

TASMANIA

**LAND USE PLANNING AND APPROVALS (STONY
RISE DEVELOPMENT APPROVAL) BILL 2024**

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LAND USE PLANNING AND APPROVALS (STONY RISE DEVELOPMENT APPROVAL) BILL 2024

(Brought in by the Minister for Housing, Planning and Consumer Affairs, the Honourable Felix Ashton Ellis)

A BILL FOR

An Act to approve the development at Stony Rise in Devonport and to ensure that the *Land Use Planning and Approvals Act 1993* applies to the development so approved

Be it enacted by Her 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 *Land Use Planning and Approvals (Stony Rise Development Approval) Act 2024*.

2. Commencement

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

3. Interpretation

(1) In this Act –

certified draft amendment means the draft amendment of the LPS as –

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- (a) provided in respect of the request made under LUPA to the relevant planning authority and numbered AM2022.02; and
- (b) certified by the relevant planning authority, in respect of the relevant development, under section 40F of LUPA on 24 October 2022; and
- (c) amended as proposed by the relevant planning authority under section 40K of LUPA on 23 January 2023 and submitted to the Commission on that date;

LPS amendment area means all the areas of land within the following certificates of title, within the meaning of the *Land Titles Act 1980*:

- (a) 159930/2, 159930/3 and 159930/100;
- (b) 165883/0;
- (c) 167737/15, 167737/103 and 167737/104;
- (d) 173536/16, 173536/17 and 173536/105;
- (e) 184908/101, 184908/102 and 184908/104;

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(f) 20325/6;

LUPA means the *Land Use Planning and Approvals Act 1993*;

permit area means all the areas of land at the following addresses:

(a) 5 Friend Street, Stony Rise, Devonport;

(b) 1 and 2 Gadsby Street, Stony Rise, Devonport;

(c) 88, 90-102 Stony Rise Road, Stony Rise, Devonport;

relevant planning authority means the planning authority for the municipal area of Devonport.

(2) Unless the contrary intention appears, a word or expression used in LUPA has the same meaning in this Act as it has in that Act.

4. Application of LUPA to Stony Rise Development

(1) The amendment to the LPS relating to the LPS amendment area, as specified in the request –

(a) made to the relevant planning authority under section 37 of LUPA; and

(b) numbered AM2022.02 –

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is taken to be approved under section 40Q(1) of LUPA in the terms of the certified draft amendment and signed in accordance with section 40R(1) of LUPA.

- (2) For the purposes of section 40S of LUPA, the amendment to the LPS, taken to have been approved under subsection (1), takes effect 21 days after the day on which this Act receives the Royal Assent.
- (3) On the day on which the amendment to the LPS, taken to have been approved under subsection (1), takes effect, the Commission is to ensure that the LPS relating to the LPS amendment area is amended accordingly.
- (4) The permit relating to the permit area, as specified in the application –
 - (a) made to the relevant planning authority under section 40T of LUPA; and
 - (b) numbered PA2022.0092 –

is taken to have been granted under section 42B(1) of LUPA.

- (5) The permit, taken to have been granted under subsection (4), is taken to be granted under that subsection –
 - (a) on the same terms and conditions as apply to the copy of the draft permit –

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- (i) attached to the certified draft amendment; and
 - (ii) subsequently amended as proposed by the relevant planning authority under section 40K of LUPA on 23 January 2023 and submitted to the Commission on that date; and
 - (b) subject to such additional conditions as determined by the relevant planning authority within 21 days after the day on which this Act receives the Royal Assent.
- (6) Despite section 42C(1) of LUPA, the permit, taken to have been granted under subsection (4), takes effect on whichever is the latest of the following days:
- (a) 21 days after the day on which this Act receives the Royal Assent;
 - (b) the day specified in the permit as the commencement date;
 - (c) if any other approvals under LUPA or another Act are required for the proposed use or development to which the permit relates – the day on which all of those approvals have been obtained;
 - (d) if under the permit an agreement under Part 5 of LUPA is required to be entered

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into – the day on which the agreement is
executed in accordance with that Part.

- (7) The relevant planning authority must give notice, in writing, of details relating to the amendment taken to be approved under subsection (1), and the permit taken to have been granted under subsection (4), to –
- (a) the Commission; and
 - (b) the person who made the request for the amendment; and
 - (c) the person who applied for the permit; and
 - (d) each person or body who or that made a representation in relation to the permit.
- (8) For the avoidance of doubt, except as specified in this section –
- (a) LUPA applies to the amendment of the LPS taken to be approved under subsection (1), and the permit taken to have been granted under subsection (4), as if the amendment were approved, and the permit were granted, by the Commission under the relevant provisions of LUPA; and
 - (b) nothing in this section prevents the amendment of the LPS taken to be approved under subsection (1), or the permit taken to have been granted under

subsection (4), from subsequently being amended, varied, modified, extended or revoked in accordance with LUPA.

5. 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 Housing, Planning and Consumer Affairs; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of State Growth.