

MAJOR PROJECTS – ELIGIBILITY STAGE

Overview

The *Land Use Planning and Approvals Act 1993* (the Act) sets out the Major Projects process, which assesses significant and complex projects that have impacts across more than one municipal boundary.

A major project must:

- ✓ Meet Eligibility Criteria
- ✓ Have Land Owner Consents
- ✓ Be a Development Proposal

Additionally a proposed major project cannot be declared eligible for assessment if it contravenes the ineligibility criteria (see page 2).

Declaration of a major project enables the detailed assessment of the proposal to begin. The declaration itself is not indicative of a final approval.

Eligibility Criteria

To be eligible for consideration, a proposed major project must have 2 or more of the following attributes:

- The project will have a significant impact on, or make a significant contribution to, a region's economy, environment or social fabric.
- The project is of strategic importance to a region.
- The project is of significant scale and complexity.

The Major Projects process sets out a range of matters that the Minister for Planning must consider in determining if a project is of a significant scale and complexity, as follows:

- The number of municipal areas that will be affected by the project or that contain land on which all or part of the project may be situated.
- Whether 2 or more project-related permits would be required to be obtained in order for the project to proceed.
- The technical requirements of the project.

For a proposed major project to meet the eligibility criteria for 'scale and complexity', the Minister for Planning must consider:

- Whether the ultimate use of the site is of interest or benefit to a wider sector of the public than live in the area where the project is located.

Land Owner Consent

Where a project is located on land owned by the Crown, a Council or the land is administered by the Crown, a Council or the Wellington Park Management Trust, the process cannot commence without their written consent, as set out in clause 60P(2) of the Act.

Development Proposal

As set out in clause 60C(3) of the Act, all major projects must be for a proposal that is seeking a permit for development. A major project proposal cannot be a proposal that only aims to rezone land.

Ineligibility Criteria

As set out in clause 60N of the Act, a major project is ineligible to be declared a major project, if the project:

- Would not further the Objectives set out in the Act in Part 1 and Part 2
- Would be in contravention of a State Policy
- Would be in contravention of a Tasmanian Planning Policy (when they come into effect)
- Would be inconsistent with the relevant Regional Land Use Strategy.

The Minister for Planning cannot declare a project to be a major project that is ineligible.

Determination Guidelines

The Tasmanian Planning Commission (the Commission) is required to produce Determination Guidelines to give further clarity around the meaning of the terminology in the eligibility criteria. The Commission has 6 months from the commencement of the Major Projects process in the Act to prepare these Guidelines but the Minister can declare a project any time before these are issued.

Opportunity to Have Your Say

Before a project can be declared a major project, the Minister must notify a range of stakeholders of the proposal. These stakeholders include:

- owners of the subject land;
- councils in the region;
- owners, occupants, or lessees of adjoining land;
- relevant State entities;
- the Tasmanian Planning Commission ; and
- prescribed persons (persons to be prescribed in a future regulation).

If stakeholders do not wish the project to be declared a major project, they can reply to the Minister in writing within 28 days to explain their view.

No action is required if a stakeholder is notified of a proposal and is satisfied that it should be declared a major project.

This opportunity to provide feedback is limited to whether the project is eligible to be declared a major project or not. There

are further opportunities to provide feedback during the assessment, exhibition, and hearing processes.

Where do I find the Act?

A copy of the *Land Use Planning and Approvals Act 1993* (which contains the Major Projects process) can be found at www.thelaw.tas.gov.au.

Enquiries

Any enquiries can be directed to the Planning Policy Unit within the Department of Justice at Planning.Unit@justice.tas.gov.au or by telephoning (03) 6166 1429.

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