



Environmental Defenders Office

Review and Amendment of the State Planning Provisions (lutruwita/Tasmania)

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This factsheet was last updated on 12 June 2023.

What is this factsheet about?

Almost all land-based development and use is regulated under the Tasmanian Planning Scheme. The State Planning Provisions (**SPPs**) are a central component of this statewide planning scheme. To determine how the SPPs will apply to areas of land, they must be read together with the Local Provisions Schedules (**LPS**) of the Tasmanian Planning Scheme.

This factsheet provides information about how the SPPs in lutruwita/Tasmania were created, when they are reviewed, and how they may be amended. It will be useful for anyone who wants to get a general understanding of the SPPs and when they can get involved in processes around their review and/or amendment.

Outline

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Read: [Factsheet – Overview of Tasmania’s Resource Management and Planning System](#)

What are SPPs?

The SPPs are a set of statewide planning rules which are applied to each municipal area through the mapping of Local Provisions Schedules (**LPSs**).

The SPPs indicate what types of land use and development are “exempt from requiring a permit”, “no permit required”, “permitted” or “discretionary” for designated zones. These zones include, for example, the General Residential Zone, Local General Business Zone and Agriculture Zone.

The SPPs also provide codes which provide further prescriptions for developments and uses in relevant areas covering a range of matters such as natural hazards, local heritage values and parking requirements.

In addition to the zones and codes, the SPPs outline:

- the administrative requirements for the SPPs and LPSs;
- the definitions of common terms used in the SPPs and LPSs;
- exemptions from the requirement for a permit under the Tasmanian Planning Scheme;
- information about how the SPPs operate; and
- information about how planning applications are assessed.

Visit: [iPlan](#) or the office of the relevant council to view the SPPs together with the relevant LPS for your area. You can find previous versions of the SPPs, and the various amendments that have been made to them on the Tasmanian Government’s State Planning website [here](#).

When and how were the SPPs first made?

The draft SPPs were circulated for public comment between March and May 2016. The Tasmanian Planning Commission (**Commission**) considered public submissions on the draft SPPs and held 25 public hearings around the state.

The Commission then provided a report with recommendations concerning the draft SPPs, including how they could be improved, to the Tasmanian Minister for Planning.

After considering the Commission’s report, the Tasmanian Planning Minister formally made the SPPs in early 2017. Not all the Commission’s recommendations were accepted by the Minister.

Read: You can read the Commission’s 2016 report on the draft SPPs [here](#).
You can read the Minister’s response to the Commission’s recommendations and reasons for modifications to the draft SPPs [here](#).

When and how are the SPPs reviewed?

As one of the key planning regulations, the SPPs must respond to changing social, environmental or economic conditions or other emerging issues. It is also important that the SPPs can be updated so that any unanticipated issues arising from their drafting are identified once they are implemented.

In recognition of the importance of ensuring that SPPs remain relevant and useful, SPPs are required to be reviewed every 5 years and as soon as practicable after the Tasmanian Planning Policies (**TPPs**) are made or amended. While it is not a legal requirement that reviews of the SPPs invite public comment, it is good planning practice that they do so.

The review of the SPPs may be undertaken by the Minister (or the Minister's department) or the Commission. If the review of the SPPs is undertaken by the Commission, it must provide a report to the Minister addressing any issues identified by the Minister. The Minister must consider the Commission's report but is not required to act on any recommendations within it.

A review of the SPPs may identify amendments that could or should be made to the provisions. The following section deals with amendments to the SPPs.

N.B. The SPPs are currently being reviewed for the first time and this process is expected to last two years. To read more about the status of this review and opportunities to have your say, visit the Tasmanian Planning Reform [website](#).

Who can initiate an amendment to the SPPs?

The Minister may prepare terms of reference for a draft amendment to the SPPs and must publish a notice in a Tasmanian newspaper when she or he has done so. The Minister can only prepare terms of reference for a draft amendment to the SPPs, where she or he is satisfied that the proposed amendment complies with certain criteria (these are discussed further below).

Any person or local planning authority (council) may also request the Minister prepare terms of reference for a draft amendment to the SPPs. While the Minister must consider any such requests and may consult with the Commission about them, the Minister is not obliged to initiate the process to make requested amendments. There are no appeal rights associated with the Minister's decision on whether to initiate an amendment process for the SPPs.

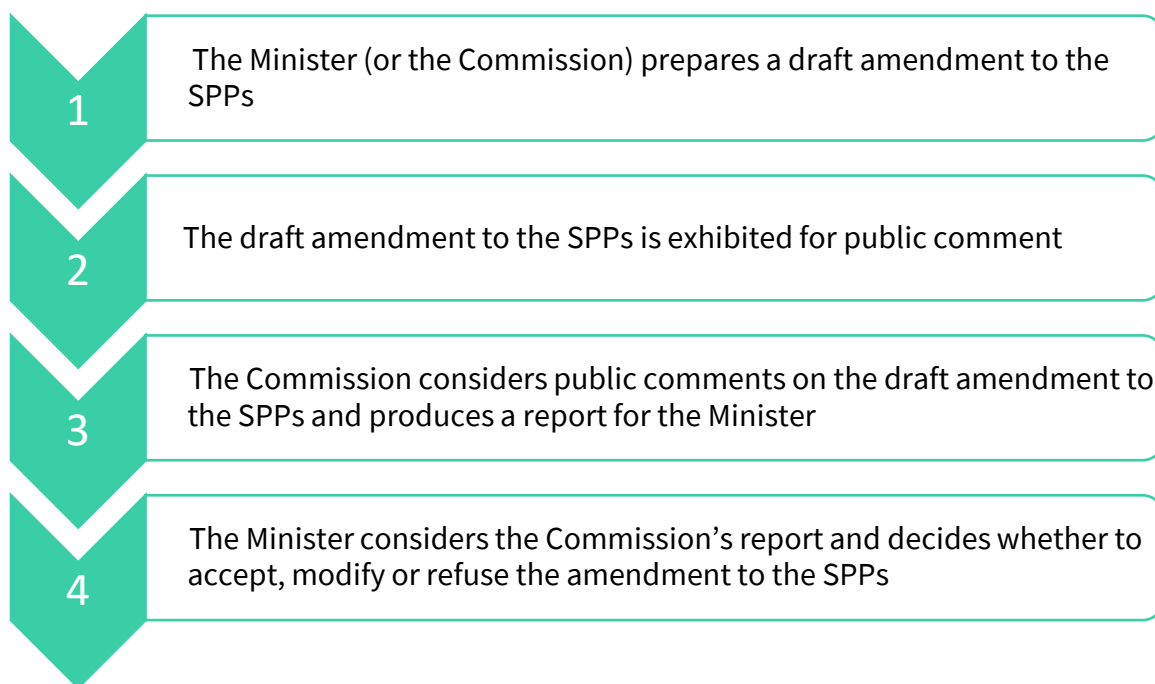
What amendments can be made to the SPPs?

Under the *Land Use Planning and Approvals Act 1993* (**LUPA Act**), any proposed amendments to the SPPs must satisfy the following criteria (referred to as the **SPPs Criteria**):

- SPPs must only contain provisions allowed under [section 14](#) of the LUPA Act;
- SPPs must further the [objectives](#) of the LUPA Act, which includes the Resource Management and Planning System objectives;
- SPPs must be consistent with each [State Policy](#);
- SPPs must be consistent with each [TPP](#) made before the SPPs;
- SPPs must have regard to safety requirements set out in the standards prescribed under the [Gas Safety Act 2019](#).

What is the process for amending SPPs?

Generally, proposed amendments to the SPPs will follow the following process.



Further detail on each of these steps is outlined below.

Step 1: Preparation of a draft amendment

The SPPs may be amended following any review, or at any time, at the Minister's discretion. The Minister may either prepare an amendment or direct the Commission to prepare an amendment to the SPPs following the terms of reference.

Step 2: Exhibition of the proposed amendment for public comment

Subject to exceptions for “minor” amendments discussed below, if the Minister is satisfied that the proposed amendment meets the SPPs Criteria, the Minister may direct the Commission to publish the proposed amendment for public comment for an exhibition period of 42 days.

Step 3: Production of a report for the Minister

After the end of the exhibition period, the Commission will:

- consider the Minister’s terms of reference for the amendment of the SPPs;
- consider representations received from the public during the exhibition period and (at its discretion) outside the exhibition period;
- hold one or more hearings in relation to the representations if it thinks fit;
- consider whether the amendment meets the SPPs Criteria;
- consider any technical issues relating to the implementation of the proposed amendment.

The Commission will then produce a report for the Minister within 90 days after the end of the exhibition period (or a longer period if the Minister allows). The report will include a summary of the representations made about the draft and the Commission’s opinion as the merit of those representations, a summary of information received during hearings, the Commission’s recommendations about the draft amendment, and a statement about whether the Commission is satisfied that the amendments meet the SPPs Criteria.

Step 4: Acceptance, modification or refusal of the proposed amendment

After consideration of the Commission’s report and any other matters, the Minister may:

- make the amendments of the SPPs in the terms of the draft, with or without modifications;
- require the draft to be modified and/or re-exhibited; or
- refuse to make the SPP’s in the terms of the draft.

Any amendment to the SPPs will generally come into effect on the day specified in the notice published in the Tasmanian Government Gazette.

Interim SPPs and “minor” amendments

In some cases, following the receipt of advice from the Commission, the Minister may declare a draft amendment to the SPPs to be an “interim SPP” which takes effect before the Commission has received public representations, held hearings or prepared its final report on the proposed amendments to the Minister. The Minister may only do this where they are satisfied that it is “necessary or desirable” to make the interim SPPs to urgently address issues relating to a natural or environmental hazard, public health, public safety or “a prescribed circumstance or matter” or it is the public interest to do so.

The Minister may also make “minor” amendments to the SPPs without any public consultation. Under the LUPA Act, a “minor” amendment includes correcting a clerical mistake, clarifying or simplifying or removing an inconsistency within the SPPs, bringing the SPP into conformity with a State Policy or planning direction, or any other “prescribed purpose”.

Depending on the reason for the amendment, the Minister may be required to consult about the proposed “minor” amendment with planning authorities (local councils), State Authorities and State Service Agencies that the Minister “thinks fit”.

Visit: The [Tasmanian Planning Commission](#) has published a flowchart breaking down the above steps in a visual form.

Visit: The [Tasmanian Planning Commission](#) website has a list of current assessments and hearings.

Exercising your right to comment on proposed SPP amendments

Unless the proposed amendment to the SPPs is deemed “minor”, the public will have an opportunity to comment on proposed amendments to the SPPs.

The Commission must publish notices concerning the exhibition of proposed SPPs amendments on its website and in a newspaper circulating across lutruwita/Tasmania. This notice should specify:

- the exhibition period (42 days)
- where all the relevant exhibition documents can be viewed by the public at the Commission’s offices and on its website
- the public is invited to make a representation to the Commission concerning the draft amendment during the exhibition period
- how the public can send their representation to the Commission.

All representations on a proposed amendment to the SPPs must be made within the comment period of 42 days.

While there are no strict requirements about what public representations should address, consideration should be given to such issues as whether the proposed amendment meets all the SPP Criteria (discussed above), including the LUPA Act objectives.

Visit: The [Tasmanian Planning Commission](#) website for information about opportunities to comment on its latest assessments.

NB: To receive up-to-date information about important planning assessments the Commission is undertaking, including on any proposed amendments to the SPPs, send an email to tpc@planning.tas.gov.au

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