



# Tasmanian Planning Scheme FAQ

## What is the Tasmanian Planning Scheme (TPS)?

The Tasmanian Planning Scheme is a statewide planning system that provides consistent planning rules across Tasmania. It was introduced to simplify and standardise planning processes throughout the state.

[About the Tasmanian planning scheme | Planning in Tasmania \(stateplanning.tas.gov.au\)](#)

## When did the Tasmanian Planning Scheme come into effect in the Huon Valley?

The Tasmanian Planning Scheme came into effect on Wednesday 4 September 2024.

## What are the main components of the Tasmanian Planning Scheme?

The scheme consists of two main parts:

**1. State Planning Provisions (SPPs):** These are uniform statewide planning rules.

[Tasmanian Planning Scheme - State Planning Provisions - effective 26 June 2024](#)

**2. Local Provisions Schedules (LPSs):** These are specific to each municipal area and include zoning and overlay maps.

[Local Provisions Schedules | Department of Justice](#)

## How does the Tasmanian Planning Scheme affect property owners?

The scheme affects how land can be used and developed. It determines what types of developments are allowed in different zones and what permits may be required.

## What are zones in the Tasmanian Planning Scheme?

Zones are areas designated for specific land uses, such as residential, rural, or commercial. Each zone has its own set of planning rules and requirements. There are 23 different zones under the TPS.

## What are codes in the Tasmanian Planning Scheme?

Codes are sets of additional planning requirements that apply to specific types of development or land characteristics, regardless of the zone. Examples include the Bushfire-Prone Areas Code and the Parking and Sustainable Transport Code. There are 16 Codes under the TPS.



### **How can I find out what zone or codes are relevant to my property?**

You can check your property's zoning and applicable codes by using the state government's online mapping tool, [LISTmap](#) or [Enquiry \(planbuild.tas.gov.au\)](#).

[Enquiry \(planbuild.tas.gov.au\)](#)

[LISTmap - Land Information System Tasmania \(thelist.tas.gov.au\)](#)

### **Can I appeal a planning decision?**

Yes, appeals can be made to the Tasmanian Civil and Administrative Tribunal (TASCAT) within 14 days of a decision being made.

[TASCAT - Tasmanian Civil & Administrative Tribunal](#)

### **What is an existing use right?**

An existing use right refers to the legal right to continue using land or buildings for a purpose that was **lawful** before a new planning scheme or amendment came into effect, even if that use would not be permitted under the current planning rules. Key considerations about existing use rights include:

- 1. Continuity:** The use must have been continuous. If the use ceases for a period longer than 2 years, the right may be lost.
- 2. Intensification:** While you can continue the existing use, significantly expanding or intensifying it may require planning approval.
- 3. Alterations:** Minor alterations or repairs to support the existing use are generally allowed, but major changes may need approval.
- 4. Proof:** The onus is on the property owner to prove an existing use right, usually through historical documents, photos, or statutory declarations.
- 5. Transfer:** Existing use rights typically transfer with the property when sold.
- 6. Circumstances:** This can include the reconstruction of destroyed buildings.

[Existing use rights and exemptions | Planning in Tasmania \(stateplanning.tas.gov.au\)](#)

### **Who are the deciding bodies in relation to the Tasmanian Planning Scheme?**

Several bodies play crucial roles in the implementation and administration of the Tasmanian Planning Scheme:

#### **1. Tasmanian Planning Commission (TPC):**

[TPC Website – Tasmanian Planning Commission Website](#)



- An independent statutory body
- Assesses and approves amendments to the Local Provisions Schedules (LPS)
- Reviews and recommends changes to the State Planning Provisions (SPP)
- Conducts hearings on draft planning schemes and amendments on both LPS and SPP

## **2. Minister for Planning:**

- Has overall responsibility for the planning system
- Makes the final decision on State Planning Provisions (SPP)
- Can direct the Tasmanian Planning Commission (TPC) on certain matters

## **3. Local Councils:**

- Prepare Local Provisions Schedules for their municipal areas
- Assess and decide on most use, development and subdivision applications
- Can initiate amendments to their Local Provisions Schedules

## **4. Tasmanian Civil and Administrative Tribunal (TASCAT):**

- Hears appeals lodged by applicants or representors against planning decisions that have been made by Councils
- Reviews decisions on permits for use, development and subdivision as well as amendments to planning schemes

## **5. Department of Justice (State Planning Office):**

- Provides policy advice to the government (State and Local) on planning matters
- Assists in the development and review of State Planning Provisions

## **6. Environment Protection Authority (EPA):**

- Assesses and determines Level 2 activities (activities with potential for environmental harm)
- Provides environmental advice on certain planning matters

It's important to note that while these bodies have distinct roles, they often work together in the planning process.

## **Where can I find more information about the Tasmanian Planning Scheme, State Planning Provisions or the Huon Valley Local Provisions Schedule?**

[TPC Website – Tasmanian Planning Commission Website](#)

[Planning in Tasmania \(stateplanning.tas.gov.au\)](http://stateplanning.tas.gov.au)

[Tasmanian Planning Scheme | PlanBuild Tasmania](#)

[Planning Scheme - Huon Valley Council](#)