

Land Use Planning and Approvals Regulations 2004

I, the Administrator 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*.

13 December 2004

PETER G. UNDERWOOD

Administrator

By His Excellency's Command,

JUDY JACKSON

Minister for Environment and Planning

PART 1 - Preliminary

1. Short title

These regulations may be cited as the *Land Use Planning and Approvals Regulations 2004*.

2. Commencement

These regulations take effect on 1 January 2005.

3. Interpretation

In these regulations –

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

PART 2 - Notices and Advertisements

4. Advertisement of exhibition of draft planning scheme

(1) For the purposes of section 25(a)(ii) of the Act, the exhibition of the draft planning scheme is to be advertised on at least 2 occasions in a daily newspaper circulating generally in the area covered by the draft planning scheme, with at least one of those advertisements to be on a Saturday.

(2) An advertisement under subregulation (1) is to –

(a) specify where and when copies of the draft planning scheme may be inspected; and

(b) specify that representations in relation to that draft planning scheme may be submitted in accordance with section 26(1) of the Act; and

(c) explain how to make those representations; and

(d) include any other details determined by the planning authority.

5. Notification of approval of draft planning scheme

(1) For the purposes of section 29(3)(d) of the 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 planning scheme; and

(b) displayed at the planning authority's office.

(2) A notice under subregulation (1) is to –

(a) specify the date the planning scheme comes into operation; and

(b) include any other details determined by the planning authority.

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

(1) For the purposes of sections 38(b) and 41B(1)(b) of the Act, the exhibition of a draft amendment is to be advertised on at least 2 occasions in a daily newspaper circulating generally in the area covered by the draft amendment, with at least one of those advertisements to be on a Saturday.

(2) Also, 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 under sections 38(b) and 41B(1)(b) of the Act 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.

(3) An advertisement under subregulation (1) 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 Act; and

(d) explain how to make those representations; and

(e) include any other details determined by the planning authority.

7. Notification of approval of draft amendment

(1) For the purposes of section 42(3)(d) of the 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) describe the content of the planning scheme amendment and the location of the affected area; and
- (b) specify the date the amendment comes into operation; and
- (c) include any other details determined by the planning authority.

8. Notification 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
- (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) Subregulations (1)(c) and (d) are taken to have been complied with if notice has been served under 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) describe the content of the development proposal and the location of the affected area; and
- (b) advise that representations may be made in accordance with section 57(5) of the Act, together with details of where and when representations can be lodged; and
- (c) include any other details determined by the planning authority.

8A. Notice of modification of planning scheme

(1) For the purposes of section 14(5) of the Act, notice by the Commission of the modification of a planning scheme under section 14(2) of the 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 –

- (a) specify when and where copies of the modification of the planning scheme may be examined; and
- (b) specify the date on which the modification comes into operation; and

(c) include any other details determined by the Commission.

PART 3 - Fees and agencies

9. Fee for initiating amendment of planning scheme

(1) The fee for initiating the amendment of a planning scheme under section 34(1) 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) a person making a request under section 33 of the Act, if the planning authority initiates the amendment in response to that request; or

(b) a planning authority, if the planning authority initiates the amendment of its own motion.

(4) If the Commission is of the opinion that paying a fee may cause a person financial hardship, the Commission may –

(a) waive the fee; or

(b) reduce the fee; or

(c) refund the whole or any part of the fee already paid.

9A. Fee for application for dispensation

(1) The fee for an application under section 30P(1) of the Act for dispensation from a local provision of an interim planning scheme is 200 fee units.

(2) The fee is payable to the Commission.

(3) If the Commission is of the opinion that paying a fee may cause a person financial hardship, the Commission may –

(a) waive the fee; or

(b) reduce the fee; or

(c) refund the whole or any part of the fee already paid.

10. Relevant agencies

The following are declared to be relevant agencies for the purposes of sections 20(2)(f), 61(5) and 69(1) of the Act:

(a) any Agency within the meaning of the *State Service Act 2000*;

(b) any departments of the Commonwealth;

(c) the Marine and Safety Authority established under section 4 of the *Marine and Safety Authority Act 1997*;

(d) a planning authority that administers a planning scheme for an area adjoining the area to which a planning scheme referred to in section 20(2) of the Act relates.

PART 4 - Projects of Regional Significance

11. Notice of guidelines

(1) For the purposes of section 60N(9) of the Act, notice of the assessment guidelines for a project is to be given by placing a notice in a newspaper generally circulating in the area in which the project is to take place.

(2) A notice under subregulation (1) –

(a) is to specify where copies of the assessment guidelines may be inspected by members of the public; and

(b) may include any other matters that the Panel thinks fit.

12. Notice of public exhibition of project of regional significance

(1) For the purposes of section 60Q(1) of the Act, notice of the public exhibition of a project of regional significance is to be given by –

(a) placing a notice in a newspaper generally circulating in the area in which the project is to take place; and

(b) displaying, on the land to which the project relates, a notice –

(i) in a size not less than A4; and

(ii) as near as possible to each public boundary.

(2) The notice for the purposes of subregulation (1) in relation to a project is to contain, in addition to the matters it is required to contain by section 60Q(4)(a), (b) and (c) of the Act, the following matters:

(a) the name of the proponent of the project;

(b) a description of the project;

(c) details of the proposed location of the project.

(3) The notice for the purposes of subregulation (1) may also include any other matters that the Panel thinks fit.

13. Public exhibition of assessment guidelines and project impact statement

For the purposes of section 60Q(5) of the Act, the assessment guidelines and project impact statement in relation to a project of regional significance are to be publicly exhibited –

(a) at the offices of the Commission; and

(b) at a website address of the Commission; and

(c) at the office of the planning authorities notified of the project under section 60G(11)(b) of the Act.

14. Notice after public exhibition begins

For the purposes of section 60R(1) of the Act, the manner in which notice is to be given after the public exhibition of the documents in relation to a project begins is to be by notice in writing.

15. Notice of amendment to planning scheme pursuant to special permit being granted

(1) For the purposes of section 60Y(3)(b) of the Act, the notice of the amendment of a planning scheme is to be placed in a newspaper generally circulating in the area to which the planning scheme relates.

(2) The notice for the purposes of subregulation (1) –

(a) is to describe the amendment of a planning scheme to which the notice relates; and

(b) is to describe the area to which the planning scheme relates; and

(c) may contain any other details the Commission thinks fit.

16. Relevant fee for projects of regional significance

(1) For the purposes of section 60I of the Act, the relevant fee in relation to a project that the Panel estimates is likely to cost less than \$20 000 000 to construct is –

(a) the amount equal to 0.2% of that estimated cost; or

(b) \$20 000 –

whichever is the greater amount.

(2) For the purposes of section 60I of the Act, the relevant fee in relation to a project that the Panel estimates is likely to cost \$20 000 000 or more, but less than \$400 000 000, to construct is –

(a) the amount equal to 0.13% of that estimated cost; or

(b) \$40 000 –

whichever is the greater amount.

(3) For the purposes of section 60I of the Act, the relevant fee in relation to a project that the Panel estimates is likely to cost \$400 000 000 or more to construct is –

(a) the amount equal to 0.1% of that estimated cost; or

(b) \$520 000 –

whichever is the greater amount.

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 22 December 2004.

These regulations are administered in the Department of Primary Industries, Water and Environment.

Table Of Amendments

Citation	Serial Number	Date of commencement
Land Use Planning and Approvals Regulations 2004	S.R. 2004, No. 138	1.1.2005
Land Use Planning and Approvals Amendment Regulations 2009	S.R. 2009, No. 155	1.1.2010
Land Use Planning and Approvals Amendment Regulations 2012	S.R. 2012, No. 130	26.12.2012