

# LAND USE PLANNING AND APPROVALS AMENDMENT BILL (No. 2) 2012

## FACT SHEET

- The purpose of the Bill is to address a need for transitional arrangements under the *Land Use Planning and Approvals Act 1993* (the Act) to address some land use issues which will arise following the declaration of interim planning schemes.
- The amendments further the Government's commitment to statewide and regional planning reforms, including reviewing planning-related legislation.
- These amendments are to allow development applications for permits lodged (but not yet determined by the relevant council) under a planning scheme to be assessed under that planning scheme's provisions, notwithstanding that it has been replaced by an interim planning scheme.
- The Property Council of Australia (Tasmania) initially proposed the amendments to address a need for transitional arrangements under the Act to address some land use issues which will arise following implementation of interim planning schemes.
- Whilst it was the clear intention of Parliament, at the time, to postpone the right of representation until after the interim planning schemes came into effect, there is merit in providing surety for development applications submitted under an old planning scheme, but which has now been replaced by an interim scheme.
- The amendments will mitigate the disruption and uncertainty to the developers with current development applications, already been submitted under current planning schemes. The amendments would also acknowledge the often long lead time, effort and money that proponents invest in finalising a development proposal.
- The amendments are to be confined to the interim planning scheme process, even though similar circumstances exist in the traditional planning scheme assessment process. (The reason for not providing the same relief under the traditional process is that proponents have a long lead time to lodge development applications under the existing scheme, before the 'exposed' new planning scheme comes into effect.)
- It is recommended that these amendments are in place by Christmas (2012), but to meet such a timeframe, would require defaulting on the government's agreement with the Local Government Association of Tasmania (LGAT) to consult with local councils for five weeks on matters that have an impact on its operations, resources and jurisdiction.
- However, LGAT has agreed to reduce the normal five week consultation period to two weeks, in the interests of the broader public benefit.

- Both LGAT and the Property Council support the immediate progression of the proposed amendments, and it is expected that developers with current development applications spanning the old planning scheme and the new interim planning scheme will also support them.