

TASMANIA

BAN ON CANAL ESTATE DEVELOPMENT BILL 2004

CONTENTS

1. Short Title
2. Commencement
3. Interpretation
4. Act to Bind Crown
5. Land to which this Act applies
6. Canal Estate Development prohibited
7. Development to which this Act does not apply
8. Act to Prevail

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BAN ON CANAL ESTATE DEVELOPMENT BILL 2004

(Brought in by Nicholas James McKim MHA)

A BILL FOR

An Act to prohibit canal estate development as defined in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short Title

1. This Act may be cited as the *Ban on Canal Estate Development Act 2004*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Interpretation

3. In this Act, ***canal estate development*** means development that:
 - (a) incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and
 - (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

Act to bind Crown

4. This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

Land to which this Act applies

5. This Act applies to the whole of the State, including all areas covered by the State Coastal Policy.

Canal estate development prohibited

6. A person must not carry out canal estate development.

Development to which this Act does not apply

7. This Act does not apply to development of any kind, whether or not development consent is necessary in order to enable it to be carried out, that does not change the size or shape of any existing canal.

Act to prevail

8. In the event of any inconsistency between this Act and any other Act commenced before or after the commencement of this Act, this Act prevails to the extent of the inconsistency unless a contrary intention is stated in the subsequent Acts.