

TASMANIA

**LAND USE PLANNING AND APPROVALS
AMENDMENT BILL 2003**

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LAND USE PLANNING AND APPROVALS AMENDMENT BILL 2003

*(Brought in by the Minister for Primary Industries, Water
and Environment, 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:

Short title

1. This Act may be cited as the *Land Use Planning and
Approvals Amendment Act 2003*.

Commencement

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

Principal Act

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

*No. 70 of 1993

Section 43I amended (When does a permit referred to in section 43H take effect?)

4. Section 43I of the Principal Act is amended by omitting subsection (4) and substituting the following subsections:

(4) If the use or development in respect of which a permit was granted is not substantially commenced, the permit lapses –

- (a) after a period of 2 years from the date on which the permit was granted; or
- (b) if the planning authority has granted an extension under subsection (4A), after a further period of 2 years.

(4A) If the use or development in respect of which a permit was granted is not, or is unlikely to be, substantially commenced before the permit would otherwise lapse under subsection (4)(a), the planning authority may grant (once only) an extension of the period during which that use or development must be substantially commenced.

Validation of extension of certain permits

5. (1) A permit, in respect of which the Commission has taken action under section 43H(1)(a), (b)(ii) or (c) of the Principal Act, which a planning authority has purported to extend on or after 1 January 1998 is taken to have been validly extended.

(2) Any act or thing done or omitted or required to be done or omitted in pursuance of, or in reliance on or arising from, the purported extension of a permit referred to in subsection (1) on or after 1 January 1998 is taken to

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*Land Use Planning and Approvals
Amendment*

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have been validly done or omitted or required to have been done or omitted.