

TASMANIA

**LAND USE PLANNING AND APPROVALS
AMENDMENT BILL 2005**

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**LAND USE PLANNING AND APPROVALS
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*(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.

*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”.