

TASMANIA

**LAND USE PLANNING AND APPROVALS
AMENDMENT (VALIDATION) BILL 2009**

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**LAND USE PLANNING AND APPROVALS
AMENDMENT (VALIDATION) BILL 2009**

*(Brought in by the Minister for Planning, the Honourable
David Edward Llewellyn)*

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 (Validation) Act 2009*.

2. Commencement

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

*Land Use Planning and Approvals Amendment (Validation) Act
2009
Act No. of*

s. 3

3. Principal Act

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

4. Section 53 amended (When does a permit take effect?)

Section 53 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

- (5) If the use or development in respect of which a permit was granted is not substantially commenced, the permit lapses –
- (a) at the end of a period of 2 years from –
 - (i) the date on which the permit was granted; or
 - (ii) if an appeal has been instituted against the planning authority's decision to grant the permit, the date of the determination or abandonment of the appeal; or

*No. 70 of 1993

- (b) if the planning authority has granted an extension under subsection (5A), at the end of a further period of 2 years from the end of the relevant period referred to in paragraph (a).

5. Section 82A inserted

After section 82 of the Principal Act, the following section is inserted in Part 6:

82A. Validation

- (1) In this section –

“extension” means the extension purportedly granted under section 53(5A) by the Dorset council on 16 August 2006, in respect of the permit;

“permit” means the permit granted on 21 December 2004 by the Dorset council for the development of a wind farm at Musselroe.

- (2) The extension is taken to be valid and effectual and to have always been valid and effectual.
- (3) The permit is taken to be valid and effectual and to have always been valid and effectual.