

FACT SHEET

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

The Bill makes a number of amendments to the *Land Use Planning and Approvals Act 1993* to provide for the establishment of a Tasmanian Planning Scheme.

Principally, the Bill replaces Parts 2A and 3 of the *Land Use Planning and Approvals Act 1993* with new Parts for the making and amending of State Planning Provisions and Local Provisions Schedules, which together will form the Tasmanian Planning Scheme.

The Bill amends the *Land Use Planning and Approvals Act 1993* by:

- Establishing the structure for the Tasmanian Planning Scheme, to consist of the State Planning Provisions and a Local Provisions Schedules for each municipal area;
- Repealing the current provisions for the making, amending and review of planning schemes, including interim planning schemes, and the making, amending and revoking of planning directives, including interim planning directives;
- Including a requirement for the Minister to consult with the Commission, planning authorities and the state agencies and state authorities that he or she sees fit, before declaring a regional land use strategy and allowing these strategies to adopt local documents prepared by a planning authority;
- Introducing a power for the Commission, with the Minister's approval, to issue Guidelines to support planning authorities in preparing and amending the Local Provisions Schedules and implementing the Tasmanian Planning Scheme;
- Providing for the making and amending of the State Planning Provisions, and their review;
- Providing for the making and amending of the Local Provisions Schedules, and their review;
- Allowing the Commission to give leave to a person to make a similar request for an amendment to a planning scheme where there has been a change to the State Planning Provisions or a regional land use strategy that the Commission is satisfied may be relevant;
- Providing that the Commission may direct a planning authority to revoke a notice or issue its own notice when it is requested to review a decision of a planning authority to request additional information for assessment of an amendment to a Local Provisions Schedule, and providing that if the additional information is not provided within 5 years of the request, the request lapses;
- Providing that if the additional information requested be a planning authority as part of the process of an application for a planning permit is not provided within 5 years of the request, the request lapses;

- Extending the ability for a planning authority to correct a mistake in a permit it has granted, to the Commission where the Commission has granted the permit as part of a combined permit and amendment process;
- Reducing the timeframe for assessment of permitted use and development applications from 28 to 21 days and introducing a 'stop clock' mechanism so this period does not run where there is a referral to TasWater;
- Providing transitional arrangements for planning schemes and other matters to ensure the current planning schemes can continue to operate effectively until the Tasmanian Planning Scheme comes into force in each municipal area;
- Providing clearer transitional provisions for existing use rights where no permit was required under the previous scheme, to address an issue identified with the transitional provisions of the Principal Act;
- Providing transitional arrangements for certain matters when the Tasmanian Planning Scheme comes into force in each municipal area, including for certain types of local variations, amendments, appeals and permits; and
- Making consequential amendments to a number of other Acts to ensure that referrals and other references to LUPAA remain current and reflect the new structure and section references in this Bill, for the Tasmanian Planning Scheme.

The Bill makes a number of other amendments to the Act to support the above changes, such as introducing new definitions to the Act and amending the terms in other sections of the Act to reflect the new structure and language for the Tasmanian Planning Scheme.