

Northern Tasmania Development
12-16 St. John Street, Launceston
Tel 03 6380 6800
Fax 03 6331 9400
northerntasmania.org.au

FUTURE REGIONAL GOVERNANCE PROPOSAL

22 JANUARY 2014

For the Northern Regional Planning Initiative

Background and Current Situation

The Northern Regional Planning Initiative (NRPI) is a joint initiative between the Tasmanian Government, Northern Tasmania Development and the eight northern Councils. Its purpose is to create a more consistent, contemporary planning system. The NRPI was executed as a Memorandum of Understanding (MoU) in June 2008.

TERMS OF REFERENCE

The MoU requires the completion of three project outputs:

1. *Preparation of a comprehensive regional land use strategy for the region*

The Minister declared the Northern Tasmanian Regional Land Use Strategy (NTRLUS) in October 2011. On 16 October 2013 the Minister declared a revised NTRLUS, replacing the previous version.

2. *Preparation of a regional model planning scheme*

The regional model planning scheme (RMPS) was developed between 2010-2012 through negotiation with the eight Councils and the Tasmanian Planning Commission.

3. *Preparation of an individual planning scheme for each Council*

Interim planning schemes have been declared for seven of the eight northern Councils. The eighth interim scheme is expected to be submitted for declaration in early 2014.

REGIONAL PLANNING GOVERNANCE

In accordance with the MoU, the NRPI is governed and funded by the Project Sponsors (the Tasmanian Government, Northern Tasmania Development and the eight northern Councils) who hold overall accountability for the project.

The Project Sponsors appointed a Regional Planning Committee that is responsible for approving and managing work plans, funding and budgets. The Committee also provided direction, guidance and support for the project. The Regional Planning Committee is currently comprised of a nominee of the region's Mayors, the Tasmanian Planning Commission, Northern Tasmania Development, the region's General Managers, and senior managers of the region's Councils.

The MoU also provides for a Project Officer (Northern Tasmania Development) responsible for the day-to-day management of the project, and a Technical Reference Group (comprised of a planning representative from each Council) to provide professional advice. The Project Officer and Technical Reference Group are accountable to the Regional Planning Committee.

CURRENT SITUATION

Upon completion of the third project output (being the declaration of the final interim scheme), the final task in the existing MoU is to resolve and implement an ongoing regional planning governance model. It is estimated that this will occur in early 2014. When the ongoing regional model is approved and implemented by Councils and Government, the governance mechanisms applying to the project will come to an end.

It is clear that there is a need to consider the continuation of regional governance and cooperation. The original project outputs (being the NTRLUS, RMPS and Interim Schemes) will require ongoing maintenance and refinement. There is also a need for continued strategic work such as the completion of the Industrial Land Strategy that is well suited to the existing governance structures set up for the NRPI.

Given the change in project context (i.e. the 'end of the beginning') it is appropriate that the Terms of Reference are reviewed at this milestone. The Terms of Reference also require amendment to reflect the additional work and to allow for the consideration of future work. Currently, the scope of this work and related funding is negotiated between the Minister, the Regional Planning Committee, Northern Tasmania Development and Councils on an annual basis.

Resolving ongoing governance arrangements is timely given that the NRPI now operates in a context whereby a series of relevant strategic projects (e.g. Greater Launceston Plan) are being managed through separate processes. Coordination of these related projects requires active effort and, for example, a process to accommodate the anticipation that these strategic projects will be incorporated into the NTRLUS. The NRPI requires arrangements to facilitate this expectation.

Further impetus for the review of governance arrangements came from the recent C8 Summit for elected members held 25 October 2013. Attendees recognised the need to investigate future scope of regional land use planning as a means of building local and regional planning capacity. This demonstrated interest of elected members as the sum of the local government Project Sponsors validates the need to review current arrangements.

This document suggests some options for the consideration of the elected members of the northern Councils. Feedback on the options and comment on the general direction outlined is sought. The options in this paper are in an early stage of development, and a lot more detail will need to be worked through before any final position can be reached. Ultimately, it is envisaged that a proposal supported by the 8 northern Councils as Project Sponsors will be able to be put to the Minister for consideration.

Proposed regional planning governance

Proposed future arrangements are divided into two stages; an initial continuance of existing functions as at 2013-14 with minor amendments to governance composition and resolution; and an expansion of scope to build regional and local planning capacity.

STAGE 1

A continuance of the existing terms of reference (as outlined in the 2013-14 Work Plan) is proposed for the remainder of 2013-14. Briefly, these include:

- coordination of remaining draft interim schemes for declaration;
- a review of the regional model planning scheme;
- agreement on scope and procedure of review of the NTRLUS;
- completion of the Northern Tasmania Industrial Land Use Strategy (Stage 2);
- commencement of the Northern Tasmania Housing Needs Study;
- a budget session for the subsequent annual work plan;
- stakeholder information and training for the operation of declared interim schemes;
- regional standardisation of planning administration, and;
- participation in the statewide Planning Schemes Online project and Tasmanian Classification System for Activity Centres Project.

It is proposed that Project Sponsors continue to share the resourcing of this work on a negotiated basis, preferably 25-50 per cent of the annual cost provided by the Tasmanian Government.

Regional Planning Committee

On 24 August 2012 and again on 24 May 2013 for 2013-14 Local Government Committee endorsed the continuance of the current Regional Planning Committee for a period of 12 months, or until such time that a revised model is agreed upon.

As two of the eight Councils are not represented on the Regional Planning Committee, it is proposed that the Committee be expanded to include a representation of each Council in the region (1 permanent seat per Council, senior manager level minimum). This will ensure coordination of related work and a mandate to carry out work in the interests of the region. A nominee of the Local Government Committee (being a Mayor) will remain Chair of the Committee. The TPC will remain represented on the Committee (1 permanent seat for Executive Commissioner, or delegate).

All Tasmanian Government agencies and important stakeholders would be able to engage with and attend meetings of the Regional Planning Committee upon invitation from the Committee.

Decision Making

It is acknowledged that an equitable and robust mechanism to make decisions and resolve conflict is pivotal to the success of new governance arrangements. To date, major decisions have been made by the Regional Planning Committee, typically by a vote of 1 per member with majority rule. In the absence of an alternative decision making model being put forward, it is proposed that the Regional Planning Committee retain a majority voting system with 1 vote per member on the basis that it has proved to be an equitable and effective method since the project's inception. The TPC representative would not have a voting right. The Regional Planning Committee has also supported a professional independent adjudicator to resolve technical matters. In developing the RMPS, the Technical Reference Group also made decisions through a vote of 1 per member. The Minister on behalf of the State has had the final say in all circumstances.

Project Support

The Project Manager role as originally specified in the MoU has been split into two components; a Project Coordination role served by NTD (0.5 FTE), and a Planning Coordination role that is outsourced as required. Clarity is required to enable NTD to plan for project delivery capacity and budgeting purposes.

STAGE 2

The scope of proposed arrangements for Stage 2 reflects the opportunities identified in the discussion paper on future governance, engagement and resourcing on regional planning matters that was distributed to Councils on 10 March 2011. These issues were raised by elected members attending the C8 Summit in October 2013.

The rationale and options proposed in the 2011 discussion paper remain valid today. The content of the 2011 discussion paper is replicated below. It is reiterated that these proposals are suggestions in nature and require further detail to reach agreement between Project Sponsors.

Proposed objectives

- Increased local and regional control of significant development issues (principle of subsidiarity)
- Increased certainty for developers and early signals of development opportunities and risks
- Streamlined and consistent planning processes (e.g. common and/ or electronic application forms), increased planning capacity across the region and resource sharing
- Earlier and more informed engagement of key stakeholders and local communities on major planning issues
- Better co-ordination between the state and local councils in the planning and delivery of infrastructure and other state policies
- A simple mechanism for resolving contentious planning issues
- Increased independence from the political process

- Consolidation of regional planning data and knowledge (for example around population settlement issues)

How would it happen?

Through incorporation of the proposal in the regional land use strategy and subsequently by amendment to the Land Use Planning and Approvals Act 1993. Specific issues (such as a development proposal) could be referred to the Governance Group either by the developer, the Council, the local community or the Minister.

A New Governance Model

From a governance perspective what is needed for the next stage for land use policy development is a more structured regional based policy model where the State Government can engage directly and simultaneously with both the Region and the Local Councils on:

1. Early audit of proposed major developments
2. Review and revision of the Regional Land Use Strategy
3. Input and assessment of Projects of State Significance
4. Assessment of Interim Schemes
5. Review and revision of the regional model planning scheme
6. Building regional and local planning capacity
7. Engaging the region on significant regional planning matters
8. State/regional co-ordination of strategic and land use policy development and its implementation

It is proposed that functions 2, 3, 4, and 5 be statutory functions under LUPA (and therefore requiring amendments to LUPA) and that 1, 6, 7, and 8, be advisory functions.

Whilst the focus would be on land use policy this needs to take place in the context of the broader regional development processes now underway through Northern Tasmania Development. Collaborative projects managed by NTD provide the regional context and focus for engagement with the raft of State strategies now under development, especially Economic Development, Infrastructure and Skills. It similarly provides a context for engagement with the Commonwealth and Regional Development Australia.