

Strategic Land Use Planning — Part 1: The Framework

Narration Script

Huon Valley Council | Candidate and Councillor Knowledge Series

Slide	Title
1	Title — Strategic Land Use Planning — Part 1: The Framework
2	Before You Begin
3	The Planning Framework
4	The Section 34 Criteria
5	The Regional Strategy
6	From Strategy to Scheme
7	What Councillors Do
8	Five Things to Remember
	Total

Slide 1 — Title — Strategic Land Use Planning — Part 1: The Framework

Welcome to Strategic Land Use Planning, part of the Huon Valley Council Candidate and Councillor Knowledge Series.

Council has two distinct planning roles. As a planning authority it decides individual applications, and it must do so impartially. As a strategic planner it decides what the Valley should look like in twenty years, and there it is expected to have a view.

This is Part 1 of two. It covers the framework Council plans within, and who actually decides what. Part 2 covers the strategic work Council has adopted.

Slide 2 — Before You Begin

Strategic planning is where councillors shape the Valley. Development assessment is where councillors must follow the rules available to them for assessing the application and keeping the two apart is the most important thing in this module.

Both come from the Land Use Planning and Approvals Act, but they are entirely different functions. One is about making the rules. The other is about applying them to a particular piece of land.

In strategic planning you are expected to have a view. Setting the direction for growth is a political and strategic act, and councillors are elected precisely to have opinions about where housing and development goes and what local character is worth protecting.

In development assessment you must keep an open mind until the decision is made. That is quasi-judicial and administrative, and the Council as a Planning Authority module covers it.

Part 1 covers the framework how the planning scheme is built, the criteria any change to it must meet, and how an amendment actually happens. Part 2 covers the strategic work Council has adopted within that framework.

Slide 3 — The Planning Framework

Council's planning scheme has two parts, and Council only controls one of them.

The State Planning Provisions are the statewide half of the Tasmanian Planning Scheme. Made by the Minister, applying to every council in Tasmania. Council does not write them and cannot depart from them.

The Local Provisions Schedule is the local half — the zone maps, overlays, particular purpose zones and specific area plans that apply the SPPs to this municipal area. That is Council's part.

Together they are the planning scheme, and an application is assessed against both. So if Council wants to change the rules that apply to a piece of land, such as the zone that it is or the codes that are on it, what it is changing is the Local Provisions Schedule.

But Council cannot simply choose what it likes or thinks will work. Qualified evidence is needed for any change. Section 34 sets criteria every draft Schedule and every amendment must meet. Which is why strategy comes first: an amendment needs an evidence base capable of satisfying those criteria, and that is exactly what the Strategy, the structure plans and the studies that support them are for.

Slide 4 — The Section 34 Criteria

Section 34 sets eight tests, and Council's strategic work exists largely to satisfy them.

The Local Provision Schedules must fit the State framework — containing what the State Planning Provisions require, according with section 32, and satisfying the criteria relating to the Tasmanian Planning Policies.

It must further the objectives in Schedule 1 of the Act: promoting the sustainable development of natural and physical resources, providing for fair, orderly and sustainable use and development, and encouraging public involvement in resource management and planning.

It must be consistent with each State Policy, and as far as practicable with the regional land use strategy — which for the Huon Valley is the Southern Tasmanian Regional Land Use Strategy, and which is the subject of the next slide.

It must have regard to the strategic plan prepared under section 66 of the Local Government Act. And it must be, as far as practicable, consistent and coordinated with the Schedules of adjoining municipal areas, because planning does not stop at the boundary of a municipal area.

Notice what none of those criteria say. None of them is what the Council would prefer. Every one is a test that the strategic work has to answer with appropriate evidence.

Slide 5 — The Regional Strategy

Between the State framework and Council's own strategy sits a regional one, and it is worth a slide of its own because it is cited throughout Council's planning work.

The Southern Tasmanian Regional Land Use Strategy, also referred to as a STRLUS, is made under the Act and covers the councils of southern Tasmania as a single planning region. Tasmania is divided into planning regions, and each has its own regional land use strategy.

It sits below the State Planning Provisions, the State Policies and the Tasmanian Planning Policies, and above Council's own strategic land use documents. That is the layer people most often miss when they picture the planning system.

It provides for the things that only make sense at a regional scale, across multiple municipal areas. The settlement pattern and the hierarchy of Activity Centres. Growth and the supply of residential land. Activity centres, industrial and employment areas. Rural and resource areas. Environmental values and natural hazards. And infrastructure, including the integration of land use and transport.

It binds Council because section 34 requires a Local Provisions Schedule, and any amendment to it, to be as far as practicable consistent with the regional land use strategy for the region. That is why the settlement hierarchy in the next slides is not simply Council's preference.

And the STRLUS is in the process of being replaced. The current strategy dates from 2011 and is largely out of date. A new regional strategy is in its final stages before approval, and when it is approved Council will need to test its own strategic documents against it. This is a piece of the framework that will move during the coming term.

Slide 6 — From Strategy to Scheme

Nothing changes on the ground until the Local Provisions Schedule is amended, and this is where councillors most often get ahead of the process.

Strategy informs, it does not enact. The Strategy, the structure plans and the studies are Council's adopted position and its evidence base. They are not law, and a landowner cannot rely on them to do anything except to support any planning scheme amendment that is proposed.

The next step is a Specific Area Plan, or a rezoning, drafted as an amendment to the Local Provisions Schedule and supported by the strategic work behind it. That is the work Council has flagged as coming next.

Council prepares; the Commission decides. Council initiates an amendment and puts it on public exhibition, but the Tasmanian Planning Commission assesses it against the section 34 criteria and determines it. Council does not approve its own planning scheme amendments.

Amendments can also come from outside. A landowner may initiate one — which is exactly what the Rural Living framework contemplates. Council still has to consider it, and the Commission still has to approve it.

And representations get heard. Draft amendments go on public exhibition, any person may make a representation, and the Commission must consider each one made within the exhibition period.

Slide 7 — What Councillors Do

Two roles, two different sets of behaviour, and getting them the wrong way round causes most of the planning trouble councillors get into.

In strategic planning, advocate. Bring the community's view into the room, argue for a position, and push back on officer advice where you disagree. Strategic planning is a political function and councillors are elected to exercise it.

Ask what evidence supports it. The Commission will apply the section 34 criteria whatever Council thinks, so a strategic document that cannot survive those criteria will not deliver anything on the ground.

Know who decides what. Council initiates and exhibits an amendment; the Tasmanian Planning Commission determines it. Council does not approve its own planning scheme amendments, and saying otherwise to a resident sets up a disappointment.

Be honest about what adoption means. Adopting a strategy or a structure plan does not rezone anything, does not fund anything, and does not bind a future Council.

And switch modes at the door. Once a development application is before Council as a planning authority, the strategic advocacy stops. You must look at an application under the rules and planning scheme that apply to that land at that time. Different role, different rules.

Slide 8 — Five Things to Remember

Five things to take away from Part 1.

One. Two roles, kept apart. Strategic planning is political and councillors are expected to have views. Development assessment is quasi-judicial and administrative, and they must keep an open mind and follow the rules as they apply.

Two. Council writes half the scheme. The State Planning Provisions belong to the Minister; the Local Provisions Schedule is Council's, and it is the part that a planning scheme amendment changes.

Three. Section 34 is the test. Eight criteria that every planning scheme amendment must satisfy, applied by the Commission. Council's strategic work exists to answer these criteria with evidence.

Four. The region sits above Council. A Local Provisions Schedule must be, as far as practicable, consistent with the regional land use strategy and that strategy is currently in its final stages of being updated from the 2011 version.

Five. Council prepares; the Commission decides. Nothing changes in practice until the Local Provisions Schedule is amended, and that determination is not Council's to make.

Part 2 covers the strategic work Council has adopted, the Land Use and Development Strategy, the structure plans, and the Rural Living study.