

TASMANIA

**GROWING THE TASMANIAN ECONOMY (PLANNING REFORM)
BILL 2011**

CONTENTS

1. Short title
2. Commencement
3. Objective of Act
4. Interpretation
5. Statewide Single Dwelling Residential Planning Code
6. Intention of Parliament
7. Crown to be bound
8. Regulations
9. Administration of Act

GROWING THE TASMANIAN ECONOMY (PLANNING REFORM)
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(Brought in by Elise Nicole Archer MP)

A BILL FOR

An Act to provide for a Statewide Single Dwelling Residential Planning Code in the year 2012.

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:

1. Short title

This Act may be cited as the *Growing the Tasmanian Economy (Planning Reform) Act 2011*.

2. Commencement

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

3. Objective of Act

The objective of this Act is to establish a single uniform residential planning code for the planning and approval of single dwelling residential structures in Tasmania, to provide for deadlines for approval of applications for such structures, and to provide that approved structures are built to satisfactory standard and are sited in accordance with environmental, planning and other considerations.

4. Interpretation

In this Act, unless the contrary intention, appears –

“Commission” has the same meaning as in the *Tasmanian Planning Commission Act 1997*.

“Statewide Single Dwelling Residential Planning Code” shall be taken as the relevant planning requirements for ‘single dwellings’ where specified as ‘permitted (no permit required) P1’, and ‘permitted (permit required) P’ under any planning schemes approved under *the Land Use Planning and Approvals Act 1993*

5. Statewide Single Dwelling Residential Planning Code

(1) The Minister is authorised by this Act, and notwithstanding anything in any other Act, to direct the Commission to establish a Statewide Single Dwelling Residential Planning Code by a date specified by the Minister by notice in the Gazette.

(2) The Commission shall consult with local government and any other relevant entity involved in the planning or approval of structures in the preparation of the Statewide Single Dwelling Residential Planning Code.

(3) This Act will apply to any and all planning schemes in place prior to the commencement date and to all planning schemes endorsed after the commencement of this Act.

(4) The date specified by the Minister in subsection (1) may not be later than 31 December 2011.

6. Intention of Parliament

It is the intention of the Parliament that all agencies of the Crown, local government and any other entities and organisations in the State concerned with planning and approval of residential structures shall take notice of the objective of this Act and shall co-operate to achieve a Statewide Single Dwelling Residential Planning Code by the date specified under section 5(4).

7. Crown to be bound

- (a) This Act binds the Crown in right of Tasmania and, in so far as the Legislative power of Parliament permits, the Crown in all its other capacities.
- (b) Nothing in this Act renders the Crown liable to be prosecuted for an offence.

8. Regulations

- (a) The Governor may make regulations for the purposes of this Act.
- (b) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

9. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Planning; and
- (b) the agency responsible to that Minister in relation to the administration of this Act is the Tasmanian Planning Commission.