



TASMANIA

**LAND USE PLANNING AND APPROVALS
AMENDMENT ACT 1995**

No. 6 of 1995

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**LAND USE PLANNING AND APPROVALS
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AN ACT to amend the *Land Use Planning and Approvals Act 1993*

[Royal Assent 23 May 1995]

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:—

Short title

1—This Act may be cited as the *Land Use Planning and Approvals Amendment Act 1995*.

Commencement

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

Principal Act

3—In this Act, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

Section 12 amended (Hearings)

4—Section 12 (1) of the Principal Act is amended by inserting “, 28C” after “section 27”.

Sections 28A, 28B, 28C, 28D, 28E and 28F inserted

5—After section 28 of the Principal Act, the following sections are inserted:—

Application for withdrawal of draft planning scheme

28A—(1) A planning authority may apply to the Panel to withdraw a draft planning scheme.

(2) An application may only be made if—

- (a) a report under section 26 (2) has not been forwarded to the Panel; and
- (b) the planning authority proposes to prepare a further draft planning scheme for an area the same as, or greater than, the area to which the scheme to be withdrawn relates; and
- (c) the planning authority has complied with section 28B.

(3) An application is to—

- (a) be in writing; and
- (b) attach a statement outlining the proposed replacement draft planning scheme; and

* No. 70 of 1993. Amended by No. 68 of 1994.

- (c) attach a copy of any representation made under section 28B; and
- (d) state the planning authority's opinion as to the merit of the representation.

Notice of intention to withdraw draft planning scheme

28B—(1) Before making an application under section 28A, the planning authority, by notice in a daily newspaper circulating generally in the area, must notify its intention to withdraw a draft planning scheme.

- (2) A notice is to—
 - (a) advise that any person may make representations to the planning authority relating to its intention to withdraw a draft planning scheme within 28 days after the date on which the notice was advertised; and
 - (b) specify the places at which, and the hours during which, any person may make representations; and
 - (c) specify the place at which any person may examine the draft planning scheme which the planning authority intends to withdraw; and
 - (d) specify why the draft planning scheme is to be withdrawn.

Approval of withdrawal of draft planning scheme

28C—(1) The Panel must consider an application made under section 28A and any representation made in connection with that application.

(2) In considering any representation, the Panel may hold a hearing under Division 2 of Part 2.

(3) The Panel, after considering an application and any representation and with the Minister's approval, may—

- (a) approve the withdrawal of a draft planning scheme; or
- (b) refuse to approve the withdrawal.

Conditions of withdrawal of draft planning scheme

28D—(1) An approval to withdraw a draft planning scheme is subject to any condition the Panel specifies.

(2) The Panel, with the Minister's approval, may revoke an approval if the planning authority fails to comply with any condition specified by the Panel.

Notification of withdrawal of draft planning scheme

28E—(1) The Panel is to notify the planning authority of—

- (a) its approval of the withdrawal of a draft planning scheme; or
- (b) its refusal to approve the withdrawal.

(2) The planning authority, by notice published in a daily newspaper circulating generally in the area, must notify—

- (a) that the draft planning scheme is withdrawn; and
- (b) the date on which the withdrawal takes effect.

Date of withdrawal of draft planning scheme

28F—The withdrawal of a draft planning scheme comes into effect—

- (a) 7 days after the date on which the Panel approved the withdrawal; or
- (b) if the withdrawn planning scheme is in operation as an interim order, on the date on which the draft planning scheme prepared under section 28A comes into operation as a planning scheme or an interim order.

Section 29 amended (Final approval of draft planning schemes)

6—Section 29 of the Principal Act is amended by inserting the following subsection after subsection (3):—

(4) If a date is not specified under subsection (3) (b), the planning scheme comes into operation 7 days after the date on which the Panel gives its final approval.

Section 42 amended (Final approval of draft amendments)

7—Section 42 of the Principal Act is amended by inserting the following subsection after subsection (3):—

(4) If a date is not specified under subsection (3) (b), the amendment comes into operation 7 days after the date on which the Panel gives its final approval.

Operation date of certain draft planning schemes and amendments

8—(1) A draft planning scheme which, before the commencement of this Act, was given final approval by the Panel under section 29 of the Principal Act without a specified date of operation is taken to have come into operation on the date of that final approval.

(2) A draft amendment which, before the commencement of this Act, was given final approval by the Panel under section 42 of the Principal Act without a specified date of operation is taken to have come into operation on the date of that final approval.

*[Second reading presentation speech made in:—
House of Assembly on 6 April 1995
Legislative Council on 12 April 1995]*

