

CLAUSE NOTES

Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Bill 2015

Clause 1	Short title of the Bill
Clause 2	Commencement
Clause 3	Principal Act
Clause 4	Inserts and omits certain definitions to support the operation of the Act.
Clause 5	Retains powers in current Act for regional land use strategies, introduces a requirement for the Minister to consult with the Tasmanian Planning Commission (the Commission), planning authorities and the state service agencies and state authorities he or she sees fit before declaring a regional land use strategy, and allows regional land use strategies to incorporate other documents such as local land use strategies and structure plans.
Clause 6	Ensures consistency of language with new structure for the Tasmanian Planning Scheme.
Clause 7	Removes heading.
Clause 8	Updates the functions of the Commission to ensure new instruments and processes are referred to.
Clause 9	Introduces a power for the Commission to issue Guidelines with the Minister's approval to support implementation of the Tasmanian Planning Scheme.
Clause 10	Replaces the current Parts 2A and 3 for the making and amending of planning directives, interim planning directives, planning schemes and interim planning schemes with new Parts 2 and 3 for the making and amending of the Tasmanian Planning Scheme (details below).
10(9)	Provides that the Tasmanian Planning Scheme will consist of State Planning Provisions and Local Provisions Schedules.
10(10)	Provides for how the Tasmanian Planning Scheme will apply in a municipal area (as a combination of the State Planning Provisions and the relevant Local Provisions Schedule or Special Local Provisions Schedule).
10(11)	Sets out the contents of the Tasmanian Planning Scheme – these provisions are similar to provisions contained in section 20 of the Principal Act.
10(12)	Provides that existing uses of land are to be preserved when the Tasmanian Planning Scheme comes into effect in an area – these provisions are similar to provisions contained in section 20 of the Principal Act and have been extended

to clarify that development and use that did not require a planning permit under a scheme that has been superseded will not need a planning permit if a certificate of likely compliance or permit has been issued under the *Building Act 2000*.

- 10(13) Inserts definitions for exhibition notice, exhibition period, exhibition premises, explanatory document and relevant exhibition documents for the making of State Planning Provisions.
- 10(14) Sets out the contents of the State Planning Provisions including that they may set certain requirements in relation to Local Provisions Schedules and that they may contain particular purposes zones, specific area plans and site specific qualifications.
- 10(15) Establishes the State Planning Provisions criteria.
- 10(16) Provides that the Minister may prepare or direct the Commission to prepare explanatory documents to set out in general terms the purpose and terms of the draft State Planning Provisions or a draft amendment to the State Planning Provisions.
- 10(17) Sets out requirements for the Minister when preparing a terms of reference for the preparation of the draft State Planning Provisions, including that the Minister must give notice that terms of reference have been prepared.
- 10(18) Provides that the Minister can prepare the State Planning Provisions and that he or she must consult with the Commission, planning authorities and relevant state agencies during their preparation. [*Note: Where the Minister is to prepare the draft provisions, administratively the work could be done for example by the Department or an Expert Panel*]
- 10(19) Provides that the Minister may direct the Commission to prepare the draft State Planning Provisions in accordance with a terms of reference and that the Commission must consult with planning authorities and relevant state agencies during their preparation.
- 10(20) Provides that the Minister may direct the Commission to modify the draft State Planning Provisions that it has prepared.
- 10(21) Sets out the process for the Minister to approve the draft State Planning Provisions for public exhibition - the Minister must consider whether to approve a draft prepared by him or herself or submitted by the Commission and may inform him or herself in any way he or she sees fit – the Minister must also ensure that the draft meets the SPP criteria.
- 10(22) Sets out the process for the Commission to publicly exhibit the draft State Planning Provisions and invite representations.

- 10(23) Provides that any person or body may make a representation to the Commission within the exhibition period and how the representation is to be made.
- 10(24) Provides that the Commission must consider a range of 'matters', may hold one or more hearings and must report to the Minister within 90 days after the end of the exhibition period or such longer period as the Minister allows on the draft State Planning Provisions.
- 10(25) Sets out the required contents of the Commission's report the Minister on the draft State Planning Provisions including recommendations as to whether the Minister should make the State Planning Provisions as exhibited, make them with modifications or refuse to make them.
- 10(26) Sets out the matters the Minister must consider before making the State Planning Provisions.
- 10(27) Sets out the process for the Minister to make the State Planning Provisions, providing that the Minister may make the provisions in terms of the draft, with modifications, modify and re-exhibit part of the provisions and make the remaining SPPs, or refuse to make the provisions. Where part of the SPPs are to be modified and re-exhibited, the Minister may issue terms of reference and may require the Commission to prepare the modified State Planning Provisions in accordance with these.
- 10(28) Provides that the Minister must give notice in a newspaper of any modifications required to the draft State Planning Provisions and the reasons for the modifications.
- 10(29) Provides that the State Planning Provisions will be made and come into effect as specified in a notice in the *Gazette*. *[Note they will not have effect in any local municipal area until the relevant Local Provisions Schedule is in force]*
- 10(30) Provides that the State Planning Provisions will come into effect in a particular local municipal area by a further notice in the *Gazette*. *[Note this will occur when the relevant Local Provisions Schedule is in force]*
- 10(30A) Inserts definitions for exhibition notice, exhibition period, exhibition premises, explanatory document and relevant exhibition documents for the amending of State Planning Provisions.
- 10(30B) Provides that an amendment to a State Planning Provision may consist of an amendment, substitution, insertion or revocation of one or more provisions.
- 10(30C) Sets out the requirements for the Minister when preparing terms of reference for the preparation of draft amendment of the State Planning Provisions and that a planning authority or any other person may request the Minister to

prepare terms of reference. The Minister may consult with the Commission when a request has been made for an amendment to the State Planning Provisions.

- 10(30D) Provides that the Minister can prepare an amendment to the State Planning Provisions and that he or she must consult with the Commission, planning authorities and relevant state agencies during preparation of the draft. [*Note: Where the Minister is to prepare the draft provisions, administratively the work could be done for example by the Department or an Expert Panel.*]
- 10(30E) Provides that the Minister may direct the Commission to prepare a draft amendment to the State Planning Provisions in accordance with a terms of reference and that the Commission must consult with planning authorities and relevant state agencies during preparation of the draft.
- 10(30F) Provides that the Minister may direct the Commission to modify a draft amendment to the State Planning Provisions that it has prepared.
- 10(30G) Sets out the process for the Minister to approve public exhibition of the draft amendment to the State Planning Provisions - the Minister must consider whether to approve a draft prepared by him or herself or submitted by the Commission and may inform him or herself in any way he or she sees fit – the Minister must also ensure that the draft meets the SPP criteria.
- 10(30H) Sets out circumstances in which public exhibition is not required for an amendment to the State Planning Provisions, including the circumstances that are currently contained in the Principal Act and new circumstances for changes relating to provisions that specify the structure or form of a Local Provisions Schedule or a prescribed purpose.
- 10(30I) Provides that the Minister must publish in the *Gazette* that public exhibition was not required and the reasons that it is not required for a draft amendment to the State Planning Provisions.
- 10(30J) Sets out the required contents of the Commission's report to the Minister on a draft amendment to the State Planning Provisions that is not exhibited.
- 10(30K) Sets out the process for the Commission to publicly exhibit a draft amendment to the State Planning Provisions and invite representations.
- 10(30L) Provides that any person or body may make a representation to the Commission within the exhibition period and how the representation is to be made.
- 10(30M) Provides that the Commission must consider a range of 'matters', may hold one or more hearings and must report to the Minister on the draft amendment to

the State Planning Provisions within 90 days from the end of the exhibition period or such longer period as the Minister allows.

- 10(30N) Sets out the required contents of the Commission's report to the Minister on the draft amendment to the State Planning Provisions including that is to provide recommendations as to whether the Minister should make the amendment to the State Planning Provisions as exhibited, with modifications or refuse to make it.
- 10(30O) Sets out the matters the Minister must consider before amending the State Planning Provisions.
- 10(30P) Sets out the process for the Minister to make an amendment to the State Planning Provisions, providing that the Minister may make the amendment in terms of the draft, with modifications, modify and re-exhibit part of the amendment and make the remainder of the amendment to the SPPs, or refuse to make the provisions. Where part of the amendment to the SPPs is to be modified and re-exhibited, the Minister may issue terms or reference and may require the Commission to prepare the modified amendment in accordance with these.
- 10(30Q) Provides that the Minister must give notice in a newspaper of any modifications required to the draft amendment to the State Planning Provisions and the reasons for the modifications.
- 10(30R) Provides when the amendment to the State Planning Provisions will come into effect by notice in the *Gazette*.
- 10(30S) Provides that the amendment to the State Planning Provisions will come into effect in a particular local municipal area by a further notice in the *Gazette*.
[Note this will allow for any amendment that may be required to the Local Provisions Schedule to be made before the State Planning Provisions come into force]
- 10(30T) Requires the Minister to review the State Planning Provisions or direct the Commission to review the State Planning Provisions at the end of every 5 year period and provides a power for the Minister to direct the Commission to review the provisions generally or in relation to a particular matter at any time.
- 10(31) Inserts definitions for exhibition notice, exhibition period, exhibition premises and relevant exhibition documents for making of Local Provisions Schedules.
- 10(32) Sets out the contents of the Local Provisions Schedules including certain requirements in relation to the State Planning Provisions.
- 10(33) Provides for how inconsistencies between the State Planning Provisions and a Local Provisions Schedule, and within a Local Provisions Schedule are to be

resolved, including specifying the circumstances in which a provision of a Local Provisions Schedule are able to override or modify the State Planning Provisions.

- 10(34) Establishes criteria against which draft Local Provisions Schedules, amendments to Local Provisions Schedules or a special Local Provisions Schedules are to be assessed. *[Note the requirements, apart from the need to be consistent with the requirements for the contents of a Local Provisions Schedule, are broadly consistent with the requirements in the Principal Act for planning schemes]*
- 10(35) Provides that a planning authority may prepare a draft Local Provisions Schedule that meets the LPS criteria or the Minister may direct a planning authority to prepare a draft Local Provisions Schedule and may specify the timeframe for the draft to be provided and requirements for the draft. Provides that the Commission must seek the Minister's approval to issue a notice to the planning authority to exhibit the draft and that the draft can be modified at this stage.
- 10(35A) Provides that if a planning authority fails to provide a draft Local Provisions Schedule to the Commission as directed by the Minister, the Minister may direct the Commission to prepare the draft schedule and may specify the timeframe and requirements for the draft. Provides that the Commission must seek and consider comments from the planning authority on a draft it prepares.
- 10(35B) Provides that the Commission with the Minister's approval can direct a planning authority to undertake public exhibition on a draft Local Provisions Schedule.
- 10(35C & 35D) Sets out the process for a planning authority to exhibit the draft Local Provisions Schedule and invite representations including notifications to state service agencies, adjoining planning authorities and other planning authorities in a region and requires the Commission to make the draft Local Provisions Schedules available for viewing by the public.
- 10(35E) Provides that any person may make a representation to the planning authority within the exhibition period and how the representation is to be made. Provides that representations may be made in relation to certain matters, that a person may not include a representation to the effect that the content of a State Planning Provisions should be altered, and that certain matters are taken not to be representations.
- 10(35F) Provides that a planning authority must provide a report to the Commission on the representations within 60 days or a longer period allowed by the Commission and lists the matters that must be contained in the report.
- 10(35G) Provides that the planning authority can advise the Commission that, as a result of considering representations, it is of the opinion that that the State Planning

Provisions need to be altered and the Commission is to consider the advice and provide its opinion to the Minister.

- 10(35H) Provides that the Commission as soon as practicable after receiving a planning authority's report on the representations must hold a hearing into the representations. Sets out the circumstances in which the Commission is not required to hold a hearing and provides that the Commission may consolidate representations and may hold hearings that relate to more than one draft Local Provisions Schedule.
- 10(35I) Provides that a planning authority may apply to the Commission to withdraw a draft Local Provisions Schedule where a report has not been provided to the Commission and the planning authority proposes to prepare a further draft Local Provisions Schedule or Special Local Provisions Schedule. Also provides the Commission may approve or refuse the application and the requirements for the planning authority to notify if the withdrawal is approved.
- 10(35J) Sets out the matters that the Commission must consider in relation to a draft Local Provisions Schedule including the planning authority's report, the information obtained at hearings, whether modifications should be made to the draft and whether the draft meets the LPS criteria.
- 10(35K) Provides that the Commission may direct a planning authority to modify the draft Local Provisions Schedule, may modify the draft itself and notify the planning authority, or direct the planning authority to resubmit a substitute draft or substantially modified draft and resubmit it to the Commission. Provides that permits can't be issued that would contravene the modified draft Local Provisions Schedule. Also provides that, where a draft Local Provisions Schedule is substituted or substantially modified, it is subject to the same requirements for public exhibition as a draft Local Provisions Schedule.
- 10(35L) Provides that the Commission may approve the draft with the Minister's approval and must do so within 90 days of receiving the planning authority's report in relation to the original or substituted draft Local Provisions Schedule (or a longer period allowed by the Minister). Sets out how the approval must be signed by the Commission.
- 10(35M) Provides that the Commission must notify the planning authority and publish in the *Gazette* notice of the approval of the Local Provisions Schedule, that the planning authority must give a prescribed notice, sets out when the draft Schedule comes into effect and provides that the approval comes into effect despite failure to comply with a timeframe referred to in this part of the Act.
- 10(35N) Provides the purposes of a review of a Local Provisions Schedule or part of a Local Provisions Schedule including whether it effectively sets out policy

objectives; complies with, or is consistent with, the State Planning Provisions; is consistent with the applicable regional land use strategy; satisfactorily applies state policies; and is consistent with and coordinates with the LPS of the adjoining municipal area.

- 10(35O) Provides that a planning authority must conduct a review of its Local Provisions Schedule at the end of 5 years after a it has been in effect unless a new draft schedule has been prepared, and the Minister may direct the planning authority or the Commission to undertake a review of all or part of the Local Provisions Schedule at any other time.
- 10(35P) Provides the process that a planning authority or the Commission must follow to ensure public input into the review of a Local Provisions Schedule and the matters to be considered.
- 10(35Q) Provides for the Commission or a planning authority to prepare a Special Local Provisions Schedule in specific circumstances. [*these provisions are similar to and replace the requirements in the Principal Act for Special Planning Orders*]
- 10(35R) Sets out when a Special Local Provisions Schedule comes into effect, that where there are inconsistencies between a Local Provisions Schedule and a Special Local Provisions Schedule that the provisions of the LPS does not apply to the extent of the inconsistency and provides for the circumstances for a Special Local Provisions Schedule ceasing to operate including by being disallowed by either House of Parliament.
- 10(35S) Provides that the Commission can revoke a Special Local Provisions Schedule, the circumstances in which it may be revoked and how revocation is to be notified.
- 10(35T) Provides that the Commission may assume the responsibilities and obligations of the planning authority if the planning authority fails to comply with the period specified in the provisions of this part of the Act and that the planning authority must pay the costs incurred by the Commission.
- 10(36) Inserts definitions for exhibition notice, exhibition period, exhibition premises and relevant exhibition documents for amendments to Local Provisions Schedules.
- 10(37) Provides that a person may request a planning authority to amend a Local Provisions Schedule, specifies the form of the request and that it is to be signed by the owner or accompanied by the written permission of the owner.
- 10(38) Provides that the planning authority must consider the LPS criteria and decide whether to agree to the amendment and prepare the draft amendment or refuse to prepare the draft amendment, and must give notice to the person who made the request.

- 10(39) Provides that a person can't make a new request for an amendment within 2 years that is substantially the same as a request that the planning authority has decided to refuse unless allowed by the Commission. The Commission can only allow a new request if there has been a change to the State Planning Provisions or relevant regional land use strategy and the Commission is satisfied the change is relevant to the request.
- 10(40) Provides that within 28 days of receiving a request for an amendment to the Local Provisions Schedule the planning authority can require additional information and the clock stops for consideration of the amendment until the information is received. Provides that an application for a planning permit lapses if the additional information is not provided within 5 years of the date that it was requested.
- 10(40A) Provides that an applicant can ask the Commission to review the planning authority's request for additional information, within 14 days of receiving the notice. The Commission must either: direct the planning authority to revoke the request, issue a new notice or determine that the request was appropriate. The clock stops while the Commission is undertaking the review.
- 10(40B) Provides that a person may request the Commission to review a planning authority's decision not to prepare an amendment. The Commission must either direct the planning authority to reconsider whether to prepare the amendment, or determine that the planning authority's decision took into account the relevant matters. The clock stops while the Commission is undertaking its review.
- 10(40C) Provides that the Minister may direct a planning authority to prepare a Local Provisions Schedule to ensure the schedule is: consistent with the State Planning Provisions, consistent with the applicable regional land use strategy, applies a State Policy, in accordance with a Ministerial direction under the Act or, on the advice of the Commission, for any other matter the Minister thinks fit. The draft amendment is to be provided to the Commission by a specified date that is within 42 days of the date of the direction and the Minister must give notice of the direction in a relevant newspaper.
- 10(40D) Provides that a planning authority must prepare a draft amendment to a Local Provisions Schedule within 42 days of making the decision to prepare an amendment that a person has requested or it may prepare an amendment of its own motion.
- 10(40E) Provides that a planning authority may at any time decide to withdraw a draft amendment to a Local Provisions Schedule that either it has prepared of its own motion or, if it has been requested by another person, with the agreement of the person that requested the amendment. Provides that the

planning authority must notify the Commission and give notice of the withdrawal in a relevant newspaper and that the withdrawal comes into effect 7 days after the date of the decision.

- 10(40F) Provides that a planning authority must consider whether a draft amendment to a Local Provisions Schedule meets the LPS criteria prior to certifying the draft amendment and that the planning authority may modify the draft if necessary to meet the requirements. Provides that a copy of the amendment must be given to the Commission within 7 days of certifying.
- 10(40G & 40H) Sets out the process for a planning authority to exhibit a draft amendment to the Local Provisions Schedule and invite representations.
- 10(40I) Sets out the circumstances in which public exhibition is not required for an amendment to the Local Provisions Schedule, including the circumstances that are contained in the Principal Act and new circumstances for changes relating to provisions that specify the structure or form of a Local Provisions Schedule or a prescribed purpose.
- 10(40J) Provides that any person may make a representation on the draft amendment to the Local Provisions Schedule to the planning authority within the exhibition period and how the representation is to be made. Provides that representations may be made in relation to certain matters, that a person may not include a representation to the effect that the content of a State Planning Provisions should be altered. Provides that certain matters are taken not to be representations.
- 10(40K) Provides that a planning authority must provide a report to the Commission on the representations within 35 days of the end of the exhibition period or a longer period allowed by the Commission and lists the matters that must be contained in the report.
- 10(40L) Provides that the Commission as soon as practicable after receiving a planning authority's report on the representations must hold a hearing into the representations. Sets out the circumstances in which the Commission is not required to hold a hearing and provides that the Commission may consolidate representations and may hold hearings that relate to more than one draft Local Provisions Schedule.
- 10(40M) Sets out the matters that the Commission must consider in relation to a draft amendment to a Local Provisions Schedule including the planning authority's report on representations, the information obtained at hearings, whether modifications should be made to the draft amendment and whether the draft amendment meets the LPS criteria.

- 10(40N) Provides that the Commission may direct a planning authority to modify the draft amendment to the Local Provisions Schedule, modify the draft itself and notify the planning authority, reject the draft and direct the planning authority to either resubmit a substitute draft or substantially modify a part of the draft and resubmit it to the Commission, or substantially modify the draft amendment itself and notify the planning authority.
- 10(40O) Provides that a modified amendment is resubmitted to the Commission within 28 days or a longer period allowed by the Commission.
- 10(40P) Provides for process for a substantially modified amendment including certification by the Commission and public exhibition. [*this is consistent with current requirements for substantial alteration of an amendment to a planning scheme*]
- 10(40Q&40R) Provides that the Commission must approve the draft amendment within 90 days of receiving the planning authority's report in relation to the draft amendment to the Local Provisions Schedule or a substituted draft amendment, or a longer period allowed by the Minister if it is satisfied that it meets the LPS criteria, and sets out how the approval must be signed by the Commission.
- 10(40S) Provides that the Commission must notify the planning authority of the approval of the amendment to the Local Provisions Schedule, that the planning authority must give the prescribed notice, sets out when the amendment comes into effect and provides that the approval comes into effect despite failure to comply with a timeframe specified in this part of the Act.
- 10(40T) Provides that a permit can be applied for at the same time as a request for an amendment to the Local Provisions Schedule – a combined permit and amendment application.
- 10(40U) Provides that a planning authority can ask for additional information before it considers an application for a combined amendment and permit. Provides that an application for a planning permit lapses if the additional information is not provided within 5 years of the date that it was requested.
- 10(40V) Provides that an applicant can ask the Commission to review the planning authority's request for additional information. The Commission must either: direct the planning authority to revoke the request, issue a new notice or determine that the request was appropriate. The clock stops while the Commission is undertaking the review.
- 10(40W) Provides that the planning authority may agree or refuse to agree to a request for a combined amendment to a Local Provisions Schedule and permit and sets out the process to be followed.

- 10(40X) Provides that a planning authority may consider the permit application concurrently with an application for an amendment to a Local Provisions Schedule.
- 10(40Y) Provides that the permit must be decided prior to public exhibition and that it must be decided in accordance with specified requirements.
- 10(40Z) Sets out the requirements for exhibition of the draft permit and relevant supporting information.
- 10(41) Provides that any person may make a representation to the planning authority about the permit within the exhibition period and how the representation is to be made. Also provides for representations to be referred to the Environment Protection Authority where relevant.
- 10(42) Provides that a planning authority must provide a report to the Commission on the representations in relation to the permit at the same time it provides its report on the draft amendment and lists the matters that must be contained in the report.
- 10(42A) Sets out the matters that the Commission must consider in relation to a permit.
- 10(42B) Provides that, at the same time as making a decision on the draft amendment, the Commission may confirm the decision of the planning authority on the permit, modify the permit, refuse it or grant a permit if the planning authority had refused one and that the Commission must give notice of its decision to various parties.
- 10(42C) Establishes when the permit takes effect and that it is possible to extend the life of the permit for up to a total of 6 years.
- 10(42D) Allows for the Commission or planning authority to correct minor mistakes in a permit issued as a result of a combined permit and amendment process.
- 10(43) Allows for minor amendments to a permit and sets out the process including that the Commission, Environment Protection Authority or Heritage Council are to be notified if relevant.
- 10(44) Provides that the Commission may assume the responsibilities and obligations of the planning authority if the planning authority fails to comply with a period specified in the provisions of this part and that the planning authority must pay the costs incurred by the Commission. Provides that failure to comply with a provision within a timeframe specified in the Part does not invalidate an amendment of a Local Provisions Schedule.
- 10(45) Allows the Commission to designate the planning authority to have jurisdiction over a planning scheme where there are changes to municipal areas.

- 11-12 Removes references to special planning orders in sections 48 and 48A of the Principal Act because these are no longer required.
- 13 Repeals section 49 of the Principal Act which previously ensured that planning schemes and special planning orders are not inconsistent with the sections of the Principal Act covering notification or publication of an application for planning approval or appeal rights because these are no longer required.
- 14 Amendment reflecting new cross reference due to renumbering as a result of amendments to the Act.
- 15 Removes references to special planning orders in section 51 of the Principal Act because these are no longer required and makes a number of related changes to reflect the new language and structure of the Tasmanian Planning Scheme.
- 16 Removes references to special planning orders in section 52 of the Principal Act because these are no longer required and ensures that production licenses are included in the relevant subsections to correct an error where these have been unintentionally omitted in the Principal Act.
- 17 Amends section 54 of the Principal Act to provide that an application for a planning permit lapses if additional information is not provided within 5 years of the date that it was requested.
- 18 Removes references to special planning orders in section 57 of the Principal Act because these are no longer required.
- 19 Removes a reference to special planning orders in section 57 of the Principal Act because this is no longer required. Amends section 58 of the Principal Act to provide that the new period within which a planning authority must grant a permit in relation to a permitted use or development is 21 days, to replace the current 28-day period. However, where a submission is sought from the relevant regulated entity under the *Water and Sewerage Industry Act 2008* the clock stops during the time that the submission is sought and received.
- 20 Amends section 58A of the Principal Act to reflect new cross reference due to renumbering as a result of the amendments.
- 21-25 Removes references to special planning orders, interim orders, interim planning schemes and planning schemes made under section 30N in section 60C, 60N, 60T, 60X and 60Y of the Principal Act because these are no longer required.
- 26 Amendment to section 61 of the Principal Act reflecting new cross references due to renumbering resulting from the amendments.

- 27 Amends section 62 of the Principal Act to provide that, for approvals given on appeal where a subsequent provision has changed, the use is 'lawfully established' for the purpose of the existing use rights provisions of the Act.
- 28-29 Removes references to special planning orders in section 63 and 63A of the Principal Act because these are no longer required.
- 30 Removes redundant cross reference from section 65B of the Principal Act.
- 31-41 Removes references to special planning orders, inserts references to State Planning Provisions and Local Provisions Schedules, and reflects new cross references due to renumbering from the amendments in sections 65D, 65E, 66, 67, 69, 71, 72, 73A, 74, 77 and 80 of the Principal Act.
- 42 Provides for the electronic planning instruments in section 80K of the Principal Act to include the Tasmanian Planning Scheme, planning schemes as defined in the Act and historical planning instruments, such as dispensations, that were in effect prior to this amendment Act commencing. Also provides for savings provisions to reflect interim orders, planning schemes and special planning orders made under the Principal Act prior to commencement of these amendments.
- 43 Provides for the Tasmanian Planning Scheme to be included in provisions related to authorised electronic versions of planning instruments in section 80M of the Principal Act.
- 44 Provides for the draft State Planning Provisions, draft amendments to the State Planning Provision, draft Local Provisions Schedules and a draft amendment to the Local Provisions Schedules to be included in provisions related to electronic issue of documents, e.t.c. in section 80Q of the Principal Act.
- 45 Removes references to special planning orders in section 81A of the Principal Act because these are no longer required.
- 46 Provides that draft SPPs, the SPPs, a draft amendment of the SPPs, an amendment of the SPPs, a draft of and LPS, and LPS, a draft amendment of the LPS and an amendment of the LPS and various notices are not a statutory rule for the purposes of the *Rules Publication Act 1953*, to remove any doubt.
- 47 Removes a reference to special planning orders in section 83 of the Principal Act because this is no longer required.
- 48 Replaces reference to a planning scheme with a Local Provisions Schedule in section 85 of the Principal Act.
- 49-50 Inserts a new section 87C for savings and transitional matters arising under the Amendment Act that are included in new schedule 6 to the Principal Act.

- 50(1) Inserts certain definitions to support the operation of the savings and transitional provisions.
- 50(2) Provides for saving of regional land use strategies and regional areas declared prior to the commencement of the amendments to the Act.
- 50(3) Provides for saving of planning directives, interim planning directives, planning purposes notices, planning schemes in force prior to the commencement of the Tasmanian Planning Scheme Amendment Act as well as the allowing for amendments to these instruments until Local Provisions Schedules are in effect.
- 50(4) Provides for saving of requests for certain amendments for zoning changes in a planning scheme made prior to a Local Provisions Schedules coming into effect.
- 50(5) Provides for saving of requests for amendments to alter to the contents of particular purpose zones and specific area plans and amendments to establish new specific area plans initiated prior to a Local Provisions Schedules coming into effect.
- 50(6) Provides for saving of certain amendments made prior to the Local Provisions Schedule coming into effect and provides that these be treated as amendments to a Local Provisions Schedule.
- 50(7) Provides that requests for amendments to a planning scheme that have been made before a Local Provisions Schedule comes into effect will lapse unless they are a type of amendment that has been specified as being saved.
- 50(8) Provides that a Local Provisions Schedule must contain the particular purpose zones, specific area plans and site specific qualifications that were in effect in a planning scheme prior to the Local Provisions Schedule being drafted and that these may be amended if required, unless the Minister, after consulting with the Commission, declares that they must not be included. Also provides that the significant social, economic or environment benefit or unique spatial application tests only apply to amendments to those particular purposes zones, specific area plans or site specific qualifications.
- 50(9) Provides that applications for permits made under the Principal Act, but not determined before a Local Provisions Schedule comes into effect, can be withdrawn at any time.
- 50(10) Provides for saving of appeal rights for minor amendments to permits made as part of a combined permit and planning scheme amendment process.
- 51-54 Consequential amendments to the *Environmental Management and Pollution Control Act 1994* to ensure that permits combined with a planning scheme amendment process continue to be referred to, and assessed by, the

Environment Protection Authority in the same manner as under the existing *Environmental Management and Pollution Control Act 1994*.

- 55-56 Consequential amendments to the *Historic Cultural Heritage Act 1995* to ensure that permits combined with a planning scheme amendment process continue to be assessed in the same manner as under the existing *Historic Cultural Heritage Act 1995*.
- 57-58 Consequential amendments to the *Tasmanian Planning Commission Act 1997* to update provisions in respect of which delegation and directions are restricted to reflect new cross references due to renumbering from the amendments.
- 59-64 Consequential amendments to the *Water and Sewerage Industry Act 2008* to ensure that draft amendments to planning schemes, draft amendments to Local Provisions Schedules, and permits combined with a planning scheme amendment process continue to be referred to the relevant regulated entity (currently TasWater) in the same manner as under the existing *Water and Sewerage Industry Act 2008*.
- 65 Provides that the Amendment Act is repealed 365 days after the day on which all the provisions of the Act commence.