



LOCAL GOVERNMENT (PLANNING SCHEMES)

No. 116 of 1976

ANALYSIS

1. Short title and citation.
2. Suspension of planning schemes pending alteration.
3. Planning control during suspension of planning scheme.

AN ACT to amend the Local Government Act 1962.

[15 December 1976]

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—(1) This Act may be cited as the *Local Government (Planning Schemes) Act 1976*. Short title and citation.

(2) The *Local Government Act 1962*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section 732 of the Principal Act the following section is inserted:—

Suspension of
planning
schemes
pending
alteration.

“ 732A—(1) Where on the application of the corporation of a municipality the Commissioner is satisfied that any of the provisions of a planning scheme relating to any part of the municipality are unsatisfactory and require to be altered, he may direct that the operation of the scheme, or the operation of the scheme so far as it relates to that part of the municipality, be suspended until the scheme is altered under section 732.

“(2) Where the Commissioner gives a direction under subsection (1) he may, in the direction, specify a period at the expiration of which the suspension is to cease to have effect if the scheme is not sooner altered as mentioned in that subsection, and, on the application of the corporation of the municipality, the Commissioner may, from time to time, extend that period if he is satisfied that it is proper in the circumstances to do so.

“(3) Where a planning scheme is suspended under this section it shall, during the period of its suspension, be deemed to be of no effect, except that the like proceedings may be taken, with the like effect, for the making and bringing into effect of an alteration of, or addition to, the scheme, or a further scheme in substitution for the scheme, as if the scheme had remained of full force and effect.

“(4) Any decision made by the Commissioner under this section shall be given effect to by an order of the Commissioner which shall be deemed to be a statutory rule within the meaning of the *Rules Publication Act 1953*.”.

Planning
control
during
suspension of
planning
scheme.

3 Section 734 of the Principal Act is amended—

(a) by inserting after subsection (1) the following subsection:—

“(1A) Where the operation of a planning scheme is suspended under section 732A the municipality shall, for the purposes of this section, be deemed to be under an obligation to prepare a planning scheme for the part of the municipality to which the suspension relates, and, in a case in which this subsection applies, references in this section to the area to be subject to the scheme shall be construed as references to the part of the municipality to which the suspension relates.”; and

- (b) by inserting in subsection (5) (a) (ii), after the word “scheme”, the words “or an alteration of a planning scheme”.

