

TASMANIA

**LAND USE PLANNING AND APPROVALS
AMENDMENT REGULATIONS 2020**

STATUTORY RULES 2020, No. 13

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**LAND USE PLANNING AND APPROVALS
AMENDMENT REGULATIONS 2020**

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 11 February 2020.

C. WARNER
Governor

By Her Excellency's Command,

R. C. JAENSCH
Minister for Planning

1. Short title

These regulations may be cited as the *Land Use Planning and Approvals Amendment Regulations 2020*.

2. Commencement

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

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3. Principal Regulations

In these regulations, the *Land Use Planning and Approvals Regulations 2014** are referred to as the Principal Regulations.

4. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended as follows:

- (a) by omitting “the *Land Use Planning and Approvals Act 1993*.” from the definition of *Act* and substituting “*Land Use Planning and Approvals Act 1993*.”;
- (b) by inserting the following definition after the definition of *Act*:

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.

5. Regulation 4 rescinded

Regulation 4 of the Principal Regulations is rescinded.

6. Regulation 5 amended (Notice of approval of Local Provisions Schedule)

Regulation 5 of the Principal Regulations is amended as follows:

*S.R. 2014, No. 141

- (a) by omitting from subregulation (1) “section 29(3)(d)” and substituting “section 35M(2)”;
- (b) by omitting from subregulation (1) “Commission’s approval” and substituting “approval of a Local Provisions Schedule”;
- (c) by omitting from subregulation (1)(a) “area covered by the draft planning scheme to which the approval relates” and substituting “municipal area to which the Local Provisions Schedule relates”;
- (d) by omitting paragraph (a) from subregulation (2) and substituting the following paragraph:
 - (a) is to specify the date on which the Local Provisions Schedule comes into effect; and

7. Regulation 6 rescinded

Regulation 6 of the Principal Regulations is rescinded.

8. Regulation 7 amended (Advertisement of exhibition of draft amendment, &c.)

Regulation 7 of the Principal Regulations is amended as follows:

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- (a) by inserting “former” after “the” in the definition of *draft amendment* in subregulation (1);
- (b) by inserting in subregulation (3)(c) “former” after “of the”.

9. Regulation 8 amended (Notice of approval of draft amendment)

Regulation 8(1) of the Principal Regulations is amended by inserting “former” after “section 42(3)(d) of the”.

10. Regulation 8A inserted

After regulation 8 of the Principal Regulations, the following regulation is inserted in Part 2:

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.

11. Regulation 10 amended (Notice of modification of planning scheme)

Regulation 10(1) of the Principal Regulations is amended as follows:

- (a) by inserting “former” after “section 14(5) of the”;
- (b) by inserting “former” after “section 14(2) of the”.

12. Regulation 11 amended (Fee for amendment of planning scheme)

Regulation 11 of the Principal Regulations is amended as follows:

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- (a) by omitting from subregulation (1) “Act” and substituting “former Act, or for preparing an amendment of a planning scheme under section 40D of the Act,”;
- (b) by omitting from subregulation (3)(a) “Act, if the planning authority is initiating the amendment” and substituting “former Act, or under section 37(1) of the Act, if the planning authority is initiating or preparing the amendment”;
- (c) by inserting in subregulation (3)(b) “or preparing” after “initiating”.

13. Regulation 11A amended (Limit on fee for application for permit for change of certain uses related to visitor accommodation)

Regulation 11A of the Principal Regulations is amended by inserting after subregulation (1) the following subregulation:

- (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

- (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.

14. Regulation 12 rescinded

Regulation 12 of the Principal Regulations is rescinded.

15. Regulation 13 amended (Relevant agencies)

Regulation 13 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “sections 20(2)(f), 61(5) and 69(1) of the Act” and substituting “sections 11(2)(e), 61(5) and 69(1) of the Act”;
- (b) by omitting from subregulation (2) “section 20(2)(f)” and substituting “section 11(2)(e)”;
- (c) by inserting the following subregulation after subregulation (2):
 - (3) The following are declared to be relevant agencies for the purposes of section 40FA(1)(a) of the Act

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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.

16. Part 5 rescinded

Part 5 of the Principal Regulations is rescinded.

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

Notified in the *Gazette* on 19 February 2020.

These regulations are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe TasWater, TasNetworks, and various departments of the State Service, for the purposes of the definition of *relevant agencies* in its application to section 40FA(1)(a) of, and clause (3)(3)(a) of Schedule 6 to, the *Land Use Planning and Approvals Act 1993*.