

TASMANIA

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

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

*(Brought in by the Minister for Environment, Parks and
Heritage, the Honourable Brian Neal Wightman)*

A BILL FOR

An Act to amend the *Land Use Planning and Approvals Act 1993* consequent on the enactment of the *Historic Cultural Heritage Amendment Act 2012*

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 (Historic Cultural Heritage) Act 2012*.

2. Commencement

This Act commences on the day on which the *Historic Cultural Heritage Amendment Act 2012* commences.

THIS BILL IS COGNATE WITH THE *HISTORIC CULTURAL HERITAGE AMENDMENT BILL 2012*

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3. Principal Act

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

4. Section 54 amended (Additional information)

Section 54 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “period” and substituting “relevant period”;
- (b) by omitting from subsection (2) “, whichever is applicable,”;
- (c) by omitting from subsection (2A)(b) “the authority” and substituting “the planning authority”;
- (d) by omitting from subsection (2A) “period” first occurring and substituting “relevant period”.

5. Section 57 amended (Applications for discretionary permits)

Section 57 of the Principal Act is amended as follows:

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- (a) by omitting paragraph (b) from subsection (6) and substituting the following paragraph:

(b) not later than –

- (i) in a case where the Heritage Council has not, under section 39(3) of the *Historic Cultural Heritage Act 1995*, required extra time to consider the application, on the expiration of the period of 42 days from the day on which the planning authority received the application or such further period as is agreed, in writing, by the planning authority and the applicant before the expiration of that 42-day period; or

- (ii) in a case where the Heritage Council has, under section 39(3) of the *Historic Cultural Heritage Act 1995*, required extra time to consider the application, on the expiration of the period of 56 days from the day on which the

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planning authority
received the application
or such further period as
is agreed, in writing, by
the planning authority and
the applicant before the
expiration of that 56-day
period.

- (b) by omitting from subsection (6A)
“subsection (6)(b)” and substituting
“subsection (6)(b)(i) or (ii)”.

6. Section 58 amended (Application for other permits)

Section 58(2) of the Principal Act is amended as follows:

- (a) by inserting “planning” after “on which
the”;
- (b) by inserting “planning” after “by the”.

**7. Section 59 amended (Failure to determine an
application for a permit)**

Section 59 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “section
57(6)(b)” and substituting
“section 57(6)(b)(i) or (ii)”;
- (b) by inserting in subsection (2) “planning”
after “Tribunal, the”;

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- (c) by omitting from subsection (2) “section 57(6)(b)” and substituting “section 57(6)(b)(i) or (ii)”;
- (d) by inserting the following paragraph after paragraph (a) in subsection (2):
 - (ab) if the Heritage Council has notified the planning authority under section 36(3)(b) of the *Historic Cultural Heritage Act 1995* that it wishes to be involved in the determination of the application, on the Heritage Council; and
- (e) by omitting from subsection (3) “section 57(6)(b)” and substituting “section 57(6)(b)(i) or (ii)”;
- (f) by inserting in subsection (3A) “and, if the Heritage Council by reason of section 45(5) of the *Historic Cultural Heritage Act 1995* is joined as a respondent to the application, the Heritage Council” after “authority”;
- (g) by omitting from subsection (4)(c) “applies,” and substituting “applies or is taken to apply,”.

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8. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which this Act commences.