

TASMANIA

**LAND USE PLANNING AND APPROVALS
REGULATIONS 2024**

STATUTORY RULES 2024, No. 101

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LAND USE PLANNING AND APPROVALS REGULATIONS 2024

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Land Use Planning and Approvals Act 1993*.

Dated 19 December 2024.

B. BAKER
Governor

By Her Excellency's Command,

FELIX ELLIS
Minister for Housing, Planning and Consumer Affairs

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Land Use Planning and Approvals Regulations 2024*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

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Part 1 – Preliminary

3. Interpretation

In these regulations –

Act means the *Land Use Planning and Approvals Act 1993*;

former Act, in relation to a section, means the section as remaining in force by virtue of clause 3 of Schedule 6 to the Act.

PART 2 – NOTICES AND ADVERTISEMENTS

4. Notice of approval of Local Provisions Schedules

- (1) For the purposes of section 35M(2) of the Act, notice of the approval of a Local Provisions Schedule is to be –
 - (a) advertised in a daily newspaper circulating generally in the municipal area to which the Local Provisions Schedule relates; and
 - (b) displayed at the planning authority's office.
- (2) A notice under subregulation (1) –
 - (a) is to specify the date on which the Local Provisions Schedule comes into effect; and
 - (b) may include any other details determined by the planning authority.

5. Advertisement of exhibition of draft amendment, &c.

- (1) In this regulation –

draft amendment means a draft amendment of a planning scheme under section 38(1), or an altered draft amendment under section 41B(1)(b), of the former Act.

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- (2) The exhibition of a draft amendment is to be advertised on at least 2 separate occasions, in a daily newspaper circulating generally in the area covered by the draft amendment, with at least one of those occasions being on a Saturday.
- (3) An advertisement under subregulation (2) is to –
 - (a) specify where and when copies of the draft amendment may be inspected; and
 - (b) describe the content of the draft amendment and the location of the affected area; and
 - (c) specify that representations in relation to the draft amendment may be submitted in accordance with section 39(1) of the former Act; and
 - (d) explain how those representations may be made.
- (4) An advertisement under subregulation (2) may include any other details determined by the planning authority.
- (5) In addition to advertising a draft amendment under subregulation (2), if the draft amendment only relates to an individual parcel of land, the planning authority is to give notice of the exhibition of the draft amendment to –
 - (a) the owner of that parcel of land; and

- (b) the owners and occupiers of land sharing a common boundary with that parcel of land.

6. Notice of approval of draft amendment

- (1) For the purposes of section 42(3)(d) of the former Act, notice of the Commission’s approval is to be –
 - (a) advertised in a daily newspaper circulating generally in the area covered by the draft amendment; and
 - (b) displayed at the planning authority’s office.
- (2) A notice under subregulation (1) is to –
 - (a) specify the content of the planning scheme amendment and the location of the affected area; and
 - (b) specify the date on which the amendment comes into operation.
- (3) A notice under subregulation (1) may include any other details determined by the planning authority.

7. Notice of approval of amendment of Local Provisions Schedule

- (1) For the purposes of section 40S(3) of the Act, notice of the approval of an amendment of an LPS is to be –

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- (a) advertised in a daily newspaper circulating generally in the municipal area to which the LPS relates; and
 - (b) displayed at the planning authority's office.
- (2) A notice under subregulation (1) in relation to an amendment of an LPS is to specify –
- (a) the content of the amendment and, if all or part of the amendment relates only to a part of a municipal area, the location of the land to which the amendment relates; and
 - (b) the date on which the amendment comes into effect.
- (3) A notice under subregulation (1) may include any other details determined by the planning authority.

8. Notice of application for permit

- (1) For the purposes of section 57(3) of the Act, notice by a planning authority of an application for a permit is to be –
- (a) advertised in a daily newspaper circulating generally in the area relevant to the application; and
 - (b) displayed at the planning authority's office; and

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- (c) given to the owners and occupiers of all properties adjoining the land that is the subject of the application; and
 - (d) displayed on the land that is the subject of the application –
 - (i) in a size not less than A4; and
 - (ii) as near as possible to each public boundary.
- (2) Paragraphs (c) and (d) of subregulation (1) are taken to have been complied with if notice has been served in accordance with section 14 of the *Major Infrastructure Development Approvals Act 1999* on each owner of land within a proposed corridor as if the land within the proposed corridor were land that was the subject of an application for a permit referred to in section 57 of the Act.
- (3) A notice under subregulation (1) is to –
- (a) specify the content of the development proposal specified in the application and the location of the affected area; and
 - (b) advise that representations in relation to the application may be made in accordance with section 57(5) of the Act; and
 - (c) explain how those representations may be made.

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- (4) A notice under subregulation (1) may include any other details determined by the planning authority.

9. Notice of modification of planning scheme

- (1) For the purposes of section 14(5) of the former Act, notice by the Commission of the modification of a planning scheme under section 14(2) of the former Act is to be –
- (a) advertised in a daily newspaper circulating generally in the area to which the planning scheme relates; and
 - (b) displayed at the offices of the Commission.
- (2) A notice under subregulation (1) is to specify –
- (a) when and where copies of the modification of the planning scheme may be examined; and
 - (b) the date on which the modification comes into operation.
- (3) A notice under subregulation (1) may include any other details determined by the Commission.

PART 3 – FEES AND AGENCIES

10. Fee for amendment of planning scheme

- (1) The fee for initiating an amendment of a planning scheme under section 34(1) of the former Act, or for preparing a draft amendment of an LPS under section 40D of the Act, is 200 fee units for each amendment or each group of related amendments.
- (2) The fee is payable to the Commission.
- (3) The fee is payable by –
 - (a) the person making a request under section 33 of the former Act, or under section 37(1) of the Act, if the planning authority is initiating or preparing the amendment in response to that request; or
 - (b) in any other case, the planning authority initiating or preparing the amendment.
- (4) If the Commission is of the opinion that paying the fee referred to in subregulation (1) may cause a person financial hardship, the Commission may –
 - (a) exempt the person from liability for the fee; or
 - (b) remit the fee.

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Part 3 – Fees and Agencies

11. Limit on fee for application for permit for change of certain uses related to visitor accommodation

- (1) This regulation applies in relation to –
- (a) an application for a permit in relation to a use, if –
 - (i) the application is made under an interim planning scheme; and
 - (ii) the use is referred to, in the interim planning scheme, as Visitor Accommodation; and
 - (iii) the use is to occur in an existing habitable building; and
 - (iv) the use is to occur on land that is not within the Battery Point Heritage Precinct as shown in the Hobart Interim Planning Scheme 2015; and
 - (v) the use is to occur on land that is designated under the interim planning scheme to be within the General Residential Zone, the Inner Residential Zone, the Low Density Residential Zone, the Rural Living Zone, the Environmental Living Zone or the Village Zone; and
 - (vi) all requirements, of the planning directive entitled Planning Directive No. 6 – Exemption and

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- Standards for Visitor Accommodation in Planning Schemes, that are required to be met before a permit to which section 58 of the Act applies may be granted in relation to the use, have been met in relation to the use; and
- (vii) all requirements, of the interim planning scheme, that are required to be met before a permit to which section 58 of the Act applies may be granted in relation to the use, have been met in relation to the use; and
- (b) an application for a permit in relation to a use, if –
- (i) the application is made under the Sullivans Cove Planning Scheme 1997; and
 - (ii) the use is referred to, in the scheme, as Bed and Breakfast Establishment or as Visitor Accommodation; and
 - (iii) the use is to occur in an existing habitable building; and
 - (iv) the use is to occur on land that is designated under the scheme to be within the Activity Area 1.0 Inner City Residential (Wapping); and

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- (v) all requirements, of the planning directive entitled Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes, that are required to be met before a permit to which section 58 of the Act applies may be granted in relation to the use, have been met in relation to the use; and
 - (vi) all requirements, of the planning scheme, that are required to be met before a permit to which section 58 of the Act applies may be granted in relation to the use, have been met in relation to the use.
- (2) This regulation applies, in relation to an application for a permit in relation to a use in relation to an area of land to which an LPS applies, if –
 - (a) the use is referred to, in the LPS, as Visitor Accommodation; and
 - (b) the area of land is zoned General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Village Zone; and
 - (c) all requirements, of the Tasmanian Planning Scheme, that are required to be met before a permit to which section 58

of the Act applies may be granted in relation to the use, have been met in relation to the use.

- (3) A person is exempt from the liability to pay to a planning authority, and a planning authority is not authorised to collect, so much of an amount, of a fee for an application to which this regulation applies, that is more than \$250.

12. Relevant agencies

- (1) The following are declared to be relevant agencies for the purposes of sections 11(2)(e), 61(5) and 69(1) of the Act:
 - (a) any Agency within the meaning of the *State Service Act 2000*;
 - (b) any Department of the Commonwealth Government;
 - (c) the Marine and Safety Authority established by section 4 of the *Marine and Safety Authority Act 1997*.
- (2) A planning authority is declared to be a relevant agency in respect of a planning scheme (the ***relevant planning scheme***) for the purposes of section 11(2)(e) of the Act if the planning authority administers a planning scheme for an area adjoining the area to which the relevant planning scheme relates.
- (3) The following are declared to be relevant agencies for the purposes of section 40FA(1)(a)

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Part 3 – Fees and Agencies

of the Act and clause 3(3)(a) of Schedule 6 to the Act:

- (a) the Department of State Growth;
- (b) the Department of Natural Resources and Environment Tasmania;
- (c) the Department of Premier and Cabinet;
- (d) the Department of Health;
- (e) the corporation known as TasWater;
- (f) the corporation known as TasNetworks.

PART 4 – FEES FOR MAJOR PROJECTS

13. Interpretation of Part

In this Part –

major project impact statement has the same meaning as in section 60B of the Act;

major project proposal has the same meaning as in section 60B of the Act;

Panel has the same meaning as in section 60B of the Act.

14. Fee for major project proposal

- (1) The fee for the consideration of a major project proposal is 6 000 fee units.
- (2) The fee payable under subregulation (1) is to be paid to the Department within 30 days after the day on which notice is provided to the Minister under section 60C(1) of the Act.

15. Fee for preparation of assessment criteria

- (1) Fees for the preparation by a Panel of draft assessment criteria and the determination of assessment criteria are to be calculated so as to allow for the recovery of the full costs associated with that preparation and determination.
- (2) The fees payable under subregulation (1) are to be paid to the Commission within 30 days, or such later period as the Commission allows, after

the day on which the Minister notifies the Commission of the declaration of a major project under section 60R(1)(g) of the Act.

16. Fee for major project impact statement

- (1) A fee for the preliminary consideration by the Commission of a major project impact statement is to be calculated so as to allow for the recovery of the full costs associated with considering the statement.
- (2) The fee payable under subregulation (1) is to be paid to the Commission within 30 days, or such later period as the Commission allows, after the day on which the major project impact statement is provided to the Panel under section 60ZS(1) of the Act.

17. Fee for final assessment of major project impact statement

- (1) The fee for the final assessment by a Panel of a major project impact statement is to be calculated so as to allow for the recovery of the full costs associated with assessing the statement.
- (2) The fee payable under subregulation (1) is to be paid to the Commission within 30 days, or such later period as the Commission allows, after the last day of hearings held in respect of the major project under section 60ZZE of the Act.

18. Fee for decision to grant or refuse permit

- (1) The fee for the decision to grant, or to refuse to grant, a major project permit is to be calculated so as to allow for the recovery of the full costs associated with making the decision.
- (2) The fee payable under subregulation (1) is to be paid to the Commission within 30 days, or such later period as the Commission allows, after the receipt of final advice in relation to the major project from the regulators under section 60ZZF of the Act.

19. Fee for amendment of major project permit

- (1) The fee for the relevant decision-maker to allow, or to refuse to allow, a minor amendment of a major project permit in accordance with section 60ZZW of the Act is 3 000 fee units.
- (2) The fee for the relevant decision-maker to give, or to refuse to give, permission under section 60ZZZ of the Act in relation to a significant amendment of a major project permit is 4 000 fee units.
- (3) The fee payable under subregulation (1) is to be paid to the Commission within 30 days, or such later period as the Commission allows, after the application for the amendment is made.
- (4) The fee payable under subregulation (2) is to be paid to the Commission within 30 days, or such later period as the Commission allows, after permission is given or refused.

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Part 4 – Fees for Major Projects

20. Refund or waiver of fees

The Commission may refund or waive any or all of a fee payable under this Part.

PART 5 – MISCELLANEOUS

21. Circumstances where interim SPPs amendments may be made

For the purposes of section 30NB(4)(a) of the Act, the implementation or operation of a container refund scheme, as established by section 10 of the *Container Refund Scheme Act 2022*, is a prescribed circumstance.

PART 6 – ENFORCEMENT

22. Infringement offences and penalties

- (1) For the purposes of section 65A of the Act, an offence against a provision, of the Act, that is specified in Column 2 of Schedule 1 is an infringement offence.
- (2) For the purposes of section 65A of the Act, the penalty payable under an infringement notice issued in respect of an infringement offence specified in Column 2 of Schedule 1 is –
 - (a) if the infringement notice is issued to an individual, the penalty specified in Column 3 of Schedule 1 for that offence; and
 - (b) if the infringement notice is issued to a body corporate, the penalty specified in Column 4 of Schedule 1 for that offence.

23. Form of warrant

For the purposes of section 65K(8)(a) of the Act, the form set out in Schedule 2 is prescribed.

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**SCHEDULE 1 – INFRINGEMENT OFFENCES AND
PENALTIES**

Column 1	Column 2	Column 3	Column 4
Item	Infringement offence	Infringement penalty – individual	Infringement penalty – body corporate
		(penalty units)	(penalty units)
1.	Section 57(4A)	2	2
2.	Section 63(3)	15	75
3.	Section 80P(1)	15	15
4.	Section 80P(2)	15	15
5.	Section 80P(3)	15	15

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**SCHEDULE 2 – NOTICE OF EXECUTION OF
WARRANT**

Regulation 23

Land Use Planning and Approvals Act 1993

Section 65K(8)(a)

NOTICE OF EXECUTED WARRANT

To: The occupier or owner of the land situated at

.....
.....

(address of land)

I,, being an authorised
(full name of authorised officer)

officer under section 65I of the *Land Use Planning and Approvals Act 1993*, advise you that I executed a search warrant, issued, in relation to that land, at in Tasmania atam/pm on the day of, 20..... by, and seized and

(full name of magistrate who issued the warrant)

removed, in pursuance of the search warrant, the following objects:

Dated 20.....

.....

Authorised officer

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 24 December 2024.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) provide for the advertisement of certain exhibitions under the *Land Use Planning and Approvals Act 1993*; and
- (b) prescribe the notice requirements for certain exhibitions, approvals and applications under that Act; and
- (c) prescribe certain offences, penalties and fees payable under that Act; and
- (d) are made consequentially on the repeal of the *Land Use Planning and Approvals Regulations 2014* under section 11 of the *Subordinate Legislation Act 1992*.