



**LOCAL GOVERNMENT AMENDMENT (DEVELOPMENT
AND BUILDING) AMENDMENT ACT 1986**

No. 73 of 1986

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AN ACT to amend the Local Government Amendment (Development and Building) Act 1985 and for related purposes.

[Royal Assent 3 October 1986]

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—This Act may be cited as the *Local Government Amendment (Development and Building) Amendment Act 1986*. Short title.

2—This Act shall commence on the day on which it receives the Royal assent. Commencement.

Interpretation.

3—In this Act—

“ development ” has the same meaning as in section 733A of the *Local Government Act 1962* as in force on the day on which this Act receives the Royal assent;

“ the 1962 Act ” means the *Local Government Act 1962* as in force on 9th March 1986;

“ the 1985 Act ” means the *Local Government Amendment (Development and Building) Act 1985*.

Amendment of section 39 of Act No. 91 of 1985 (Transitional).

4—(1) Section 39 of the 1985 Act is amended by omitting from paragraph (b) of subsection (6) “ during ” and substituting “ until the expiration of ”.

(2) The amendment made by subsection (1) shall be deemed to have had effect on and from 10th March 1986.

Revival of certain appeals.

5—(1) Subject to subsection (2), where—

(a) on or after 10th March 1986, an appeal was instituted against an exercise by a municipality of the powers set forth in section 734 (4) of the 1962 Act (including an exercise of those powers by virtue of section 39 (6) (a) of the 1985 Act); and

(b) before the commencement of this Act—

(i) a Planning Appeal Board determined the appeal to be incompetent on the ground that, under section 39 (6) (b) of the 1985 Act as originally enacted, no such right of appeal existed during the period of 6 months that commenced on 10th March 1986; or

(ii) notice was given to the appellant by the clerk to the Commissioner for Town and Country Planning to the effect that, on the ground referred to in subparagraph (i), the appeal would not be heard by a Planning Appeal Board,

the appeal shall, as soon as practicable after the commencement of this Act, be heard and determined as if section 39 (6) (b) of the 1985 Act as amended by this Act had appeared in the 1985 Act as originally enacted.

(2) Nothing in subsection (1) shall be taken to authorize the hearing and determination of an appeal if the person directly affected by the exercise of power to which that appeal relates—

- (a) is not the person by whom the appeal was instituted; and
- (b) has, during the period that commenced on the date of the making of the determination referred to in subsection (1) (b) (i) or the giving of the notice referred to in subsection (1) (b) (ii), as the case requires, and ended at 6 p.m. on 24th July 1986, substantially commenced any development authorized by that exercise of power.

