

TASMANIA

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**VALIDATION (STATE COASTAL POLICY) BILL  
2024**

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# **VALIDATION (STATE COASTAL POLICY) BILL 2024**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*  
10 September 2024

*(Brought in by the Premier, the Honourable Jeremy Page  
Rockliff)*

## **A BILL FOR**

### **An Act to validate certain actions taken under or in pursuance of the State Coastal Policy 1996**

Be it enacted by Her 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 *Validation (State Coastal Policy) Act 2024*.

#### **2. Commencement**

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

#### **3. Interpretation**

In this Act –

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***development*** has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

***LUPA permit*** means a permit, within the meaning of the *Land Use Planning and Approvals Act 1993*, that is issued under that Act in respect of development on an actively mobile landform;

***Outcome 1.4.1*** means Outcome 1.4.1 of the State Coastal Policy 1996 as in force during the validation period;

***Outcome 1.4.2*** means Outcome 1.4.2 of the State Coastal Policy 1996 as in force during the validation period;

***State Coastal Policy 1996*** means the policy of that name prepared and made under Part 2 of the *State Policies and Projects Act 1993*;

***validation period*** means the period commencing on 16 April 2003 and expiring on the commencement of this Act.

**4. Validation of certain actions**

- (1) Development on an actively mobile landform is taken to be consistent with, and to have always been consistent with, Outcome 1.4.1 if a LUPA permit was issued, or purportedly issued, for that development during the validation period.

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- (2) Outcome 1.4.2 does not apply, and is taken to have never applied, in respect of development on an actively mobile landform or an application made in respect of such development, if a LUPA permit was issued, or purportedly issued, for that development during the validation period.
- (3) For the avoidance of doubt, a LUPA permit issued, or purportedly issued, in good faith by a council during the validation period is not invalid by reason only that the issuing, or purported issuing, of that LUPA permit was contrary to Outcome 1.4.2.
- (4) Any act or thing done or omitted or required to be done or omitted in pursuance of, in reliance on, or arising from, the issuing, or purported issuing, of a LUPA permit during the validation period is taken to have been validly done or omitted or required to have been done or omitted.
- (5) For the avoidance of doubt, any act, or omission or requirement, validated under subsection (4) is only validated to the extent that the act, omission or requirement would otherwise have been invalidated due to the following:
  - (a) development on an actively mobile landform that was not consistent with Outcome 1.4.1;
  - (b) the issue, or purported issue, of a LUPA permit in contravention of Outcome 1.4.2.

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**5. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Premier; and
- (b) the department responsible to the Premier in relation to the administration of this Act is the Department of Premier and Cabinet.