



Overview of the Tasmanian Resource Management and Planning System

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What is this factsheet about?

This factsheet provides an overview of lutruwita/Tasmania's Resource Management and Planning System. It will be useful for anyone who wants to get an understanding of the key frameworks regulating land and resource use and development in Tasmania.

Outline

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The Resource Management and Planning System

Purpose

The principal aim of the Tasmanian Resource Management and Planning System (**RPMS**) is to provide for the sustainable use and development of Tasmania's natural resources. The RPMS sets a legal framework for decisions, the setting of policies and strategies to manage land and resource use.

Objectives of RPMS

RPMS legislation provides overarching objectives for the use and development of the State's natural and physical resources. These objectives are:

- (a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;
- (b) To provide for the fair, orderly and sustainable use and development of air, land and water;
- (c) To encourage public involvement in resource management and planning;
- (d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (e) To promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State.

In these objectives, “sustainable development” is defined as:

[M]anaging the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

In general, all powers exercised under legislation within the RMPS must seek to further the objectives of the RMPS.

Legislation within the RMPS includes:

- *Land Use Planning and Approvals Act 1993;*
- *Environmental Management and Pollution Control Act 1994;*
- *State Policies and Projects Act 1993;*
- *Historic Cultural Heritage Act 1995;*
- *Living Marine Resource Management Act 1995;*
- *Water Management Act 1999; and*
- *Major Infrastructure Development Approvals Act 1999.*

Notably, legislation concerning mining and forestry activities does not fall within the RMPS. Further details about legislation within and outside the RMPS can be found in [Appendix 1](#).

State Policies

What are State Policies?

State Policies are made by the Minister under the *State Policies and Projects Act 1993*. They provide policy direction on matters of “State significance” relating to the sustainable development of natural and physical resources, land use planning, land management, environmental management and environment protection.

Current State Policies

The current State Policies in operation are:

- **State Policy on the Protection of Agricultural Land 2009** - The purpose of this policy is to protect and conserve agricultural land to ensure it remains available for sustainable use and development of agriculture.
- **Tasmanian State Coastal Policy 1996** - This policy aims to protect the natural and cultural values of the coast, provide for sustainable use and development of the coast and promote a shared responsibility for its management and protection. It sets out management objectives for the ‘coastal zone’ – a 1km strip from the coastline – and covers biodiversity, public access, and climate adaption.
- **State Policy on Water Quality Management 1997** - This policy seeks to achieve the sustainable management of Tasmania’s surface and groundwater resources by enhancing their qualities, whilst also allowing for sustainable development. It provides a framework for identifying protected environmental values of waterways, developing water quality guidelines and objectives and managing both direct and indirect pollution sources affecting water quality.

In addition, National Environment Protection Measures (**NEPMs**) are also taken to be State Policies. These can be found on the [EPA](#) website. The current NEPMs are:

- Air Toxics
- Ambient Air Quality
- Assessment of Site Contamination
- Diesel Vehicle Emissions
- Movement of Controlled Waste between States and Territories
- National Pollutant Inventory
- Used Packaging Materials

Read: Copies of the State Policies can be accessed on the Tasmanian Government Department of Premier and Cabinet [website](#).

Tasmanian Planning Policies

What are Tasmanian Planning Policies?

Under the *Land Use Planning and Approvals Act 1993* (**LUPA Act**), the Tasmanian Planning Policies (**TPPs**) provide overarching policy direction for Tasmania's land use and planning system.

What can TPPs address?

The TPPs may relate to the following:

- The sustainable use, development, protection or conservation of land;
- Environmental protection;
- Liveability, health, and wellbeing of the community; and
- Any other matter that may be included in a planning scheme or regional land use strategy.

The TPPs must seek to further the overarching objectives of the RPMS as well as be consistent with relevant State Policies.

TPPs must be given effect in the State Planning Provisions and Local Provisions Schedules under the Tasmanian Planning Scheme, and guide the development of Regional Land Use Strategies (all of which are discussed further below).

What are the current TPPs?

The TPPs are currently under development by the Tasmanian Government. Once made, they must be reviewed every 5 years. A report on the review of the TPPs must be tabled in Parliament.

Read: The Tasmanian Government State Planning Office [webpage](#) has further information on the process for making and amending TPPs.

Regional Land Use Strategies

What are Regional Land Use Strategies?

Under the LUPA Act, the Minister may declare Regional Land Use Strategies (**RLUS**) and must keep these under regular and periodic review. The Minister must consult with the Commission, the planning authorities, and State Service Agencies before declaring a RLUS, but there is no legislative requirement for public consultation.

RLUSs must be considered in the preparation of draft Local Provision Schedules of the Tasmanian Planning Scheme or amendments to these Schedules, such as for rezoning of land. They must be consistent with the TPPs (if any), State Policies and must further the objectives of the RMPS.

What can RLUSs address?

The LUPA Act is silent on what RLUSs can address. However, RLUSs currently identify key resource issues and management objectives in the region, identify appropriate urban growth boundaries, and key constraints and opportunities for regional development.

What are the current RLUSs?

There are currently three RLUSs in effect in Tasmania:

- Cradle Coast Regional Land Use Planning Strategy 2010 – 2030
- Northern Tasmania Regional Land Use Strategy
- Southern Tasmanian Regional Land Use Strategy 2010 – 2035

Read: The Tasmanian Government State Planning Office [webpage](#) has further information on the current regional land use strategies in effect in Tasmania and the process for their review and creation.

Tasmanian Planning Scheme

What is the Tasmanian Planning Scheme?

The Tasmanian Planning Scheme regulates the use, development, protection or conservation of land throughout Tasmania. It does this by requiring certain land uses and developments to have a planning permit issued by the relevant planning authority (local council) or prohibiting those uses. It also provides for the lawful continuation of existing uses, and the exemption of the need for a permit for certain developments or uses.

The Tasmanian Planning Scheme is binding on all members of the community, State Government agencies and public authorities (unless specifically excepted). Every council has a duty to observe and enforce the Tasmanian Planning Scheme (see sections 48 and 63A of the LUPA Act).

Read: The Tasmanian Government State Planning Office [webpage](#) has further information on the SPPs including the latest version of the SPPs.

Structure of the Tasmanian Planning System

The Tasmanian Planning Scheme is comprised of:

- State Planning Provisions (**SPPs**) – the SPPs provide a set of planning rules through 23 zones and 16 codes, they also provide for certain exemptions from the need to have a planning permit; and
- Local Provisions Schedules (**LPSs**) – the LPSs apply the SPP zones and codes to land in each municipal (council) area. The LPSs may also provide particular purpose zones, specific area plans and site-specific provisions within the municipal area.

NB: The SPPs were finalised by the Tasmanian Government in March 2017, however, they have no practical effect in a municipality until the LPS has been declared for that area. Interim Planning Schemes will continue to have effect until the LPS for a municipality has been finalised.

Zones are contained within the SPPs and generally will include a table of uses designed to identify acceptable and unacceptable land uses and provide development standards for land uses, developments and subdivisions for land within that zone.

Codes are also found in the SPPs and provide further standards relating to such issues as traffic, parking, the use of flood-prone and unstable land, and natural values management.

Visit: [iPlan](#) or the office of the relevant council to view planning schemes that apply in Tasmania.

Read: [Factsheet – Review and amendment of State Planning Provisions \(lutruwita/Tasmania\)](#)

Read: [Factsheet – Review and amendment of Local Provisions Schedules \(lutruwita/Tasmania\)](#)

Planning Permits

Under section 51 of the LUPA Act and the Tasmanian Planning Scheme, a planning permit may be required if you intend to do any of the following:

- change the use of land;
- undertake a new development on land, such as building work, demolition, land clearing, or earthworks; or
- expand or intensify an existing development.

The local council (also referred to as the planning authority) will assess a planning permit application to ensure it complies with the Tasmanian Planning Scheme. The location and scale of the proposed activity will determine whether the activity is:

- **Exempt** from requiring a permit.
- **Permitted** – The planning authority must grant the permit but may impose conditions.
- **Discretionary** – The planning authority will seek public comment on the proposal and may refuse the permit, grant the permit, or grant the permit subject to conditions.
- **Prohibited** – The planning authority must refuse to grant a permit (but may initiate an amendment to the planning scheme to allow the proposed development in the future).

Read: [Factsheet – Making a Representation to Council in lutruwita/Tasmania](#)

Read: [Factsheet – Appealing a Planning Permit Decision in lutruwita/Tasmania](#)

Part 5 Agreements

A planning authority, on its own behalf or jointly with another person, may enter into an agreement with a land owner, or in anticipation of a person becoming the owner of the land. These are commonly referred to as “Part 5 agreements” in reference to the relevant part of the LUPA Act which gives planning authorities these powers.

Part 5 agreements are common in circumstances such as a proposal to subdivide land. They provide planning authorities with the means to regulate any subsequent development of that land.

Part 5 agreements may provide for one (or more) of the following matters:

- the prohibition, restriction, or regulation of use or development;
- conditions upon which use or development may be undertaken;
- any matter intended to achieve or advance the objectives of the LUPA Act, a State Policy, or the objectives of the Tasmanian Planning Scheme.

Enforcement of the Tasmanian Planning Scheme

Under the LUPA Act, it is an offence to do any of the following:

- Carry out a development or use of land in breach of a State Policy or planning scheme;
- Carry out a development or use of land without a planning permit, if a permit is required;
- Fail to comply with a condition of a planning permit.

Council officers have a range of enforcement options, including show cause notices, stop work notices, infringement notices, prosecution, or cancellation of permits. Where a planning authority fails to enforce the LUPA Act and/or planning scheme, certain people may be able to apply to the TASCAT for civil enforcement orders.

Read: [Factsheet - Enforcing Planning Laws in lutruwita/Tasmania](#)

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Appendix 1 - Key RMPS legislation

This section briefly outlines the key features of the legislation that falls within the RMPS:

[Land Use Planning and Approvals Act 1993](#) (LUPAA)

- Making and amending Planning Schemes (including State Planning Provisions and Local Provisions Schedules), Regional Land Use Strategies
- Making and amending the Tasmanian Planning Policies
- Assessment and regulation of land use and development proposals
- Assessment and management of Major Projects
- Range of enforcement tools for councils to deal with unlawful development

[Environmental Management and Pollution Control Act 1994](#) (EMPCA)

- Assessment and management of Level 2 activities (that is, developments likely to have significant environmental impacts)
- Environmental licences for salmon farming operations
- Making Environment Protection Policies
- Establishes a general duty to minimise harm to the environment
- Management of contaminated sites
- Range of management and enforcement tools for activities causing environmental harm

[State Policies and Projects Act 1993](#)

- Making and amending State Policies

- Assessment and management of Projects of State Significance
- Preparing the Tasmanian State of Environment Report every 5 years (although the [most recent SoE Report](#) was published in 2009)

[Tasmanian Planning Commission Act 1997](#)

- Establishes the Tasmanian Planning Commission (**TPC**), responsible for assessing interim planning schemes, State Planning Provisions, Local Provisions Schedules, State Policies, the Tasmanian Planning Policies, Projects of State Significance, management plans, water management plans, and other planning documents

[Major Infrastructure Development Approvals Act 1999](#) (**MIDA**)

- Assessment and management of large infrastructure developments, such as power transmission lines

[Historic Cultural Heritage Act 1995](#)

- Establishes a register of places of historical cultural heritage significance to Tasmania (note, places of local heritage significance only are listed under planning schemes)
- Nomination and assessment of places to be entered on or removed from the register
- Assessment of proposed works which will affect listed places
- Range of enforcement and management tools to protect heritage places

[Living Marine Resources Management Act 1995](#)

- Fisheries planning, research, and regulation – including declared fishing areas, open seasons, and quotas
- Assessment and management of marine reserves
- Assessment and management of aquaculture licensing (in combination with the *Marine Farming Planning Act 1995* and EMPCA)

[Marine Farming Planning Act 1995](#)

- Assessment and management of marine farming (in combination with the *Living Marine Resources Management Act 1995* and the EMPCA)
- Establishes Marine Farm Planning Review Panel to assess new and amended marine farm development plans

[Threatened Species Protection Act 1995](#)

- Development of the Tasmanian Threatened Species Strategy
- Maintaining lists of threatened flora and fauna and critical habitat
- Development of recovery plans, threat abatement plans, and land management plans
- Assessing activities that involve “taking” (harming) listed threatened species

Water Management Act 1999

- Making and amending water management plans
- Issuing water licences
- Assessing and managing proposed dams, wells, bores etc

Nature Conservation Act 2002

- Declaration, revocation and extension of national parks and reserves
- Regulation of taking and trading in native wildlife
- Maintaining list of threatened native vegetation communities that are to be protected under the forest practices system

National Parks and Reserves Management Act 2002

- Making and amending management plans for parks and reserves
- Regulating use and development in reserved areas
- Issuing leases and licences for business activities within parks and reserves

Other Legislation outside the RMPS

Other laws that relate to the environment, or affect the operation of the RMPS despite falling outside the system, include:

- *Crown Lands Act 1976*
- *Forest Practices Act 1985*
- *Forest Management Act 2013*
- *Gas Act 2000*
- *Gas Pipelines Act 2002*
- *Inland Fisheries Act 1995*
- *Local Government Act 1993*
- *Mineral Resources Development Act 1995*
- *Primary Industry Activities Protection Act 1995*
- *Public Land (Administration & Forests) Act 1991*
- *Regional Forest Agreement (Land Classification) Act 1998*
- *Strata Titles Act 1998*
- *Water and Sewerage Industry Act 2008*
- *Biosecurity Act 2019*