

# Message from the Mayor



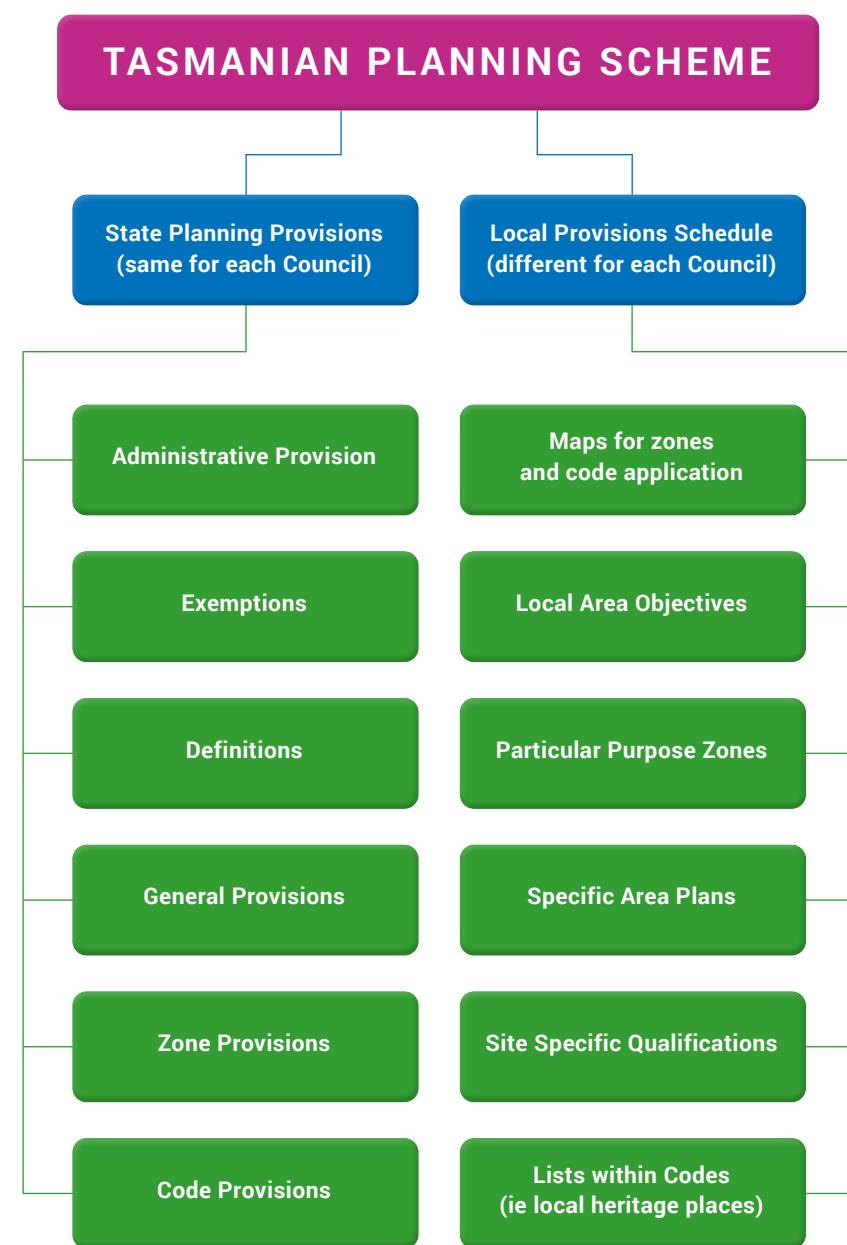
## A new planning scheme – how does it work and how does Council represent me?

A new Tasmanian Planning Scheme is being rolled out across the State.

The new Tasmanian Planning Scheme is made up of two parts:

- State Planning Provisions (SPPs) – provisions the State has drafted
- Local Provisions Schedules (LPSs) – provisions or mapping Council has drafted

The diagram below demonstrates the role of each:



In October, the Tasmanian Planning Commission (TPC) notified Council's planning authority that the Northern Midlands Council Local Provisions Schedules (LPS) would come into effect on 9 November 2022, forming part of our new planning scheme.

Combined with the State Planning Provisions, the LPS sets out the way land is to be used and developed.

Council has used the new LPS to insert provisions that protect our local values, such as larger lot sizes to maintain the country feel of our towns, a specific area plan to protect economic activity in the TRANSLink Industrial Precinct, and additional requirements to protect the heritage values of our towns.

While the Tasmanian Planning Scheme creates a new set of rules and regulations to follow, the general process in which planning applications are lodged and considered has not changed. Nevertheless, the complexity of the planning system can create confusion over what people can and can't do.

The *Land Use Planning and Approvals Act 1993* (the Act) sets out the legal framework for planning schemes to regulate the use, development and protection of land, as well as enforcement of planning control through the issuing of permits and the action to be taken when breaches occur.

Under the Act, council planning authorities are obliged by law to accept valid applications for planning permits and are required to determine applications for planning permits in accordance with the provisions of the relevant planning scheme. In determining applications, Councils must take into consideration all applicable standards and requirements in the planning scheme and any representations received.

If a planning authority refuses or grants a permit, the applicant or representor may appeal against the decision to Tasmanian Civil and Administrative Tribunal (TASCAT). TASCAT will then resolve the appeal and provide a final decision.

## Common questions

To help explain Council's role in the planning process, we've answered some common questions you may have.

### Q: Who gets to decide on planning applications?

**A:** That depends on what category the application falls into – Exempt, Permitted or Discretionary. If the application is exempt, it doesn't need a planning permit. If the application is permitted, it needs a planning permit but can't be refused, so it can be approved under delegation by a Council planner. If the application is discretionary, it will be advertised for public comment (called representations).

- Exempt**  
Doesn't need a planning permit.
- Permitted**  
Needs a planning permit so that conditions can be applied, but can't be refused if all provisions are complied with. Approved under delegation by a Council planner unless called in by Council.
- Discretionary**  
Will be advertised for public comment (called representations). If a representation is received or if the application is recommended for refusal by a Council planner – the application will be decided by Council acting as planning authority at a Council meeting.

If a representation is received or the application is recommended for refusal by a Council planner, the application will be decided by Council, acting as a planning authority at a Council meeting.

### Q: What does it mean for Council to act as a planning authority?

**A:** When Council is acting as a planning authority, they are operating under the *Land Use Planning and Approvals Act 1993* and making decisions on whether the application complies with the provisions of the planning scheme.

If a Council intends to act at a meeting as a planning authority under the Act, the chairperson is to advise the meeting accordingly (as required by Section 25 (1) of the *Local Government (Meeting Procedures) Regulations 2015*).

Council planning authorities are one of three decision-making bodies within the Tasmanian planning system. Other decision makers in the planning process include:

- The Tasmanian Planning Commission (TPC); and
- The Tasmanian Civil and Administrative Tribunal (TASCAT).

The Tasmanian Planning Commission is an independent statutory authority set up to:

- Consider planning scheme amendments.
- Provide advice to government on State planning policies; and
- Issue planning directives on key policy areas such as standards for residential and tourism development and bushfire prone areas.

### Q: Council does a range of works on Council land – do they require a planning permit?

**A:** Council must comply with the planning scheme and lodge a planning application when required, just like the general public. If the application is discretionary, it will be available for public comment during the exhibition period.

### Q: Will my representation only count if it relates to matters in the Planning Scheme?

**A:** While a representation can raise any issue, Councillors in their role as a planning authority can only consider those matters raised that relate to the planning scheme and more specifically, the relevant performance criteria. If you have a concern about a use or development that is not related to the relevant performance criteria of the planning scheme, you can discuss your concerns with the Councillors to consider the issue outside of the planning process, such as during public question and statement time in the general Council meeting.

### Q: Why would Council approve an application that has representations opposing it?

**A:** In some cases, Council as a planning authority may make a decision that is contrary to representations lodged to an application. This is because Council is deciding on whether the application complies with the planning scheme. Under the *Land Use Planning and Approvals Act*, Council planning authorities are required by law to accept a valid application for a planning permit and are required to determine applications for planning permits in accordance with the provisions of the relevant planning scheme and requirements of the *Land Use Planning and Approvals Act*.

### Q: What if I don't like the decision that's been made to an application I lodged a representation to?

**A:** If you lodged a representation to a planning application and the Council decision was not in your favour, you can appeal to the Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal. Details of how to lodge an appeal is available at: [www.tascat.tas.gov.au/resource-and-planning/tribunalprocedures](http://www.tascat.tas.gov.au/resource-and-planning/tribunalprocedures). It is the Tribunal that will decide the outcome of the appeal.

### Q: Does it cost anything to lodge a representation?

**A:** It is free to lodge a representation to Council – simply provide a written representation addressed to the General Manager and email, post or deliver it to Council. A representation MUST be received within the representation period. There is a fee to lodge an appeal to the Tasmanian Civil and Administrative Tribunal.

### Q: My neighbour has built a structure and I wasn't notified. Why not?

**A:** The structure may have been exempt or permitted, in which case the Act does not allow for public notification and Council has no authority to prohibit the development from occurring. If you are concerned that a structure has been built without the relevant approvals, you can contact Council's Planning Department, who will investigate for you.

### Q: I want to construct something, but the planning process feels overwhelming – who can help?

**A:** There are a few options to find the information you need.

1. The enquiry service of the Tasmanian Government's PlanBuild Tasmania allows an address to be entered to see what planning zones and codes apply to a property. A Property Report can be generated which includes maps, details of the planning zone, codes and other information that affect the selected property. Go to: [www.planbuild.tas.gov.au](http://www.planbuild.tas.gov.au) for more information.

2. Council's website has a range of information on the planning process, including forms for lodgement.

3. Council Officers are available for phone and face to face enquiries to discuss building and planning matters at the following times:

- Monday – between 9:00am and 12:00pm
- Wednesday – between 2:00pm and 5:00pm
- Friday – between 9:00am and 12:00pm

Meetings can be arranged otherwise by appointment – call (03) 6397 7303 to book a time.

4. Lodge a planning review – If you have your plans ready but are not sure which category of planning application you require, you can lodge a planning review. Council planners will review your plans against the planning scheme and provide written confirmation that your application is exempt or requires a permit. There is a fee associated with this service, but this fee is deducted from the cost of a planning application if required.

### Q: I don't think the planning scheme adequately deals with climate change – what can Council do about it?

**A:** There is also a growing challenge to protect communities from potential bushfire, flood, and storm damage due to climate change. Council is actively lobbying for greater consideration of climate change in the State Planning Provisions so that Council can consider climate change and the impact of severe weather events such as flooding and increased stormwater flows, when determining applications.

Mary Nowles OAM, Mayor

## Project updates:

### PERTH EARLY EARNING CENTRE

Council is committed to providing high quality education and care for all children and our families with the all-new, purpose-built Perth Early Learning Centre, on schedule to open in early 2023.

The centre will not only provide opportunities for our children and families, it will also create employment opportunities in a variety of full time, part time, and casual positions and Northern Midlands Council is seeking expressions of interest from:

- Qualified Early Childhood Educators who hold a minimum Certificate III in Children's Services and have or will be able to obtain a Tasmanian Working with Vulnerable People Clearance and a First Aid Certificate.
- People aged 18 or over who are wishing to pursue a career in Childcare and would like to undertake a traineeship in Early Childhood Education.

This is an opportunity for us to start a conversation about the opportunities available, and all correspondence and discussions will be treated in the strictest of confidence.

Expressions of Interest should be submitted in the form of an email or letter outlining:

- Your experience in similar roles
- Your current educational qualifications in Children's Services and other related training
- Your availability to commence employment in early 2023
- A brief statement about you and your interest in the role.

A copy of your current resume should be attached to your letter. Expressions of interest should be addressed to the People & Culture Business Partner at [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au), or PO Box 156, Longford TAS 7301.



## FOGO UPDATE

The roll out of FOGO bins will commence in January 2023 with the first collection occurring in the beginning of February 2023. See below for when to expect your bin to be delivered.

Location	FOGO bin delivery	Date of first collection
Cressy	From 9 January 2023	8 February 2023
Devon Hills	From 10 January 2023	17 February 2023
Evandale	From 12 January 2023	17 February 2023
Campbell Town	From 13 January 2023	9 February 2023
Ross	From 10 January 2023	9 February 2023
Conara	From 11 January 2023	14 February 2023
Avoca	From 11 January 2023	14 February 2023
Longford West	From 23 January 2023	15 February 2023
Longford East	From 23 January 2023	16 February 2023
Perth West	From 16 January 2023	13 February 2023
Perth East	From 16 January 2023	10 February 2023

Contact us:

**Street address**  
13 Smith Street, Longford, TAS 7301, Australia

**Postal address**  
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Tel: (03) 6397 7303

Fax: (03) 6397 7331

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[www.northernmidlands.tas.gov.au](http://www.northernmidlands.tas.gov.au)



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