

FACT SHEET

Land Use Planning and Approvals Amendment (Transitional Provisions) Bill 2017

The *Land Use Planning and Approvals Amendment (Transitional Provisions) Bill 2017* (the Amendment Bill) amends Schedule 6 of the *Land Use Planning and Approvals Act 1993* (the Act), which relate to the savings and transitional provisions.

The Government's planning reform agenda includes the establishment of the Tasmanian Planning Scheme, which has two key elements:

- the Statewide Planning Provisions (SPPs), which were made on 22 February 2017; and
- local councils' Local Provision Schedules (LPS) which apply the SPPs at the municipal level. These are currently being prepared by councils.

Transitional arrangements introduced into the Act by the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015*, which commenced on 15 December 2015, require some existing local planning instruments to automatically be brought across to the new Planning Scheme if they were in place at that time. This is limited to specific area plans, particular purpose zones and site specific qualifications.

However, the need for further amendments has emerged through the consideration of a range of matters around the preparation of the LPS and the desirability to provide for a broader coverage of matters that must be included in the draft Schedules.

The amendments provide for:

- automatic transitioning of any urgent amendments made to provisions after the commencement date; also the optional transitioning of specific area plans, particular purpose zones and site specific qualifications approved after the commencement date and deemed to be consistent with the SPPs and LPS requirements;
- the extension of the transitional provisions to the lists and overlays associated with Codes in planning schemes (for example heritage lists), where a matching code is available in the SPPs, except where the Minister deems them inappropriate for that transitioning;
- the modification of any other amendments to planning schemes which are in process at the time of the LPS coming into effect, so that they fit the Schedules terminology, numbering and structure; and finally
- the same capacity to modify the other provisions already transitioned so that they work as intended originally.

The amendments will ensure that transitional arrangements operate effectively and as intended and provide for the continued protection and management of special places already approved in current planning schemes where these are consistent with the new Tasmanian Planning Scheme legislation.