



**LOCAL GOVERNMENT (SUBDIVISION APPROVAL  
VALIDATION) ACT 1995**

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**No. 26 of 1995**

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**AN ACT to validate certain approvals for plans of subdivisions made under the *Local Government Act 1962***

**[Royal Assent 1 September 1995]**

**B**E 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:—

**Short title**

**1**—This Act may be cited as the *Local Government (Subdivision Approval Validation) Act 1995*.

**Commencement**

2—This Act commences on the day on which it receives the Royal Assent.

**Interpretation**

3—In this Act—

“**interim order**” means an interim order in force under the *Land Use Planning and Approvals Act 1993*;

“**planning scheme**” means a planning scheme in force under the *Land Use Planning and Approvals Act 1993*;

“**prescribed application**” means an application for approval of a plan of subdivision under section 464 or 469 of the *Local Government Act 1962*—

(a) which was purportedly granted under either of those sections; and

(b) in respect of which a final plan or part of a final plan was not sealed;

“**proposal plan**” means the plan of the proposed subdivision to which the prescribed application related;

“**valid application**” means a prescribed application validated under section 4.

**Validation of certain applications**

4—(1) A prescribed application is valid if—

(a) the application was granted on or after 17 January 1989; or

(b) the application was granted before 17 January 1989 and the proposal plan is consistent with any relevant planning scheme or interim order.

(2) A person may apply to the Minister to declare valid a prescribed application which—

- (a) was granted before 17 January 1989; and
- (b) relates to a proposal plan which is not consistent with any relevant planning scheme or interim order.

(3) The Minister may—

- (a) declare valid a prescribed application referred to in subsection (2) if satisfied that the applicant incurred significant expense in carrying out or preparing to carry out the proposal plan; or
- (b) refuse to declare valid the prescribed application if not so satisfied.

(4) The granting under section 464 (3) or 469 (3) of the *Local Government Act 1962* of a prescribed application which is valid under this section is valid.

### **Approval to proceed in stages**

5—(1) A person may apply to the relevant council for approval for a proposal plan to proceed in stages if the prescribed application to which the plan relates is a valid application.

(2) A council may give approval for a proposal plan which was the subject of a valid application to proceed in stages.

(3) If a council gives approval under subsection (2), the final plans for the first stage of the proposal plan must be lodged for sealing under the *Local Government (Building and Miscellaneous Provisions) Act 1993* by 17 January 1996.

### **Application of *Local Government (Building and Miscellaneous Provisions) Act 1993***

6—(1) A valid application is a plan of subdivision approved under Division 2 of Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

(2) The provisions of Division 3 of Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* apply to a valid application—

(a) if a council gives approval under section 5 for a proposal plan to proceed in stages, until 17 January 1998; or

(b) in any other case, until 17 January 1996.

(3) A person who has been granted approval for a proposal plan to proceed in stages may apply to the Minister to extend the period referred to in subsection (2) (a).

(4) The Minister may extend the period referred to in subsection (2) if satisfied that—

(a) the stages of the proposal plan beyond the first stage are proceeding at a reasonable rate; and

(b) it is not practicable for those stages to be completed on or before 17 January 1998.

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*[Second reading presentation speech made in:—  
House of Assembly on 29 June 1995  
Legislative Council on 9 August 1995]*