

# Draft Land Use Planning and Approvals Amendment Bill 2022

Part 9 –Correcting minor administrative errors before a final decision is made

## Issue

Experience from applying the major projects process to the proposed Bridgewater Bridge project indicates that the process is complex to administer, giving rise to the potential for administrative errors to occur throughout the process.

An accidental clerical or administrative error in managing the major project assessment process could result in the process being subject to legal challenge causing delays for the delivery of the project or even requiring the proponent to have to recommence at the start of the major project application process again.

## Discussion

The major projects process is highly prescriptive, lengthy and complex, with many administrative requirements to act within set timeframes or to consult with a potentially wide range of people. It is plausible that during such a long and complex process, an error or oversight could occur with a decision maker not responding within a set timeframe, or an individual not receiving an appropriate notification during a particular stage in the process.

If a mistake with administering the process occurs during the process, the proponent could be left with a permit that is open to legal challenge. Naturally, major mistakes should cause the process to be redone for any of those aspects which were not done properly. However, if a mistake is minor in nature then the intent of the process should be that the major project permit is not undermined as a result.

The current process does not enable the assessment panel the ability to correct any administrative error that may have occurred during the process.

## What can be done?

Provide the assessment panel with flexibility to manage the process in a manner that can correct some errors that may have occurred during the process.

# What is proposed?

1. When a notice that is required under the major projects assessment process to be given to a person or the notice is required to be given within a prescribed time period, and that notice was not given or not given within the prescribed time period, the assessment panel is provided with the ability to notify that person and seek their views in respect of the proposed major project prior to making their final decision on the proposed major project.
2. Specifying that not giving a notice within a prescribed time period does not invalidate the assessment process.

## Sections of the draft Bill that relate to this topic

Clause in draft Bill	Section of LUPAA	Clause note
25	60ZZMB	The panel can notify persons that were previously not notified and seek their views with respect to the proposed major project. Also, giving a notice outside the prescribed timeframe does not invalidate the assessment process.

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