

7 August 2020

Brian Risby  
Director Planning Policy, Department of Justice  
GPO Box 825,  
HOBART TAS 7001

Dear Brian

**Intended Amendments to the *Land Use Planning and Approvals Act 1993*.**

Thank you for providing the Local Government Association of Tasmania (LGAT) with an opportunity to make a submission on the intended amendments to the *Land Use Planning and Approvals Act 1993*.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for Local Government in Tasmania. LGAT works to:

- (a) Protect the interests and rights of councils in Tasmania;
- (b) Promote the efficient operation of Local Government in Tasmania; and
- (c) Foster strategic and beneficial relationships.

LGAT provided the amendments to all our member councils for comment but only a small number of councils provided feedback. This is likely a consequence of the very short consultation process, which did not provide councils sufficient time to consider the intended amendments. The truncated nature of this consultation period is both unacceptable and inconsistent with the intent and specific requirements of the Statewide Partnership Agreement on Communication and Consultation. We would draw your attention to the following Statement from the Premier at the September 2019 PLGC meeting (Item 6 under *Partnership agreement consultation period*):

*although the Statewide Partnership Agreement between the State Government and the local government sector has expired, the Government continues, as a matter of protocol, to observe the five week consultation period contained in that Agreement.*

Moving forward, we expect that the five week consultation period be observed.

See Appendix 1 for a summary of the feedback received. It is important to note that while many of the proposed amendments were supported in principle, councils noted that it would be important that they are able to view and comment on the final legislative drafting to ensure no unintended consequences.

If you have any further questions in relation to this submission please contact Dion Lester on 6146 3742 or [dion.lester@lgat.tas.gov.au](mailto:dion.lester@lgat.tas.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katrena Stephenson', with a stylized flourish at the end.

Dr Katrena Stephenson  
**CHIEF EXECUTIVE OFFICER**

## Appendix 1

Table 1. Intended amendments to the *Land Use Planning and Approvals Act 1993*

No	Council Comments
1	<p>Councils support the proposal to give additional time for notices for public exhibition of a draft LPS – however, 21 days may still be logistically tight (particularly over holiday periods). It may therefore be appropriate to change the wording to “no more than 21 days, excluding public holidays”.</p> <p>Further to the above, one council indicated their preference would be to include wording to allow the planning authority to agree/negotiate a reasonable timeframe to commence with exhibition.</p>
2A	<p>The proposal that an LPS could come into operation prior to directed substantial modifications being made will not be appropriate in all circumstances and may result in poor outcomes. Councils suggest that the more appropriate response may be to modify the process for exhibition (to be shorter and targeted) as well as the TPC’s consideration of a substantial modification to a Draft LPS.</p>
2B	<p>Supported.</p>
3	<p>Councils support the proposal to provide for the inclusion of amendments to current planning schemes in the LPS.</p> <p>However, further information is needed as to what restrictions / limitations are proposed given reference to ‘certain amendments’.</p>
4	<p>Feedback from councils was that they were either unable to support this proposal or comment until clear on why this would be necessary and in what circumstances it would be appropriate. Their reasoning, and the unintended consequences identified, were as follows:</p> <ul style="list-style-type: none"> <li>• This proposal appears to wrongly assume that all issues with the SPPs were resolved through the initial SPP assessment process;</li> <li>• Some of the SPPs may not function effectively with the interim schemes given they are different schemes and vary significantly between regions; and</li> <li>• Planning authorities would be denied the opportunity provided under S35G of the Act to notify the Minister as to whether amendment of SPPs is required.</li> </ul> <p>There should at least be some process for assessment and an opportunity for planning authorities to make comments to ensure that any directives bringing forward SPPs actually work with the interim schemes.</p>

5	A more streamlined process for making amendments to the SPPs that meet the criteria under section 30H(3) of the Act is supported, subject to consultation with planning authorities also being required.
6	Councils support modifying the heading for section 40O of the Act to delete the word 'minor'.