

CLAUSE NOTES

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

- Clause 1 The short title of the Bill
- Clause 2 Provides for the Act to be commenced upon receiving Royal Assent.
- Clause 3 Identifies the Principal Act as the *Land Use Planning and Approvals Act 1993*
- Clause 4 **Amends Schedule 6 of the Principal Act**
Inserts provisions into Clause 8(1) of Schedule 6 to provide for the automatic transitioning of any urgent amendments made to planning schemes since the commencement of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015*, but distinguishes those from other amendments that are covered under clause 8A.
- 8A Provides for the Minister to exercise discretion to allow for transitioning of any specific area plans, particular purpose zones, or site specific qualifications amended or introduced into planning schemes since the commencement of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act*.
- 8B Provides for the Tasmanian Planning Commission (the Commission) to alter or modify amendments to planning schemes that are transitioned across in accordance with the existing Act (clauses 4(2)(b) and 5(2)(c)) so that they reflect the terminology, numbering or structure used in the State Planning Provisions (SPPs) or the Local Provision Schedules (LPSs), or to achieve the intended effect by the relevant amendment.

Also provides for the Commission to direct the planning authority to make the alterations to a draft amendment.
- 8C Provides for the Commission to alter or modify amendments to specific area plans, particular purpose zones, and site specific qualifications that were in planning schemes at the commencement date, in accordance with the existing transitional arrangements in the Act. This will ensure that these provisions operate appropriately in the new LPS.
- 8D Provides for the transitional arrangements to also include maps, overlays, lists, or other provisions that apply certain codes in planning schemes at the time of commencement of the *Land Use Planning and Approvals Amendment*

(Tasmanian Planning Scheme) Act, unless the Minister declares that the transition should not apply.

Provides for the Commission to alter or modify those maps, overlays, lists, or other provisions to ensure they operate appropriately in the LPS.

Clause 5

Provides that the Amendment Act is repealed 365 days after the day on which all the provisions of the Act commence.