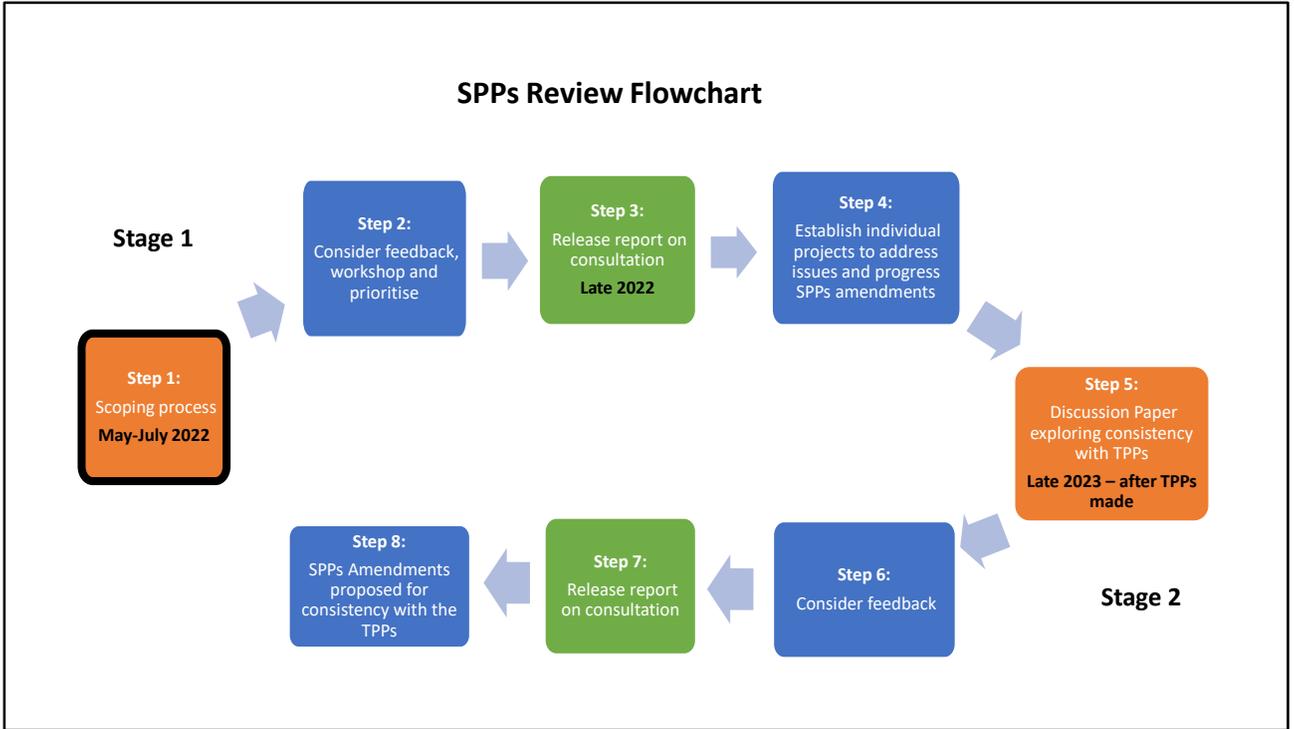
- Seek feedback
- Review submissions, workshop and triage issues:
  - Matters to be addressed by SPPs amendments immediately
  - Matters requiring further review and analysis before progressing
  - Matters that require further consideration against final TPPs (Stage 2)
- Also consider recommendations on council section 35G reports
- Prepare SPPs amendments\*

### Stage 2

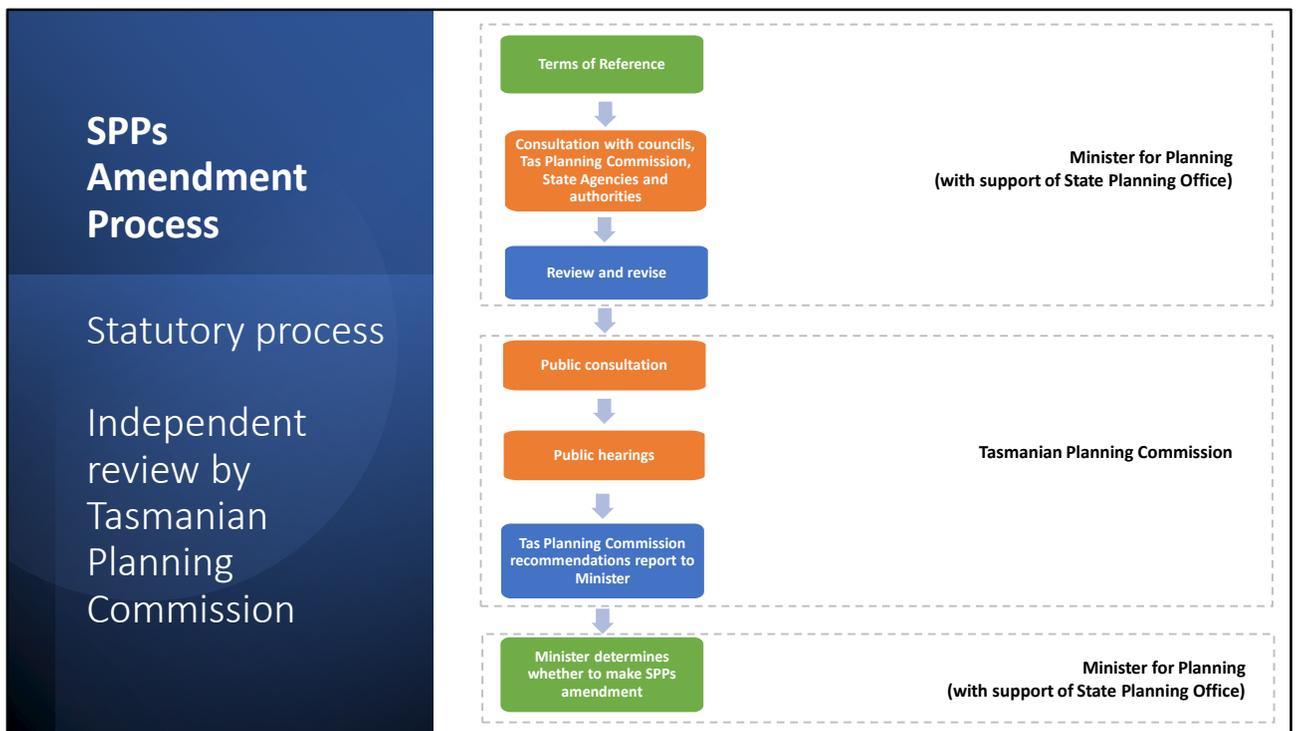
- Review SPPs for consistency with TPPs
- Prepare any SPPs amendments\*

*\* SPPs amendments follow normal statutory processes*

- Well, it will occur in stages and inform amendments to the SPPs over the next 1-2 years or so.
- Stage 1 of the review is the scoping exercise in which we seek general feedback.
- From here we will review the submissions, workshop and triage the issues into:
  - Simple matters that can be addressed by an SPPs amendment that we can put into the process immediately;
  - Matters that may require further review and analysis to better inform an SPPs amendment – (from here we can establish reference groups and consultative groups to help work this through and engage any consultants as necessary); or
  - Matters that may require further consideration against the finalised TPPs before progressing to an SPPs amendment – pushing it into Stage 2 of the review.
- Any recommendations from the Tasmanian Planning Commission on council reports made under section 35G of the *Land Use Planning and Approvals Act 1993* will also be included in the review and inform amendments to the SPPs.
- We will also re-examine the Commission's original recommendations on the SPPs from 2016.
- Stage 2 of the review follows the making of the TPPs.
- This will review the SPPs for consistency with the relevant policy outcomes in the TPPs.
- This could include matters relating to natural and environmental values and from there inform further SPPs amendments.
- The SPPs amendments will be considered through the normal SPPs amendments processes under the *Land Use Planning and Approvals Act 1993* – with public consultation, public hearings and independent review by the Tasmanian Planning Commission.



- This diagram provides a graphical representation of the staging of the review and the key steps to be undertaken – the orange boxes identify key points for providing input.
- The thick black outlined box at the left identifies where we are at the moment with the Scoping Process.
- From here, the feedback will be considered, workshopped and prioritised and result in the release of the report on the consultation toward the end of this year.
- Projects to address the issues raised will be established and SPPs amendments will be progressed as required.
- Stage 2 starts at the orange box at the right of the screen with release of a Discussion Paper exploring consistency with the TPPs (once they are made).
- From here the feedback will be considered and report on the consultation released and any further SPPs amendments progressed as required.



- All SPPs amendments will follow the normal statutory processes under the *Land Use Planning and Approvals Act 1993*.
- This diagram provides a general overview of the SPPs amendment process, showing how the process is split between the roles of the Minister for Planning (with support from the State Planning Office) and the Tasmanian Planning Commission.
- As with the previous diagram, the orange boxes identify the key points for providing input.
- The statutory SPPs amendment process starts with the Minister issuing Terms of Reference, early consultation with local councils, the TPC and State Agencies and authorities prior to the amendment being submitted to the TPC for independent review.
- The independent review undertaken by the Commission, as shown in the middle 'dashed box', involves, public consultation for a period of 42 days, public hearings and the Commission providing recommendations to the Minister for Planning.
- The Minister must consider the Commission's recommendations, along with any other advice received, before determining whether or not to make the SPPs amendment, including any modifications.
- As with the original making of the SPPs, the Commission's recommendations and the Minister's statement of reasons will be published for transparency.

## More information

Contact the State Planning Office

### Have your say on the SPPs Review:

Visit – [www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au)

Submissions on Scoping Paper until **29 July 2022**

Email: [yoursay.planning@dpac.tas.gov.au](mailto:yoursay.planning@dpac.tas.gov.au)

Post: State Planning Office

Department of Premier and Cabinet

GPO Box 123

HOBART TAS 7001

### Contact the State Planning Office if you would like a briefing or more information on the broader reforms:

Phone: 1300 703 977

Email: [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

- If you would like more information on the SPPs Review please visit our website if you haven't already done so. Read through the material provided.
- Please get involved and make a submission to help us scope the review.
- Submissions are to be received by 29 July 2022. Details are available on our website on how to make a submission.
- If you would like a further briefing on the SPPs Review or any further information on the broader planning reforms such as the TPPs or the broader planning reforms, please contact us.

Phone: 1300 703 977

Email: [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

**QUESTION &  
ANSWER SESSION**

**ANY QUESTIONS??**

