TASMANIA

LAND USE PLANNING AND APPROVALS AMENDMENT BILL 2005

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LAND USE PLANNING AND APPROVALS
AMENDMENT BILL 2005

(Brought in by the Minister for Environment and Planning, the Honourable Judith Louise Jackson)

A BILL FOR

An Act to amend the Land Use Planning and Approvals Act 1993

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. Short title

This Act may be cited as the Land Use Planning and Approvals Amendment Act 2005.

2. Commencement

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

3. Principal Act

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

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*No. 70 of 1993
4. **Section 20 amended (What can a planning scheme provide for?)**

Section 20 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (3):

(3A) Subject to subsections (4) and (6), nothing in a planning scheme is to prevent the reconstruction of a building, or restoration of works, destroyed or damaged, which was or were integral and subservient to a lawfully established existing use that does not conform to the scheme if –

(a) the destruction or damage was not caused intentionally by the owner of that building or those works; and

(b) the building or works was or were lawfully established before the coming into operation of the scheme.

(b) by omitting from subsection (4) “Subsection (3) does” and substituting “Subsections (3) and (3A) do”;

(c) by omitting from subsection (6) “Subsection (3) does” and substituting “Subsections (3) and (3A) do”.