

TASMANIA

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**LAND USE PLANNING AND APPROVALS  
AMENDMENT BILL (No. 2) 2012**

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**LAND USE PLANNING AND APPROVALS  
AMENDMENT BILL (No. 2) 2012**

*(Brought in by the Minister for Planning, the Honourable  
Bryan Alexander Green)*

**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 (No. 2) 2012*.

**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 30F amended (Declaration of interim planning scheme)**

Section 30F of the Principal Act is amended by omitting subsection (6).

**5. Section 30FA inserted**

After section 30F of the Principal Act, the following section is inserted in Division 1A:

**30FA. Permit applications not resolved before interim planning scheme in operation**

- (1) Despite any other provision of this Act, on and from the day on which an interim planning scheme comes into operation, an application, for a permit in relation to land to which the scheme relates, that –
  - (a) is made before that day; and
  - (b) is an application to which a request under section 43A relates; and
  - (c) is not determined by the planning authority before that day; and
  - (d) is not an application in relation to which, before that day, a decision to grant a permit is deemed under section 59(1) to have been made –

ceases to have effect.

- (2) On and from the day on which an interim planning scheme comes into operation, subsection (3) applies to, and in relation to, an application, for a permit in relation to land to which the scheme relates, that –
- (a) is, before that day, made in accordance with this Act, valid under section 86 and a valid application within the meaning of section 51(1AC); and
  - (b) is not an application to which a request under section 43A relates; and
  - (c) is not determined by the planning authority before that day; and
  - (d) is not an application in relation to which, before that day, a decision to grant a permit is deemed under section 59(1) to have been made.
- (3) Despite any other provision of this Act or an interim planning scheme, on and from the day on which an interim planning scheme comes into operation in relation to land to which an application, to which this subsection applies, relates –
- (a) a planning scheme, or special planning order, as in force in relation to the land immediately before that day (*the former scheme or former order*),

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continues to apply in relation to the application; and

- (b) any decision of the planning authority in relation to the application is to be made in accordance with the provisions of the former scheme or former order; and
- (c) this Act applies in relation to the application; and
- (d) the Appeal Tribunal must determine any appeal in relation to the application or a permit granted, or not granted, in relation to the application –

as if the former scheme or former order continued in operation, and the interim planning scheme did not apply, in relation to the land.

- (4) If a permit is granted, or a decision to grant a permit is deemed under section 59(1) to have been made, in relation to an application to which subsection (3) applies, a use or development, authorised under the permit, that takes place on the land to which the permit relates is to be taken, from the day on which the permit takes effect under this Act until the permit lapses or expires, if at all, to be lawfully established before the interim planning

scheme that applies in relation to the land came into operation.

- (5) Nothing in this section is to be taken to apply to an application that is determined by a planning authority, or is an application in relation to which a decision to grant a permit is deemed under section 59(1) to have been made, before the day on which this section comes into operation.

## **6. Repeal of Act**

This Act is repealed on the three hundredth and sixty fifth day from the day on which it commences.