

LAND USE PLANNING AND APPROVALS AMENDMENT (HISTORIC CULTURAL HERITAGE) BILL 2012

FACT SHEET

The Bill includes a few relatively minor changes to the *Land Use Planning and Approvals Act 1993* as a result of amendments to the *Historic Cultural Heritage Act 1995* (the Heritage Act).

The principal change is to amend the timeframe by which a planning authority must make a determination for a discretionary planning permit under s57 of the *Land Use Planning and Approvals Act 1993* (Planning Act).

Currently, a decision must be made within 42 days unless there is an agreed extension of time between the applicant and the planning authority.

Under amendments being made to the Heritage Act, the Heritage Council will be able to seek an extra 14 calendar days (10 working days) to assess complex discretionary permit applications.

This Bill amends s57 of the Planning Act to reflect this ability.

The amendment reflects that:

- If the Heritage Council has not required extra time to consider a discretionary permit application under the Heritage Act, the 42 day timeframe for determining a discretionary application under s57 of the Planning Act stands, unless the applicant has agreed to an extension of time with the planning authority.
- If the Heritage Council has determined the need for an extra 14 calendar days (10 working days) to consider a discretionary permit application under the *Historic Cultural Heritage Act 1995*, the 42 day timeframe for determining a discretionary application under s57 of the Planning Act is extended to 56 days or, if there is a further agreed extension of time between the applicant and the planning authority, by that day.

The remaining amendments are of a minor nature to reflect this principal amendment.