

I certify that this is a copy of the authorised version of this Statutory Rule as at 22 December 2021, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 22 December 2021.

K Woodward
Deputy Chief Parliamentary Counsel
Dated 1 February 2022

TASMANIA

LAND USE PLANNING AND APPROVALS REGULATIONS 2014

STATUTORY RULES 2014, No. 141

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LAND USE PLANNING AND APPROVALS REGULATIONS 2014

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 16 December 2014.

C. WARNER
Governor

By Her Excellency's Command,

PETER GUTWEIN
Minister for Planning and Local Government

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Land Use Planning and Approvals Regulations 2014*.

2. Commencement

These regulations take effect on
22 December 2014.

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Part 1 – Preliminary

3. Interpretation

In these regulations –

Act means *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.

5. Notice of approval of Local Provisions Schedule

(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.

6.

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

(1) In this regulation –

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Part 2 – Notices and Advertisements

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

- (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 to be 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

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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.

8. 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.

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8A. Notice of approval 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 –
 - (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.

9. 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 –

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-
- (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
 - (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

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accordance with section 57(5) of the Act;
and

(c) explain how those representations may
be made.

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

10. 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) The 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) The notice under subregulation (1) may include
any other details determined by the Commission.

PART 3 – FEES AND AGENCIES

11. Fee for amendment of planning scheme

- (1) The fee for initiating the amendment of a planning scheme under section 34(1) of the former Act, or for preparing an amendment of a planning scheme 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

11A. 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)
 - (v) the use is to occur on land that is designated under the scheme to be within the Activity Area 1.0

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Inner City Residential
(Wapping); and

- (vi) 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
 - (vii) 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.
- (1A) 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

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- (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.
 - (2) 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.

13. 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 under 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

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

- (a) the Department of State Growth;
- (b) the Department of Primary Industries, Parks, Water and Environment;
- (c) the Department of Communities Tasmania;
- (d) the Department of Health;
- (e) the corporation known as TasWater;
- (f) the corporation known as TasNetworks.

PART 4 – FEES FOR MAJOR PROJECTS

14. 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.

15. 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.

16. 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

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Part 4 – Fees for Major Projects

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

17. 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.

18. 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.

19. Fee for decision to grant or refuse permit

- (1) The fee for the decision to grant, or 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.

20. 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(7) 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

20A. Refund or waiver of fees

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

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PART 6 – ENFORCEMENT

21. 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.

22. 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**

Regulation 21			
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 60Q(8)	2	2
3.	Section 63(3)	15	75
4.	Section 80P(1)	15	15
5.	Section 80P(2)	15	15
6.	Section 80P(3)	15	15

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sch. 2

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

Regulation 22
Land Use Planning and Approvals Regulations 2014

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

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 19 December 2014.

These regulations are administered in the Department of Justice.

NOTES

The foregoing text of the *Land Use Planning and Approvals Regulations 2014* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 22 December 2021 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
¹ <i>Land Use Planning and Approvals Regulations 2014</i>	S.R. 2014, No. 141	22.12.2014
<i>Land Use Planning and Approvals Amendment Regulations 2015</i>	S.R. 2015, No. 14	20.4.2015
<i>Land Use Planning and Approvals Amendment Regulations 2017</i>	S.R. 2017, No. 41	5.7.2017
<i>Land Use Planning and Approvals Amendment Regulations 2018</i>	S.R. 2018, No. 52	29.8.2018
<i>Land Use Planning and Approvals Amendment Regulations 2020</i>	S.R. 2020, No. 13	19.2.2020
<i>Land Use Planning and Approvals Amendment Regulations 2021</i>	S.R. 2021, No. 130	22.12.2021

¹Expire 19 December 2024 - Subordinate Legislation Act 1992

TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 3	Amended by S.R. 2020, No. 13
Regulation 4	Rescinded by S.R. 2020, No. 13

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Provision affected	How affected
Regulation 5	Amended by S.R. 2020, No. 13
Regulation 6	Rescinded by S.R. 2020, No. 13
Regulation 7	Amended by S.R. 2020, No. 13
Regulation 8	Amended by S.R. 2020, No. 13
Regulation 8A	Inserted by S.R. 2020, No. 13
Regulation 10	Amended by S.R. 2020, No. 13
Regulation 11	Amended by S.R. 2020, No. 13
Regulation 11A	Inserted by S.R. 2017, No. 41
	Amended by S.R. 2018, No. 52 and S.R. 2020, No. 13
Regulation 12	Rescinded by S.R. 2020, No. 13
Regulation 13	Amended by S.R. 2020, No. 13
Part 4	Substituted by S.R. 2021, No. 130
Regulation 14	Substituted by S.R. 2021, No. 130
Regulation 15	Substituted by S.R. 2021, No. 130
Regulation 16	Substituted by S.R. 2021, No. 130
Regulation 17	Substituted by S.R. 2021, No. 130
Regulation 18	Substituted by S.R. 2021, No. 130
Regulation 19	Substituted by S.R. 2021, No. 130
Regulation 20	Rescinded by S.R. 2020, No. 13
	Substituted by S.R. 2021, No. 130
Regulation 20A	Inserted by S.R. 2021, No. 130
Part 5	Rescinded by S.R. 2020, No. 13
Regulation 21	Inserted by S.R. 2015, No. 14
Regulation 22	Inserted by S.R. 2015, No. 14
Schedule 1	Inserted by S.R. 2015, No. 14
Schedule 2	Inserted by S.R. 2015, No. 14
