

TASMANIA

**LAND USE PLANNING AND APPROVALS
AMENDMENT (MAJOR PROJECTS) BILL 2017**

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draft only

**LAND USE PLANNING AND APPROVALS
AMENDMENT (MAJOR PROJECTS) BILL 2017**

*(Brought in by the Minister for Planning and Local
Government, the Honourable Peter Carl Gutwein)*

A BILL FOR

An Act to amend the *Land Use Planning and Approvals Act 1993* and, consequential on those amendments, the *Environmental Management and Pollution Control Act 1994*

Be it enacted by Her 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Land Use Planning and Approvals Amendment (Major Projects) Act 2017*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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Amended

**PART 2 – ENVIRONMENTAL MANAGEMENT AND
POLLUTION CONTROL ACT 1994 AMENDED**

3. Principal Act

In this Part, the *Environmental Management and Pollution Control Act 1994** is referred to as the Principal Act.

4. Section 25 amended (Assessment of permissible level 2 activities)

Section 25(1)(a) of the Principal Act is amended by inserting after subparagraph (i) the following subparagraph:

- (ia) an application for a permit to which section 60E of the *Land Use Planning and Approvals Act 1993* applies; or

5. Section 25A amended (Assessment of applications for permits that are combined with applications for planning scheme amendments)

Section 25A of the Principal Act is amended by inserting after subsection (1A) the following subsection:

- (1B) This section does not apply in relation to an application for a permit to which

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section 60E of the *Land Use Planning and Approvals Act 1993* applies.

6. Section 35 amended (Financial assurance to secure compliance with Act)

Section 35(1) of the Principal Act is amended by omitting paragraph (e) and substituting the following paragraph:

- (e) complying with any conditions or restrictions required by the Board under section 60XR of the *Land Use Planning and Approvals Act 1993* to be contained in a major project permit granted under that Act.

7. Section 44 amended (Environment protection notices)

Section 44 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(d) “or major project permit” after “permit”;
- (b) by inserting in subsection (2)(d) “or major project permit” after “permit”;
- (c) by inserting the following subsection after subsection (4):

(4AA) If the Director has issued, or is advised under subsection (4) by a

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council officer that the officer has issued, an environment protection notice because he or she is of the opinion that it is desirable to vary the conditions or restrictions of a major project permit, the Director must notify the Commission of the issue of the notice.

- (d) by inserting in subsection (7) “or major project permit” after “a permit”;
- (e) by inserting in subsection (7) “or major project permit” after “the permit”;
- (f) by inserting in subsection (8) “or major project permit” after “a permit”;
- (g) by inserting in subsection (8)(a) “or major project permit” after “permit”;
- (h) by inserting in subsection (8)(b) “or major project permit” after “permit”;
- (i) by inserting in subsection (9) “or major project permits” after “to permits”;
- (j) by inserting in subsection (9) “or major project permits” after “those permits”;
- (k) by inserting “or major project permit” after “the permit” in the definition of *vary the conditions or restrictions of a permit* in subsection (10).

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8. Section 55A amended (General environmental duty defence)

Section 55A(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “special permit” and substituting “major project permit”;
- (b) by omitting from paragraph (b)(i) “special permit” and substituting “major project permit”.

9. Section 92 amended (Powers of authorized officers and council officers)

Section 92(1)(j) of the Principal Act is amended by omitting “special permit” and substituting “major project permit”.

10. Schedule 5 amended (Characteristics to be Considered in Determining Class of Assessment)

Schedule 5 to the Principal Act is amended by omitting paragraph (a) from item 3.

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**PART 3 – LAND USE PLANNING AND APPROVALS
ACT 1993 AMENDED**

11. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

12. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *Executive Commissioner*:

general manager, in relation to a council, means a person who is appointed under section 61 of the *Local Government Act 1993* to be the general manager of the council;

- (b) by inserting the following definitions after the definition of *LPS criteria*:

major project has the meaning it has in section 60B;

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major project permit means a major project permit granted under section 60XU;

- (c) by omitting “special permit” from paragraph (c) of the definition of *representation* and substituting “major project permit”;
- (d) by omitting the definition of *special permit*.

13. Section 12 amended (Existing uses and developments)

Section 12(2)(a) of the Principal Act is amended by omitting “special permit” and substituting “major project permit”.

14. Section 48AA amended (Enforcement of major project permits)

Section 48AA of the Principal Act is amended by omitting “special permit” and substituting “major project permit”.

15. Section 51 amended (Permits)

Section 51(1) of the Principal Act is amended by inserting “or a major project permit has been granted in respect of that use or development and the permit is in effect” after “effect”.

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Part 3 – Land Use Planning and Approvals Act 1993 Amended

16. Section 52 amended (What if applicant is not the owner?)

Section 52 of the Principal Act is amended by omitting subsection (1C).

17. Section 54 amended (Additional information)

Section 54(1) of the Principal Act is amended by omitting “section 43A” and substituting “section 40T”.

18. Section 60A amended (Permit for certain works not required)

Section 60A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “special permit” and substituting “major project permit”;
- (b) by omitting from subsection (2) “special permit” and substituting “major project permit”.

19. Part 4, Division 2A substituted

Division 2A of Part 4 of the Principal Act is repealed and the following Division is substituted:

Division 2A – Major projects
Subdivision 1 – Interpretation of Division 2A

60B. Interpretation: Division 2A

In this Division, unless the contrary intention appears –

amend, in relation to a condition of a major project permit, means to amend, vary or revoke a condition of the permit or to add a condition to the permit;

application for an ordinary permit means an application made under Division 2 of this Part, or section 40T(1), for the issue of a permit;

assessment guidelines, in relation to a major project, means the assessment guidelines determined under section 60XD(1) in relation to the major project;

declaration of a major project means a declaration of a major project under section 60F(1) or (3) that has not been revoked under section 60M;

determination guidelines means determination guidelines, issued by the Commission under

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section 60I, that have not been
revoked under section 60OI(4);

draft assessment report, in relation to
a major project, means the draft
assessment report prepared under
section 60XL in relation to the
major project;

EMPC Act means the *Environmental
Management and Pollution
Control Act 1994*;

EPA Board means the Board of the
Environment Protection
Authority established under
section 13 of the EMPC Act;

EPA Director means the Director of
the Environment Protection
Authority appointed under
section 18 of the EMPC Act;

***in-principle permit commencement
condition*** means a condition of a
kind referred to in
section 60XY(2) or (4);

major project means a project to
which a declaration of a major
project relates;

major project impact statement, in
relation to a major project, means
a major project impact statement
provided to a Panel under

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section 60XG(2) or section
60XH(4);

major project proposal, in relation to a proposed major project, means a major project proposal that, under section 60D(1), accompanies a request under section 60C(1) in relation to the proposed major project or that is provided to the Minister under section 60D(3);

Panel, in relation to a major project, means the Development Assessment Panel established under section 60N(1) in relation to the major project;

participating regulator, in relation to a major project, means a relevant regulator who has notified the Commission under section 60T(1) that the regulator intends to make a relevant assessment of the major project;

participating regulator's final advice, in relation to a participating regulator, means the advice given under section 60XR(1), in relation to a major project, by the participating regulator;

permit commencement notice, in relation to a major project permit,

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means a permit commencement notice issued under section 60YA(1) in relation to the permit;

project-associated Act means –

- (a) the *Aboriginal Relics Act 1975*; and
- (b) the *Environmental Management and Pollution Control Act 1994*; and
- (c) the *Historic Cultural Heritage Act 1995*; and
- (d) the *Nature Conservation Act 2002*; and
- (e) the *Threatened Species Protection Act 1995*; and
- (f) a prescribed Act –

and includes any regulations under such an Act;

project-related permit means a permit, authority, certificate, determination or permission, however described, that is or may be issued, granted or given under a project-associated Act;

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proponent, in relation to a project or a major project –

- (a) means the person from time to time proposing a project consisting of one or more uses or developments; and
- (b) if a project or major project consists of 2 or more uses or developments that are proposed to be undertaken by different persons – means the person proposing the project or major project as a whole;

relevant regulator, in relation to a major project – see section 60S.

Subdivision 2 – Requests for declaration and major project proposals

60C. Request that project be declared major project and provision of major project proposals

- (1) A proponent for a project may, by notice in writing to the Minister, request that the Minister declare the project to be a major project.

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- (2) If a request is made under subsection (1), the Minister must, within 7 days –
 - (a) notify of the request each planning authority for the land to which the request relates; and
 - (b) provide, to each planning authority for the land to which the request relates, a copy of the major project proposal that, in accordance with section 60D(1), accompanied the request.
- (3) The Minister must, within 7 days after receiving under section 60D(3) a major project proposal in relation to a project –
 - (a) notify each planning authority for the land to which the proposal relates that the Minister is considering whether to declare the project to be a major project under section 60F(3); and
 - (b) provide, to each planning authority for the land to which the request relates, a copy of the major project proposal,
- (4) A planning authority that is notified under subsection (2) or (3) of a request in relation to a project may, within 14 days, by notice in writing to the Minister, advise the Minister as to –

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- (a) whether the planning authority is of the opinion that the Minister ought not to be of the opinion that the project is eligible under section 60H(1)(f) to be declared to be a major project; and
- (b) the reasons why the planning authority is of that opinion.

60D. Major project proposal and other information to accompany request for declaration of major project

- (1) A request from a proponent of a project under section 60C(1) is to be accompanied by a major project proposal for the project.
- (2) If the Minister is considering whether to declare a project to be a major project under section 60F(3), he or she, by notice to the proponent of the project, may require the proponent to provide a major project proposal for the project to the Minister within –
 - (a) the period specified in the notice; or
 - (b) a longer period allowed by the Minister.
- (3) A proponent in relation to a project to whom a notice is given under subsection

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(2) relates is to take all reasonable steps to provide a major project proposal to the Minister, as soon as practicable but in any case within the period specified in the notice.

- (4) A major project proposal for a project is to contain the following information:
- (a) the name and contact details of the proponent;
 - (b) details of the proponent's experience and of the financial capacity of the proponent to implement the project;
 - (c) the name of the project;
 - (d) a description of the project, including its key physical components;
 - (e) an outline of the proposed location of the project and a general site location plan;
 - (f) the anticipated effect, if any, of the project, or infrastructure associated with the project, on other areas;
 - (g) a general description of the physical environment that may be affected by the project;

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- (h) the key environmental, health, economic, social and heritage effects, of the project, that the proponent has identified and, if the effects may be detrimental, the measures that the proponent proposes to take to mitigate those effects;
- (i) the surveys, and studies, proposed or being undertaken in relation to the key issues in respect of the project;
- (j) the proposed timetable for the project;
- (k) how, if at all, the project may make a significant contribution to the economic or social development of the region in which the project is to be situated;
- (l) why the Minister ought to be of the opinion that the project is eligible under section 60H to be declared a major project;
- (m) the amendments, if any, that would be required to be made to an LPS in order for the project to comply with the requirements of the planning scheme that applies in relation to the land on which

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the project is to be situated, evidence of the merit of such amendments and information as to whether the consent, of any person whose consent to such amendments is required under the planning scheme, has been obtained;

(n) details of any consultation, with persons who may have an interest in whether the project is implemented, that has occurred or is proposed to occur;

(o) details of any feasibility assessment that has been undertaken, in relation to the project, by the proponent;

(p) any other information that is prescribed to be required to be provided for the purposes of this section.

(5) The reference in subsection (4)(f) to the anticipated effect of the project or infrastructure on other areas includes –

(a) the anticipated effect on areas that are within, and areas that are outside, the regional area in which the project is to be situated; and

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- (b) the anticipated effect on the provision of social infrastructure, and other infrastructure, in those areas.
- (6) The Minister –
- (a) by notice to a proponent of a project, may request the proponent to provide to the Minister, within the period specified in the notice, the information specified in the notice; and
- (b) by notice to a planning authority, may request the planning authority to provide to the Minister, within the period specified in the notice, the information, specified in the notice, that is in the possession of the planning authority.
- (7) Information may only be requested under subsection (6) if it is reasonably necessary to enable the Minister to determine whether or not to declare a project to be a major project.
- (8) A proponent or planning authority to which a request is made under subsection (6) is to take all reasonable steps to provide the Minister, as soon as practicable but in any case within the

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period specified in the request, with the information specified in the request.

60E. Effect on permit applications of request for declaration of major project

(1) In this section –

decision-maker, in relation to an application for a project-related permit under a project-associated Act, means the person to whom the application is made under that Act;

relevant time, in relation to –

- (a) an application for an ordinary permit that is made in respect of all or part of the land to which a request under section 60C(1) relates, means the day on which the relevant planning authority is notified of the request under section 60C(2); or
- (b) an application for a project-related permit that is made in respect of all or part of the land to which a request under section 60C(1) relates,

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means the day on which the major project to which the application relates is referred to the decision-maker under section 60R(a).

- (2) This section applies to an application to a planning authority or a decision-maker for an ordinary permit, or a project-related permit, in respect of all or part of the land to which a request under section 60C(1) relates, if the application has been made to, but not determined by a planning authority, or the decision-maker, respectively, before the relevant time in relation to the application.
- (3) If this section applies to an application for an ordinary permit or a project-related permit, the planning authority or the decision-maker must not determine the application unless and until a declaration is made under section 60F(1)(b) that the project is not a major project.
- (4) A determination of an application for an ordinary permit or a project-related permit to which this section applies that is made in contravention of subsection (3) is void.

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(5) If this section applies to an application for an ordinary permit or a project-related permit, the period between –

- (a) the relevant time; and
- (b) the day on which the Minister makes a decision under section 60F(1) in relation to the project –

is not, in relation to the application, to be taken into account in any calculation for the purposes of this Act, or a project-associated Act, of a period of time beginning on the day on which the application was lodged with the planning authority or the decision-maker.

Subdivision 3 – Declaration of major projects

60F. Declaration of major project

- (1) The Minister, after receiving under section 60C(1) a request from a proponent in relation to a project, must –
 - (a) by notice in the *Gazette*, declare that the project is a major project; or
 - (b) declare that the project is not a major project.

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(2) The Minister is to make a declaration under subsection (1) in relation to a project –

(a) within 28 days from the day on which he or she receives notice of the request under section 60C(1) in relation to the project; or

(b) within 14 days from the day on which he or she receives under section 60D(8) further information in relation to the project –

whichever is the later.

(3) The Minister, of his or her own motion, may, by notice in the *Gazette*, declare a project to be a major project.

(4) The Minister may only declare a project to be a major project under subsection (1)(a) or subsection (3) if the Minister –

(a) considers the project to be eligible under section 60H to be declared such a project; and

(b) has considered any advice provided in relation to the project under section 60C(4).

(5) In determining whether to declare a project to be a major project, the Minister

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is to have regard to the determination guidelines.

60G. Contents of declaration of major project

- (1) A declaration of a major project must specify –
 - (a) the land on which the project is to be situated; and
 - (b) the uses or developments for the land that are proposed to form part of the project; and
 - (c) the proponent of the project; and
 - (d) the grounds on which the Minister declared the project to be a major project.
- (2) A declaration of a major project may include any use or development that is necessary for the implementation of the project, whether or not the use or development is to be undertaken by or on behalf of the proponent named in the declaration or by and on behalf of another person.
- (3) The Minister may, in a declaration of a major project in relation to a project that is to take place on an area of land that is not within any municipal area, specify that a planning authority nominated in

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the notice is to be the planning authority in relation to the project.

- (4) The Minister may only nominate, in a notice referred to in subsection (3) in relation to an area of land, a planning authority for a municipal area that is within a regional area adjacent to the area of land.

60H. Eligibility criteria for declaration of major projects

- (1) A project is eligible to be declared to be a major project if, in the opinion of the Minister, the project has one or more of the following attributes:
- (a) the project will make a significant financial or social contribution to a region or the State;
 - (b) the project is of strategic planning significance to a region or the State;
 - (c) the project will significantly affect the provision of public infrastructure, including, but not limited to, by requiring significant augmentation or alteration of public infrastructure;
 - (d) the project has, or is likely to have, significant, or potentially

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significant, environmental,
economic or social effects;

(e) the approval or implementation of the project will require assessments of the project, or of a use, development or activity that is to be carried out under the project, to be made under 2 or more project-associated Acts or by more than one planning authority;

(f) the project warrants declaration as a major project.

(2) For the purposes of subsection (1)(f), a project warrants declaration as a major project if, in the opinion of the Minister –

(a) the project is of such a scale or complexity, or has such characteristics, that a planning authority that, were the project not a major project, would be required to assess under this Act an application for a permit in relation to the project, is unlikely to have the capacity or capability to adequately carry out the assessment or to do so in a timely manner; or

(b) the determination by a planning authority of an application for a

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permit in relation to the project
has been unreasonably delayed.

(3) In determining whether to declare a
project, other than –

- (a) a project that consists of public
infrastructure; or
- (b) a project that is for a public
purpose –

to be a major project, the Minister is not
to have regard to whether the height of
any building that is to form part of the
project is greater than the acceptable
solution for building height that applies,
in relation to such a building, under the
planning scheme in respect of the land to
which the project relates.

(4) A project that is to be situated on an area
of land may not be declared to be a major
project except –

- (a) where all or part of the land is
Crown land – with the consent of
the Minister responsible for the
land; or
- (b) where all of part of the land is
land owned by a council – with
the consent of the general
manager in relation to the
council; or

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- (c) where all or part of the land is in Wellington Park – with the consent of the Wellington Park Management Trust.
- (5) A project that is to be situated on an area of land may not be declared to be a major project unless the notifiable persons in relation to a project have been notified.
- (6) For the purposes of subsection (5), the notifiable persons in relation to a project are –
 - (a) if all or part of the land is land of which the proponent is not the owner – the owner, or owners, of the land; and
 - (b) if all or part of the land is land that is not owned by a council but is occupied or administered by a council – the council.
- (7) A project that is to be situated on an area of land may be declared to be a major project even though a use or development that is proposed to form part of the project is prohibited under a planning scheme that applies in relation to the land, but only if the use or development is not inconsistent with the TPPS or a regional land use strategy that applies in relation to the land.

60I. Determination guidelines

- (1) The Commission may issue guidelines (*determination guidelines*) as to the matters to which the Minister is to have regard in determining whether to declare projects to be major projects.
- (2) Determination guidelines may only be issued under subsection (1) if they –
 - (a) are not inconsistent with this Act; and
 - (b) have been approved by the Minister.
- (3) The Commission, as soon as practicable after issuing determination guidelines –
 - (a) must publish in the *Gazette*, and in a newspaper that is published, and circulates generally, in Tasmania, a notice specifying –
 - (i) that the determination guidelines have been made; and
 - (ii) that copies of the guidelines may be viewed or purchased at a place specified in the notice and viewed and downloaded at an electronic address of

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the Commission specified
in the notice; and

- (b) must ensure that copies of
determination guidelines that are
in force are available –
 - (i) for viewing and purchase
by members of the public
at the place specified in
the notice; and
 - (ii) for viewing and
downloading at an
electronic address of the
Commission specified in
the notice.
- (4) The Commission may, with the approval
of the Minister, revoke the determination
guidelines.
- (5) The Commission, as soon as practicable
after revoking determination guidelines,
must publish in the *Gazette*, and in a
newspaper that is published, and
circulates generally, in Tasmania, a
notice specifying that the determination
guidelines have been revoked.
- (6) Determination guidelines issued under
subsection (1) are of no effect until the
notice in relation to the guidelines is
published in the *Gazette* under subsection
(5).

60J. Notice of declaration of major project

- (1) The Minister, within 7 days after a declaration of a major project is made in relation to a project, or within 7 days after a declaration is made under section 60F(1)(b) that a project is not a major project, is to notify, in writing –
- (a) the proponent of the project; and
 - (b) all planning authorities in the regional area, or regional areas, in which the project is or was to be situated; and
 - (c) if the project is or was to be situated on an area of land that is not within any municipal area – all planning authorities in the regional area that is adjacent to the area of land; and
 - (d) the Commission; and
 - (e) each relevant agency that the Minister considers may have an interest in relation to a matter to which the project relates; and
 - (f) if the land on which the project is or was to be situated is situated in Wellington Park – the Wellington Park Management Trust.

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- (2) The Minister is to provide to the Commission, together with a notice under subsection (1) in relation to a declaration of a major project –
 - (a) the major project proposal; and
 - (b) any information, in relation to the major project, provided to the Minister under section 60D(8).
- (3) The Minister must ensure that a declaration of a major project is published in a newspaper that is published, and circulates generally, in Tasmania.

60K. Effect of declaration of major project

- (1) Divisions 2 and 4 of Part 3B do not apply in relation to a use or development that forms part of a major project.
- (2) A person must not undertake on land a use or development that forms part of a major project on the land, except under and in accordance with a major project permit in relation to the project.
- (3) Subsection (2) does not apply in relation to a use or development –
 - (a) for the purposes of conducting an assessment under or for the purposes of this Division; or

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- (b) that is a use or development to which relates a condition, referred to in section 60XS(1)(e), that is imposed on a major project permit.
- (4) If a declaration of a major project is made –
- (a) an application for an ordinary permit, in relation to a use or development forming all or part of the project, that has been made to, but not determined by, the planning authority, before a declaration of a major project has been made, is taken to have been withdrawn on the day of the declaration; and
- (b) the planning authority to which the application was made must, as soon as practicable, refund to the applicant half of any fees that the applicant has paid in respect of the application.
- (5) If a declaration of a major project is made –
- (a) an application under a project-associated Act, for a project-related permit in relation to land to which the project relates, that –

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(i) has been made by or on behalf of the proponent, before a declaration of a major project has been made in relation to the project; but

(ii) has not been determined under that Act before a declaration of a major project has been made in relation to the project –

is taken to have been withdrawn under that Act on the day on which the project is declared to be a major project; and

(b) each relevant regulator to which an application referred to in paragraph (a) is made must, as soon as practicable, refund to the applicant half of any fees that the applicant has paid in respect of the application.

(6) If a declaration of a major project is made and the Heritage Council is a relevant regulator in relation to the project, the Heritage Council is to cease to take any action in relation to an application, for a discretionary permit in relation to the project, except if such action is required under this Act to be taken.

60L. Regulations may prescribe fees, &c., for the purposes of this Division

- (1) Regulations for the purposes of this Division may prescribe that fees, as specified or calculated in accordance with those regulations, are payable in relation to the occurrence of an event referred to in a provision, or provisions, of this Act that is or are specified, in relation to the fee, in those regulations.
- (2) If a fee is prescribed in regulations for the purposes of this Division in relation to a provision of this Act, the fee is due and payable by the proponent in relation to a project within 30 days, or another period that may be specified in the regulations, after the occurrence of an event, specified in the provision, to which the fee relates.
- (3) Regulations for the purposes of this Division may prescribe –
 - (a) a maximum and a minimum amount of a relevant fee; or
 - (b) that a relevant fee is to be calculated in accordance with a method specified in the regulations –

or both, in respect of a project or of a project of a type specified in the regulations.

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60M. Revocation of declaration

- (1) A proponent of a project may at any time, by notice in writing to the Minister, request the Minister to revoke the declaration of a major project in respect of all or part of the area of land to which the declaration relates.
- (2) The Minister, by notice in the *Gazette*, may revoke a declaration of a major project in respect of all or part of an area of land –
 - (a) in accordance with a request under subsection (1), if there is no major project permit in relation to the land; or
 - (b) if the Panel has given the Minister a no reasonable prospect notice under section 60X(1) in relation to the project; or
 - (c) if the proponent of the project has failed to comply with section 60D(8); or
 - (d) if the proponent of the project has made under section 60XA(2) a submission in relation to the project requesting the Minister to revoke the declaration of the project to be a major project; or

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- (e) if the proponent of the project has failed to comply with section 60XG(2), section 60XH(4) or section 60XJ(4); or
 - (f) if the Minister is satisfied that the proponent does not intend the project to proceed in relation to the land or the part of the area of land and there is no major project permit in relation to the land or the part; or
 - (g) if –
 - (i) the Minister is satisfied that the proponent has not, within 2 years after a major project permit was granted to the proponent, complied with an in-principle permit commencement condition imposed on the permit; and
 - (ii) the major project permit has been revoked.
- (3) The Minister is to give notice of a revocation of a declaration of a major project under subsection (2) to the persons notified of the declaration of the major project under section 60J(1).

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- (4) The Minister is to ensure that a notice of the revocation of a declaration of a major project is placed in a newspaper that is published, and circulates generally, in Tasmania.
- (5) If a declaration of a major project is revoked under subsection (2) in relation to all or part of an area of land –
 - (a) this Division, apart from this subsection and section 60YM, ceases to apply, in respect of the project that was a major project, to the land to which the revocation relates; but
 - (b) a person is not to be taken to have committed an offence under this Act by reason of any action taken, or not taken, before this Division ceased to apply, if the action or failure was lawful under this Division before this Division ceased to apply, in relation to the project, to the land.

Subdivision 4 – Development Assessment Panels

60N. Development Assessment Panel to be established for assessment of project

- (1) The Commission must establish a Development Assessment Panel in relation to a major project.

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- (2) A Development Assessment Panel must be established under subsection (1) in relation to a major project within 28 days after the Commission is given notice under section 60J(1) of the declaration of the project to be a major project.

60O. Appointment of members of panel

- (1) The Commission is to establish under section 60N a Panel in relation to a major project by appointing to be members of the Panel –
 - (a) a member of the Commission, or any other person nominated by the Commission, who is to be the chairperson of the Panel; and
 - (b) a person with the appropriate qualifications and experience who is nominated by the councils for the municipal areas that are within any regional areas in which part or all of the project is to take place; and
 - (c) a person who is not a member of the Commission and who, in the opinion of the Commission, has qualifications or experience that are relevant to the assessment of the project.

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- (2) The person appointed under subsection (1)(a) must not be a person who is appointed to the Commission under section 5(1)(g) or (h) of the *Tasmanian Planning Commission Act 1997*.
- (3) A person has appropriate qualifications and experience for the purposes of subsection (1)(b) if the person has –
 - (a) qualifications or experience in land use planning, urban and regional development, commerce or industry; or
 - (b) practical knowledge of, and experience in, the provision of buildings or other infrastructure.
- (4) A person may only be appointed to be a member of a Panel if the appointment of the person as a member is approved by the Minister.
- (5) The Commission is to request the councils within all regional areas in which all or part of a project is to take place to together nominate, within 21 days after receiving the request, a person for the purposes of subsection (1)(b).
- (6) If the councils have not nominated a person within 21 days after receiving a request to do so, the Commission may appoint a person for the purposes of

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subsection (1)(b), even though the person has not been nominated by the councils, if the person satisfies the requirements of subsections (3) and (4).

- (7) The Commission may at any time revoke the appointment of a member of a Panel and, subject to subsection (4), appoint under subsection (1) another person in the place of the member.
- (8) If the Commission is of the opinion that the scale, specialist nature or complexity of a major project makes it desirable to do so, the Commission may appoint to be members of the Panel, in addition to the persons appointed under subsection (1), not more than 2 other persons.
- (9) A person appointed under subsection (8) in relation to a project is to be a person who has the qualifications and experience that the Commission thinks appropriate to assist in the assessment of the project.

60P. Quorum and procedure of Panel

- (1) The quorum for a Panel is 3.
- (2) Subject to this Division, a Panel is to determine its own proceedings.

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60Q. Major project proposal, &c., to be provided to Panel

As soon as practicable after establishing under section 60N(1) a Panel in relation to a major project, the Commission must provide to the Panel –

- (a) the major project proposal in relation to the major project; and
- (b) the information, if any, in relation to the major project –

provided to the Commission under section 60J(2).

Subdivision 5 – Reference of major project proposal to relevant regulators

60R. Project to be referred to relevant regulators

If a declaration of a major project is made, the Commission must, within 7 days of being notified under section 60J(1)(d) of the declaration –

- (a) refer the major project to each relevant regulator in relation to the project; and
- (b) provide to each relevant regulator in relation to the major project –

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(i) the major project proposal in relation to the major project; and

(ii) the information, if any, in relation to the major project –

provided to the Commission under section 60J(2).

60S. Relevant regulators

- (1) For the purposes of this Act, the EPA Board is a relevant regulator in relation to a major project if, were an application to be made under section 57 or 58 for a permit in relation to a use or development to be carried out for the purposes of the major project, the EPA Board would be required to carry out in relation to the major project an environmental impact assessment under the *Environmental Management and Pollution Control Act 1994*.
- (2) For the purposes of this Act, a person is a relevant regulator in relation to a major project if, were the major project not declared to be a major project, a project-related permit would be required to be issued by the person under a project-associated Act in order for an activity in relation to the project to be lawfully carried out under that Act.

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- (3) For the purposes of this Act, the Heritage Council is a relevant regulator in relation to a major project if, were the project not declared to be a major project, a copy of an application for a discretionary permit in relation to the project would be required under section 36 of the *Historic Cultural Heritage Act 1995* to be given to the Heritage Council.

60T. Relevant regulator to determine whether to conduct assessment of project

- (1) If a major project is referred to a relevant regulator under section 60R, the relevant regulator, within 14 days after the referral, must notify the Commission that the relevant regulator –
- (a) intends to make a relevant assessment of the major project; or
 - (b) does not consider that the major project requires a relevant assessment of the project to be made by the relevant regulator.
- (2) A relevant regulator is to be taken to have given notice under subsection (1), that the relevant regulator intends a relevant assessment of a major project to be made, if the relevant regulator has not notified the Commission to the contrary under subsection (1) within 14 days after

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the major project is referred to the relevant regulator.

- (3) The Commission is to notify the Panel in relation to a major project of each notice that is given, or taken to be given, under subsection (1) in relation to the major project.

60U. Participating regulator to advise Panel about revocation and time for consideration

- (1) A participating regulator must, within 60 days after a major project is referred to the relevant regulator under section 60R, give to the Commission and the Panel in relation to the major project a notice that states –
- (a) whether or not the participating regulator requests the Panel to recommend to the Minister that the Minister revoke the declaration of the major project; and
 - (b) where the notice states that the participating regulator requests the Panel to recommend to the Minister that the Minister revoke the declaration of the major project, the reasons for that request.

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(2) A participating regulator may only specify in a notice under subsection (1) that the participating regulator requests the Panel to recommend to the Minister that the Minister revoke the declaration of the major project if –

(a) the participating regulator is of the opinion that there is no reasonable prospect that the participating regulator will not, in the participating regulator's final advice under section 60XR(1), direct the Panel to refuse to grant a major project permit in relation to the major project; and

(b) the participating regulator specifies in the notice the reasons why the participating regulator is likely to direct the Panel in the participating regulator's final advice under section 60XR(1) to refuse to grant a major project permit in relation to the major project.

(3) If –

(a) a participating regulator is the EPA Board; and

(b) the EPA Board requires the assessment of the major project to be treated as if it were a class 2C

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project under the *Environmental
Management and Pollution
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the participating regulator must, within 30 days after the major project is referred to the regulator under section 60R, give to the Panel a notice that the participating regulator will require 90 days in which to provide to the Panel a participating regulator's preliminary advice under section 60XK(1) in relation to the major project.

60V. Assessment requirement notices and notices of no requirements

- (1) If a participating regulator has not, under section 60U(1), requested the Panel to recommend to the Minister that the Minister revoke the declaration of the major project, the participating regulator must, within 60 days after the major project is referred to the regulator under section 60R, give to the Panel –
 - (a) a notice of no assessment requirements in relation to the major project; or
 - (b) an assessment requirement notice in relation to the major project.
- (2) For the purposes of subsection (1)(a), a notice of no assessment requirements in

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relation to a major project is a notice specifying that the participating regulator does not require matters to be included in the major project impact statement, or the assessment guidelines, in relation to the major project.

- (3) For the purposes of subsection (1)(b), an assessment requirement notice in relation to a major project is a notice specifying –
- (a) the matters that the participating regulator considers to be matters to which the Panel must have regard in assessing –
 - (i) whether to grant a major project permit in relation to the major project; and
 - (ii) the conditions or restrictions (including any in-principle permit commencement conditions), if any, that ought to be imposed on the major project permit that may be granted in relation to the major project; and
 - (b) the conditions or restrictions (including any in-principle permit commencement conditions), if any, that the participating

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regulator requires to be imposed on a major project permit that may be granted in relation to the major project ; and

- (c) the matters, if any, that the participating regulator requires to be addressed in the major project impact statement in relation to the major project; and
 - (d) the reasons why the participating regulator has specified matters referred to in paragraph (a), (b) or (c).
- (4) The Commission may issue guidelines, approved by the Minister, for the purpose of assisting participating regulators to determine the contents of an assessment requirement notice under subsection (1)(b).
- (5) A participating regulator to which a major project is referred under section 60R must take into account the guidelines made under subsection (4) in determining the contents of an assessment requirement notice under subsection (1)(b) in relation to a major project.
- (6) A participating regulator may only specify in an assessment requirement

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notice under subsection (1)(b) in relation to a major project –

- (a) a matter for the purposes of subsection (3) if the matter would be relevant to the decision of the participating regulator as to the contents of a participating regulator's final advice under section 60XR(1) in relation to the major project; or
- (b) a condition or restriction if the participating regulator may, under section 60XS, include such a condition or restriction in a participating regulator's final advice under section 60XR(1) in relation to the major project.

60W. Assessment by EPA Board

- (1) If the EPA Board notifies the Commission under section 60T(1) that the EPA Board intends a relevant assessment of the major project to be made, the EPA Board must carry out an environmental impact assessment of the major project in accordance with Part 5 of the EMPC Act.
- (2) The environmental impact assessment of a major project is to be carried out –

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- (a) in accordance with the Environmental Impact Assessment Principles specified in the EMPC Act; and
 - (b) in accordance with this section and Part 5 of that Act.
 - (3) For the purposes of an environmental impact assessment of a major project in accordance with this section, the reference, in section 74(4) of the EMPC Act, to providing the proponent with guidance is to be taken to be satisfied if the guidance is provided to the Panel under subsection (4).
 - (4) If the EPA Board has notified the Commission under section 60T(1) that the EPA Board intends a relevant assessment of a major project to be made, the EPA Board is to provide to the Panel, within 60 days after the major project was referred to the EPA Board under section 60R, the guidance that the EPA Board is required under section 74(4) of the EMPC Act to provide to the proponent.
 - (5) The guidance provided to the Panel under subsection (4) in relation to a major project is to be taken to be the matters that the EPA Board specifies in an assessment requirement notice under

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section 60V in relation to the major project.

- (6) The proponent of a major project in relation to which an environmental impact assessment is carried out in accordance with this section is liable to pay to the EPA Board, by the date specified in a notice by the Board to the proponent, the relevant fees for the assessment of the major project.
- (7) The relevant fees for the assessment by the EPA Board of a major project are the fees that the proponent would have been liable to pay for the assessment of the major project if –
 - (a) the proponent had made an application for an ordinary permit in relation to the major project; and
 - (b) the environmental impact assessment had been carried out under and in accordance with the EMPC Act as if this section did not apply.
- (8) If a relevant regulator in relation to a major project is the EPA Board –
 - (a) a major project, major project proposal or information is only to be taken under section 60R to be referred, or provided, to the

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relevant regulator if the major project, major project proposal or information, respectively, is referred, or provided, to the EPA Director; and

- (b) the decision of that relevant regulator under section 60T(1) is to be made by the EPA Director but is to be taken to have been made by the relevant regulator.

Subdivision 6 – Panel may advise no reasonable prospect of major project permit being issued

60X. Panel may advise Minister no reasonable prospect that major project permit will be issued

- (1) A Panel may, at any time that is –

- (a) after receiving under section 60Q a copy of the major project proposal in relation to a major project; and
- (b) before determining under section 60XD(1) assessment guidelines in respect of a major project –

give to the Minister notice in writing (***a no reasonable prospect notice***) in relation to the project.

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- (2) A no reasonable prospect notice in relation to a major project is to specify –
 - (a) that the Panel considers that there is no reasonable prospect that the Panel will issue a major project permit in relation to the major project; and
 - (b) the reasons why the Panel considers that there is no reasonable prospect that the Panel will issue a major project permit in relation to the major project.
- (3) Without limiting the generality of subsection (1), a Panel may issue a no reasonable prospect notice in relation to a major project if the Panel is of the opinion that –
 - (a) the issue of the major project permit –
 - (i) would be in contravention of the SPPs or a State policy; or
 - (ii) would not further the objectives specified in Schedule 1; or
 - (iii) would be inconsistent with the TPPS or a regional land use strategy that applies in relation to

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the land to which the
project relates; or

- (b) a participating regulator has issued to the Panel a notice under section 60U(1) requesting the Panel to recommend to the Minister that the Minister revoke the declaration of the major project; or
- (c) a participating regulator has indicated that there is no reasonable prospect that the participating regulator will not, in the participating regulator's final advice under section 60XR(1), direct the Panel to refuse to issue a major project permit in relation to the major project.

60XA. Notice of Panel's intention to issue no reasonable prospect notice

- (1) The Panel in relation to a major project must, if it intends to give to the Minister a no reasonable prospect notice under section 60X(1), give to the proponent of the major project a notice –
 - (a) specifying that the Panel intends to issue a no reasonable prospect notice under section 60X(1) and the reasons why it intends to issue the notice; and

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- (b) inviting the proponent to make, within 14 days after the day on which the notice under this subsection is issued, a written submission to the Panel in relation to the Panel's intention to issue a no reasonable prospect notice under section 60X(1) in relation to the project.
- (2) A proponent who receives a notice under subsection (1) in relation to a major project may, within 14 days, make a submission to the Panel –
 - (a) as to the opinion of the proponent in relation to the reasons specified in accordance with subsection (1)(a) in relation to the major project and specifying any other information the proponent thinks relevant; or
 - (b) that the proponent requests the Minister to revoke under section 60M the declaration of the project as a major project; or
 - (c) that the proponent wishes to provide to the Minister an amended major project proposal in relation to the major project.

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- (3) If a submission in relation to a major project is made to the Panel under subsection (2) –
- (a) the Panel must, within 7 business days, provide a copy of the submission to each participating regulator, together with, where the submission is a submission referred to in subsection (2)(a) a statement advising the regulator that the regulator may change any notice given by the regulator under section 60U(1) or 60V(1) in relation to the major project; and
 - (b) a participating regulator who is provided with a copy of the submission may, within 7 days, provide to the Panel a further notice under section 60U(1) or 60V(1) in relation to the major project; and
 - (c) a notice given under section 60U(1) or section 60V(1) in accordance with paragraph (b) is to be taken for the purposes of this Division to be the first notice given in relation to the major project by the regulator under section 60U(1) or 60V(1), as the case may be.

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(4) The Panel in relation to a major project must not issue a no reasonable prospect notice under section 60X(1) in relation to the major project unless –

(a) the Panel has issued to the proponent a notice under subsection (1) in relation to the major project; and

(b) at least –

(i) 14 days have expired since the Panel issued to the proponent the notice under subsection (1); or

(ii) 7 days have expired since each participating regulator was notified of the submission under subsection (3) –

whichever period expires later; and

(c) the Panel has considered any submission provided to the Panel under subsection (2) in relation to the major project and any further notice given under section 60U(1) or 60V(1) in accordance with subsection (3)(b); and

(d) if a submission has been provided to the Panel under subsection (2),

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the submission does not consist of a matter referred to in subsection (2)(b) or (c).

- (5) The Panel must give to the Minister, together with a no reasonable prospect notice under section 60X(1) in relation to a major project –
- (a) a copy of any submission made under subsection (2) in relation to the proposal to issue a no reasonable prospect notice under section 60X(1); and
 - (b) any comments the Panel thinks fit in relation to the submission.
- (6) If the Minister has received a no reasonable prospect notice under section 60X(1) in relation to a major project, the Minister must, before revoking under section 60M the declaration of a major project in relation to the major project, consider any submission, and any comments, in relation to the major project that are provided to the Minister under subsection (5).
- (7) If a proponent has specified in a submission made under subsection (2) a matter referred to in subsection (2)(c) –
- (a) the Minister, within 14 days after receiving under subsection (5) a

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copy of the submission, is to issue under section 60D(2) to the proponent a notice requiring the proponent to provide a major project proposal in relation to the major project; and

- (b) section 60D(2) applies in relation to the major project as if the proponent had not previously provided a major project proposal in relation to the major project.

Subdivision 7 – Assessment guidelines

60XB. Draft assessment guidelines

- (1) The Panel must prepare a draft of the assessment guidelines in relation to a major project after the Panel receives from each participating regulator an assessment requirement notice, or a notice of no assessment requirements, under section 60V.
- (2) Section 60XD(2), (3), (6) and (7) apply in relation to a draft of the assessment guidelines as if the draft were assessment guidelines.
- (3) Before preparing under subsection (1) a draft of the assessment guidelines in relation to a major project, the Panel must consult with, and consider any comments provided by –

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- (a) the Commission; and
 - (b) the planning authorities for any regional area in which part or all of the project is to be situated; and
 - (c) the State Service Agencies that the Panel believes have an interest in the project; and
 - (d) the Minister administering the *Crown Lands Act 1976*; and
 - (e) the Corporation within the meaning of the *Water and Sewerage Corporation Act 2012*; and
 - (f) if all or part of the land to which the project relates is in Wellington Park – the Wellington Park Management Trust.
- (4) The Panel must not prepare under subsection (1) a draft of the assessment guidelines in relation to a major project until the Panel has received, from each participating regulator, if any, an assessment requirement notice, or a notice of no assessment requirements, under section 60V in relation to the major project.

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- (5) The Panel must, after preparing a draft of the assessment guidelines under subsection (1) –
- (a) give notice, in a newspaper that is published, and circulates generally, in Tasmania, inviting submissions to be made to the Panel, in relation to the draft of the assessment guidelines, within a period of 14 days specified in the notice; and
 - (b) publically exhibit the draft of the assessment guidelines, together with a copy of the major project proposal in relation to the major project, for a period of 14 days beginning after the notice is given under paragraph (a); and
 - (c) consider each representation made under section 60XC(1) in relation to the draft of the assessment guidelines.

60XC. Persons may make representation in relation to assessment guidelines

- (1) A person may, within the period referred to in a notice under section 60XB(5)(a), make a representation in relation to a draft of the assessment guidelines.

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- (2) The Panel must, within 7 days of receiving under subsection (1) a representation that relates to a condition, or restriction, that is included in the draft assessment guidelines in accordance with a participating regulator's assessment requirement notice given to the Panel under section 60V, give to the participating regulator a copy of the representation.
- (3) A participating regulator may, within 7 days after receiving a copy of a representation under subsection (2), issue to the Panel a notice specifying an alteration, as set out in the notice, to the participating regulator's assessment requirement notice given to the Panel under section 60V.
- (4) A notice under subsection (3) may only specify an alteration, as set out in the notice, to the participating regulator's assessment requirement notice given to the Panel under section 60V if the assessment requirement notice, as so altered, would be an assessment requirement notice that the participating regulator may give under section 60V.

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60XD. Panel to determine assessment guidelines

- (1) The Panel in relation to a major project must determine the assessment guidelines in respect of the major project.
- (2) The assessment guidelines in respect of a major project are –
 - (a) the matters to which the Panel must have regard in assessing –
 - (i) whether to grant a major project permit in relation to the major project; and
 - (ii) the conditions or restrictions, if any, (including any in-principle permit commencement conditions) that ought to be imposed on a major project permit that may be granted in relation to the major project; and
 - (b) any draft conditions or restrictions (including any in-principle permit commencement conditions) that the Panel proposes to impose on any such major project permit; and
 - (c) the matters to be addressed in the major project impact statement in

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relation to the major project, which are to be matters that are reasonably required to enable the proper assessment of –

- (i) whether a major project permit in relation to the major project ought to be granted; and
- (ii) the conditions or restrictions, if any, that ought to be imposed on any major project permit that may be granted in relation to the major project.

(3) In determining the assessment guidelines in respect of a major project that is to be situated on an area of land, the Panel is to have regard to –

- (a) any planning scheme that applies to the land; and
- (b) if the carrying out of the project is inconsistent with the provisions of a planning scheme that applies to the land – the merit of any changes to an LPS that would be required to be made for the major project to be lawfully carried out; and
- (c) the TPPS; and

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- (d) any regional land use strategy, if any, for the regional area in which the land is situated; and
 - (e) the objectives specified in Schedule 1; and
 - (f) any applicable State policy.
- (4) The Panel may only determine the assessment guidelines in relation to a major project if the Panel has complied with section 60XB in relation to a draft of the assessment guidelines.
- (5) The Panel must make a determination under subsection (1) in relation to the major project before –
 - (a) 28 days after the expiry of the period specified in the notice given under section 60XB(5)(a) in relation to the major project; or
 - (b) the end of a period approved by the Minister –whichever period expires later.
- (6) If a participating regulator has given to the Panel an assessment requirement notice under section 60V in relation to the major project specifying matters (including any conditions, or restrictions) –

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- (a) the assessment guidelines in relation to the major project are to include –
- (i) the matters included in the notice; or
 - (ii) if there is an inconsistency between the conditions or restrictions that different participating regulators require, in their assessment requirement notices under section 60V, to be imposed on the permit – the conditions or restrictions that the Panel determines, following consultation with those participating regulators, best achieve the purposes for which those conditions or restrictions were so required; and
- (b) the Panel is to provide to the participating regulator a copy of the assessment guidelines in relation to the project.
- (7) If a participating regulator has given to the Panel a notice under section 60XC(4) in relation to an assessment requirement notice under section 60V in relation to

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the major project, the Panel must, subject to subsection (6)(a)(ii), ensure that the assessment guidelines in relation to the major project are altered so as to take into account the assessment requirement notice under notice under section 60V as altered in accordance with the notice under section 60XC(4).

- (8) As soon as practicable after determining the assessment guidelines in relation to a project the Panel –
- (a) must publish in a newspaper that is published, and circulates generally, in Tasmania, a notice specifying –
 - (i) that the assessment guidelines have been determined; and
 - (ii) that copies of the assessment guidelines may be viewed or purchased at a place specified in the notice and viewed and downloaded at an electronic address of the Commission specified in the notice; and
 - (b) must ensure that copies of the assessment guidelines are, until a decision is made under section

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60XU(1) in relation to the major project to which the guidelines relate, available –

- (i) for viewing and purchase by members of the public at the place specified in the notice; and
- (ii) for viewing and downloading at an electronic address of the Commission specified in the notice.

60XE. Permit to be issued to enable survey, &c., to be conducted

(1) If –

- (a) assessment guidelines are determined under section 60XD in relation to a major project; and
- (b) in order to prepare a major project impact statement in relation to the major project, it is necessary for the proponent to engage in an activity that is prohibited under a project-associated Act without the issue of a project-related permit –

the person to whom an application for such a permit is required under that Act

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to be made must, under that Act, issue to the proponent a project-related permit authorising the carrying out of the activity as if the proponent had made under that Act a valid application for the permit and the permit may, under that Act, be issued.

- (2) A project-related permit may be issued in accordance with subsection (1) on the restrictions or conditions that may be imposed on the permit under the relevant project-associated Act.
- (3) A project-related permit issued in accordance with subsection (1) in relation to an activity in relation to a major project ceases to be in force on the day on which –
 - (a) the declaration of a major project in relation to the major project is revoked under section 60M; or
 - (b) a major project permit is granted under section 60XU(1)(a) in relation to the major project; or
 - (c) the proponent is notified under section 60XU(1)(b) that the Panel has refused to grant a major project permit in relation to the major project –

whichever occurs first.

Subdivision 8 – Major project impact statements

**60XF. Major project impact statements
requirement notices**

- (1) As soon as practicable, and in any case within 7 days, after determining under section 60XD the assessment guidelines in respect of a major project, the Panel must give to the proponent –
 - (a) a copy of the assessment guidelines in relation to the major project; and
 - (b) a major project impact statement requirement notice in relation to the major project.
- (2) A major project impact statement requirement notice for the purposes of subsection (1)(b) in relation to a major project is to specify that the proponent is required to provide to the Panel a major project impact statement in relation to the major project within –
 - (a) the period of 12 months after receiving the assessment guidelines; or
 - (b) another period determined by written agreement between the Panel and the proponent.

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60XG. Major project impact statements

- (1) A major project impact statement is a statement that –
- (a) addresses the matters that are set out, in accordance with section 60XD(2)(c), in the assessment guidelines in respect of the major project, as matters that are required to be addressed in a major project impact statement; and
 - (b) includes –
 - (i) a statement as to whether the proponent is of the opinion that any amendments would be required to be made to an LPS in order for the project to comply with the requirements of the planning scheme that applies in relation to the land on which the major project is to be situated; and
 - (ii) if the proponent is of the opinion that an amendment to the LPS would be required – any information that is

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reasonably necessary to
identify the nature and
scope of such an
amendment –

and may include any statement that the
proponent wishes to make on the
conditions or restrictions set out in the
assessment guidelines in relation to the
major project, including how the
proponent proposes to meet those
conditions or restrictions if they were
imposed on a major project permit that
may be granted in relation to the project.

(2) A proponent of a major project must
provide to the Panel a major project
impact statement in relation to the major
project before the end of –

(a) the period of 12 months after
receiving the assessment
guidelines; or

(b) another period determined by
written agreement between the
Panel and the proponent; or

(c) the period extended under
subsection (3) –

whichever period last expires.

(3) The Panel may, by notice to a proponent,
extend the period in which the proponent

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is to provide a major project impact statement to the Panel.

- (4) The Panel must notify the Minister if a proponent has failed to comply with subsection (2).
- (5) The Panel, as soon as practicable, and in any case not more than 7 days after receiving under subsection (2) a major project impact statement in relation to a major project, must provide a copy of the statement to each participating regulator.

60XH. Participating regulator to advise whether assessment guidelines met

- (1) A participating regulator that has been provided under section 60XG(5) with a copy of a major project impact statement must, within 14 days, give notice to the Panel –
 - (a) specifying that the regulator is satisfied that the major project impact statement addresses the matters, required by the assessment guidelines to be addressed in the statement, that may be relevant to the determination by the participating regulator of the contents of a participating regulator's final advice in relation to the project to

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be given by the relevant regulator
under section 60XR(1); or

(b) specifying –

- (i) that the regulator is of the opinion that the major project impact statement ought to be amended so that it addresses the matters referred to in paragraph (a); and
- (ii) the information that the regulator requires to be included in the major project impact statement so that it addresses the matters referred to in paragraph (a).

(2) If the Panel receives under subsection (1) a notice in relation to a proponent, the Panel must, within 7 days, by notice to the proponent, request the proponent to provide to the Panel, within a period specified in the notice, the major project impact statement amended so as to contain the information specified in the notice under subsection (1)(b)(ii).

(3) The Panel may only request the proponent to provide a major project impact statement amended so as to contain the information specified in the

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notice under subsection (1)(b)(ii) within the period of 28 days after the Panel has received from the proponent under section 60XG(2) a major project impact statement in relation to the major project.

- (4) A person to whom a request is made under subsection (2) is to take all reasonable steps to provide to the Panel, as soon as practicable but in any case within the period specified in the request, the major project impact statement amended so as to contain the information specified in the notice under subsection (1)(b)(ii).
- (5) The Panel, as soon as practicable after a major project impact statement amended so as to contain the information specified in the notice under subsection (1)(b)(ii) is provided to the Panel under subsection (4) in relation to a notice given under subsection (2), must –
 - (a) provide the major project impact statement, amended so as to contain the information specified in the notice under subsection (1)(b)(ii), to the participating regulator who gave the notice under subsection (1) to which the notice under subsection (2) relates; and

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- (b) if the information relates to a matter to which another participating regulator is likely to have regard in determining what participating regulator's final advice under section 60XR(1) to give in relation to the major project, give to that particular regulator the major project impact statement amended so as to contain the information.
- (6) If a participating regulator has given to the Panel a notice under subsection (1), the period between –
 - (a) the day on which that notice is given; and
 - (b) the day on which the major project impact statement amended so as to contain the information specified in the notice under subsection (1)(b)(ii) information is provided to any participating regulator under subsection (5) –

is not to be counted in the calculation of the period referred to in subsection (1) in relation to the participating regulator to which the information is given.

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60XI. Determination of whether major project impact statement suitable for exhibition

(1) The Panel must determine –

- (a) whether a major project impact statement is suitable for public exhibition because the statement addresses the matters that are set out, in accordance with section 60XD(2)(c), in the assessment guidelines in respect of the major project, as matters that are required to be addressed in a major project impact statement; or
- (b) whether a major project impact statement is not suitable for public exhibition because the statement does not address those matters.

(2) If there are one or more participating regulators in relation to a major project, the Panel may only make a determination under subsection (1) in relation to the project –

- (a) after receiving under section 60XH(1) all advices from the participating regulators; or
- (b) after the last day on which a participating regulator may provide advice under section

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60XH(1) in relation to a major project –

whichever is the earlier.

- (3) The Panel must consider advice given under section 60XH(1) by a participating regulator before making a determination under subsection (1) in relation to a major project.
- (4) The Panel –
 - (a) must, within 7 days after the Panel determines under subsection (1) that a major project impact statement is not suitable for public exhibition, notify the proponent that the major project impact statement is not suitable for public exhibition; and
 - (b) may, within 7 days after the Panel determines under subsection (1) that a major project impact statement is not suitable for public exhibition, notify the proponent that the proponent may submit to the Panel another major project impact statement within a period specified in the notice.
- (5) The Panel may only give a notice under subsection (4)(b) within the period of 12 months after the first major project

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impact statement in relation to a major project is provided to a participating regulator under section 60XG(5) or a later period determined by the Minister in relation to the major project.

- (6) A proponent to whom a notice under subsection (4) has been given may submit to the Panel a major project impact statement within the period specified in the notice and, if a major project impact statement is so submitted, the statement is to be taken to have been submitted under section 60XG(2).

60XJ. Panel may request further information

- (1) The Panel may request any of the following persons to provide to the Panel, within the period specified in the request, further information of the kind specified in the request:
- (a) the proponent of a major project;
 - (b) a planning authority;
 - (c) the Commission;
 - (d) a State Service Agency;
 - (e) a State authority within the meaning of the *State Service Act 2000*;

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- (f) the Corporation within the meaning of the *Water and Sewerage Corporation Act 2012*;
 - (g) the Wellington Park Management Trust.
 - (2) The Panel may only request the proponent to provide further information under subsection (1) within the period of 28 days after the Panel has received from the proponent under section 60XG(2) a major project impact statement in relation to the major project.
 - (3) The Panel may only request a person to provide further information under subsection (1) if the information may assist the Panel to determine –
 - (a) whether to grant a major project permit in relation to a major project; or
 - (b) if the Panel were to grant a major project permit in relation to a major project, the conditions or restrictions, if any, to which the permit ought to be subject.
 - (4) A person to whom a request is made under subsection (1) is to take all reasonable steps to provide to the Panel, as soon as practicable but in any case within the period specified in the request, the information specified in the request.

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- (5) The Panel, as soon as practicable after information in relation to the major project is provided to the Panel under subsection (4), must, if the information relates to a matter to which a participating regulator is likely to have regard in determining what participating regulator's final advice under section 60XR(1) to give in relation to the major project, give the information to the participating regulator.

Subdivision 9 – Draft assessment reports

60XK. Participating regulator to provide preliminary advice to Panel

- (1) A participating regulator, before the end of the relevant period in relation to the participating regulator, must provide to the Panel the participating regulator's preliminary advice in relation to a major project.
- (2) For the purposes of subsection (1), the relevant period in relation to a participating regulator is –
- (a) if the participating regulator is the EPA Board and the EPA Board has, under section 60U(3), notified the Panel that it requires the assessment of the major project to be treated as if it were a class 2C project under the EMPC

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Act – 90 days after the regulator received under section 60XG(5) the major project impact statement in relation to the major project; or

- (b) if paragraph (a) does not apply – 60 days after the regulator received under section 60XG(5) the major project impact statement in relation to the major project.
- (3) If the Panel has, further to a request by a participating regulator in a notice under section 60XH(1), requested the proponent under section 60XH(2) to provide the Panel with an amended major project impact statement in relation to a major project, the period between –
- (a) the day on which that request under section 60XH(1) is made; and
 - (b) the day on which the Panel provides that amended major project impact statement to the participating regulator under section 60XH(5) –

is not to be counted in the calculation of the relevant period under subsection (1) in relation to the participating regulator.

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(4) For the purposes of subsection (1), the participating regulator's preliminary advice in relation to a major project is a document containing –

(a) advice as to whether the participating regulator, at the time of giving the preliminary advice, intends to direct the Panel in the participating regulator's final advice under section 60XR(1) to refuse to grant a major project permit in relation to the major project and, if the regulator so intends, the reasons why the regulator intends to so direct the Panel; and

(b) if the participating regulator does not, at the time of giving the preliminary advice, intend to direct the Panel in the participating regulator's final advice under section 60XR(1) to refuse to grant a major project permit in relation to the major project, advice –

(i) that the participating regulator does not, at the time of giving the participating regulator's preliminary advice, require conditions or restrictions to be imposed

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on any major project permit that may be granted in relation to the major project; or

- (ii) specifying the conditions or restrictions (including any draft in-principle permit commencement conditions) that the participating regulator, at the time of giving the participating regulator's preliminary advice, requires to be imposed on any major project permit that may be granted in relation to the major project.

(5) A participating regulator may only include in the participating regulator's preliminary advice –

- (a) advice that the regulator intends, at the time of giving the preliminary advice, to direct the Panel in the participating regulator's final advice under section 60XR(1) to refuse to grant a major project permit in relation to the major project, if the regulator may, under section 60XR, so direct the Panel; or

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- (b) advice as to any conditions or restrictions that the relevant regulator, at the time of giving the preliminary advice, requires to be imposed on any major project permit that may be granted in relation to the major project, if the regulator may, under section 60XR, include such a condition or restriction in the participating regulator's final advice under section 60XR(1) in relation to the major project.

60XL. Draft assessment report

- (1) The Panel must prepare a draft assessment report in relation to a major project within 14 days after last receiving from a participating regulator under section 60XK(1) the participating regulator's preliminary advice in relation to the major project.
- (2) A draft assessment report in relation to a major project must include –
 - (a) a statement setting out the Panel's opinion as to the extent to which the major project impact statement in relation to the major project addresses the matters that are set out, in accordance with section 60XD(2)(c), in the

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assessment guidelines in respect
of the major project; and

- (b) a statement specifying the contents of each notice given by a participating regulator to the Panel under section 60U(1); and
- (c) a copy of each assessment requirement notice, or notice of no requirement, given by a participating regulator under section 60V(1) to the Panel; and
- (d) a statement setting out each participating regulator's opinion, given in a notice under section 60XH(1) in relation to the major project; and
- (e) a statement setting out any other information in relation to the major project that is provided to the Panel by a proponent under this Division; and
- (f) any conditions or restrictions, including any draft in-principle permit commencement conditions, that the Panel proposes to impose on a major project permit, if the major project permit is granted in relation to the major project; and

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- (g) any draft amendment of an LPS that would be required to be made in order for the major project to comply with the requirements of the planning scheme that applies in relation to the land on which the major project is to be situated.
- (3) If a participating regulator has given to the Panel an assessment requirement notice under section 60V(1) in relation to a project specifying any conditions or restrictions that the participating regulator requires to be included in the assessment guidelines in relation to the major project, the assessment report in relation to the major project is to –
 - (a) include the conditions or restrictions; or
 - (b) if there is an inconsistency between the conditions or restrictions that different participating regulators require, in their assessment requirement notices under section 60V, to be imposed on the permit – the conditions or restrictions that the Panel determines, following consultation with those participating regulators, best achieve the purposes for which those conditions or restrictions were so required.

Subdivision 10 – Exhibition of major project

60XM. Notification and exhibition of project

- (1) The Panel must give notice, of the public exhibition of a major project, in the *Gazette* and in a newspaper that is published, and circulates generally, in Tasmania.
- (2) The Panel must give notice under subsection (1) within 14 days after preparing under section 60XL the draft assessment report in relation to the major project.
- (3) A notice under subsection (1), in addition to any other matters required by the regulations to be contained in it –
 - (a) is to name a place where a copy of –
 - (i) the assessment guidelines in respect of the major project; and
 - (ii) the major project impact statement in relation to the major project; and
 - (iii) the draft assessment report in relation to the major project –

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will be available for inspection by the public during normal business hours during the period specified in the notice, which is not to be a period that ends less than 42 days after the notice is published; and

(b) is to specify that representations in relation to the major project may be made to the Panel during the period specified in the notice in accordance with paragraph (a); and

(c) is to specify the address, and an electronic address, to either of which a representation may be made.

(4) After the Panel gives notice in accordance with subsection (1), the Panel, and the planning authority for any land on which part or all of the major project is to take place, must arrange, in the prescribed manner, the public exhibition of –

(a) the assessment guidelines in respect of the major project; and

(b) the major project impact statement in relation to the major project; and

(c) the draft assessment report in relation to the major project –

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at the place, and during the period, specified in the notice.

- (5) If a period referred to in this section includes any days on which the offices of the Commission are closed during its normal business hours, that period is to be extended by the number of those days.
- (6) A person must not, within the period specified in the notice under subsection (1), obscure or remove a notice given under subsection (1) that is displayed on the land to which the notice relates.

Penalty: Fine not exceeding 10 penalty units.

- (7) The Commission must place on the Commission's principal website, for the period of the public exhibition –
 - (a) notice of the public exhibition of a major project; and
 - (b) a copy of –
 - (i) the assessment guidelines in respect of the major project; and
 - (ii) the major project impact statement in relation to the major project; and

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- (iii) the draft assessment report in relation to the major project.

60XN. Notification and hearings in relation to project

- (1) As soon as practicable after the public exhibition of the documents, in relation to a major project, referred to in section 60XM(4) begins under section 60XM(4), the Panel must give a notice in relation to the major project.
- (2) The notice under subsection (1) in relation to a major project is to be given to –
 - (a) all planning authorities in the regional area in which the land is situated; and
 - (b) all State Service Agencies that have been consulted in respect of the major project under section 60XB(3); and
 - (c) the Corporation within the meaning of the *Water and Sewerage Corporation Act 2012*; and
 - (d) if all or part of the land is in Wellington Park – the Wellington Park Management Trust.

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(3) The notice under subsection (1) is to –

- (a) advise each person to whom the notice is given of the public exhibition of the documents in relation to a major project; and
- (b) invite the person to make a representation in relation to the major project.

60XO. Representations in relation to major project

- (1) A person may make a representation to the Panel in relation to a major project to which a notice under section 60XM(1) relates.
- (2) A representation in relation to a major project may relate to any or all of the following matters:
 - (a) the major project;
 - (b) any conditions or restrictions that ought to be specified on any major project permit that may be granted in relation to the major project;
 - (c) the draft amendment to an LPS, if any, set out in the draft assessment report in relation to the major project, or any amendment to an LPS that would

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be required to be made in order for the major project to comply with the requirements of the planning scheme that applies in relation to the land on which the major project is to be situated.

- (3) A representation under subsection (2)(b), in relation to a major project, that is made by a person may relate to any of the following:
- (a) the conditions or restrictions included in the assessment report, in accordance with section 60XL(2)(f) in relation to the major project;
 - (b) any other condition or restriction in relation to a matter to which an LPS may relate, that the person considers ought to be imposed on a major project permit that may be granted in relation to the major project;
 - (c) any other conditions or restrictions, in relation to matters to which a project-associated Act relates, that the person considers ought to be imposed on any major project permit that may be granted in relation to the major project.

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- (4) A representation may only be made under subsection (1) during –
- (a) the period of 42 days beginning on the date on which notice in relation to the major project is given under section 60XM(1); or
 - (b) a longer period determined by the Panel.
- (5) The Panel must, within 7 days after receiving a representation under subsection (1) that relates to a matter to which a participating regulator is likely to have regard in determining the contents of the participating regulator's final advice under section 60XR(1) in relation to the major project, forward the representation to the participating regulator and to the proponent.
- (6) If a period referred to in this section includes any days on which the offices of the Commission are closed during its normal business hours, that period is to be extended by the number of those days.

60XP. Hearings

- (1) The Panel must hold hearings in respect of a major project, as soon as practicable after the public exhibition of the project under section 60XM(4) ends.

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- (2) Despite subsection (1), the Panel may dispense with the holding of a hearing in relation to a representation in relation to a major project if, after examining the representations received –
 - (a) the Panel is satisfied that all the representations are in support of the major project; or
 - (b) the Panel has consulted with the person who made the representation and that person has advised the Panel in writing that he or she does not wish to attend a hearing.
- (3) The Panel, before holding a hearing in relation to a representation in relation to a major project, is to notify each participating regulator of the intention to hold a hearing.

60XQ. Panel may request further information from proponent

- (1) A participating regulator may, within the period –
 - (a) beginning on the day after public exhibition in relation to a major project under section 60XM(4) closes; and

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- (b) ending on the day 28 days after that day or on a later day that is approved by the Minister –

advise the Panel that the relevant regulator requires from the proponent further information in relation to the major project.

- (2) A participating regulator may only advise the Panel that the relevant regulator requires further information in relation to the major project from the proponent if the information is relevant to the decision of the relevant regulator as to the contents of the participating regulator's final advice under section 60XR(1) in relation to the major project.

- (3) The Panel, within the period –

- (a) beginning on the day after public exhibition under section 60XM(4) in relation to a major project closes; and

- (b) ending on the day 35 days after that day –

may, and if requested to do so by a participating regulator, must, by notice to the proponent of a major project, require the proponent to provide the information specified in the notice to the Panel within the period specified in the notice.

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- (4) A proponent to whom a notice has been given under subsection (3) must, within the period specified in the notice or a longer period allowed by the Panel, provide to the Panel the information requested in the notice.
- (5) The Panel, as soon as practicable after being provided with information under subsection (4), must provide the advice to the participating regulator, if any, that advised the Panel under subsection (1) that it required the further information.
- (6) If a proponent to whom a notice has been given under subsection (3) fails to comply with subsection (4), the Panel may, under section 60XU(1)(b), refuse to grant a major project permit in relation to the major project.

60XR. Participating regulator to provide final advice to Panel

- (1) A participating regulator must, before the end of the 28-day period beginning on the day that the public exhibition of a major project under section 60XM(4) ends, give to the Panel a notice (the *participating regulator's final advice*) –
 - (a) specifying whether the regulator directs the Panel to refuse to grant a major project permit in relation to the major project; or

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- (b) specifying that the regulator does not direct the Panel to refuse to grant a major project permit in relation to the major project and either –
- (i) that the regulator does not require any conditions or restrictions to be imposed on any major project permit that may be granted in relation to the major project; or
 - (ii) the conditions or restrictions, (including any in-principle permit commencement conditions) that the participating regulator requires to be imposed on any major project permit that may be granted in relation to the major project.
- (2) If the Panel has, further to a request by a participating regulator under section 60XQ(1), requested the proponent under section 60XQ(3) to provide the Panel with further information in relation to a major project, the period between –

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- (a) the day on which that request under section 60XQ(1) is made; and
- (b) the day on which the proponent provides under section 60XQ(4) the information to the satisfaction of the Panel –

is not to be counted in the calculation of the period under subsection (1) in relation to the participating regulator.

60XS. Conditions that participating regulator may require

- (1) The conditions which the EPA Board may include in a participating regulator's final advice under section 60XR(1) include, but are not limited to including, any or all of the following:
 - (a) a condition requiring the person to whom the major project permit is granted to apply for a further permit in the event of a proposed change in the activity which might result in environmental harm, within the meaning of the EMPC Act;
 - (b) an in-principle permit commencement condition, including such a condition requiring the person to whom the

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permit is granted to prepare, and submit to the Board for approval, an environmental management plan, within the meaning of the EMPC Act, for the proposed activity;

- (c) a condition requiring a person to provide a document or information to a person;
- (d) a condition requiring the person to whom the permit is granted to undertake regular monitoring of the environmental effects of the activity and to report the results of that monitoring to the Board on a regular basis;
- (e) a condition providing that the activity can be undertaken only for a specified period of time, after which period a further permit under the EMPC Act may be required;
- (f) a condition requiring that, if the activity ceases, the site must be rehabilitated in accordance with the Board's requirements;
- (g) a condition requiring the person to whom the permit is granted to undertake such measures as the Board may specify to limit the

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environmental effects of traffic movements to and from the land to which the permit applies.

(2) A participating regulator that is not the Heritage Council or the EPA Board may only specify in a participating regulator's final advice under section 60XR(1) in relation to a major project that the regulator –

(a) requires a condition or restriction to be imposed on any major project permit that may be granted in relation to the major project, if the regulator would, if the project were not a major project –

(i) grant, under the project-associated Act in relation to which the regulator is the relevant regulator under section 60S, a permit in relation to the major project; and

(ii) impose, on such a permit granted under a project-associated Act in relation to the project, the condition or restriction or, if the condition is an in-principle permit commencement condition,

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require the information specified in the condition to be provided before it would grant such a permit; or

- (b) directs the Panel to refuse to grant a major project permit in relation to the major project, if the participating regulator is satisfied that the regulator would, if the project were not a major project, refuse to grant, under the project-associated Act, a project-related permit in relation to the major project.
- (3) A participating regulator that is the EPA Board may only specify in a participating regulator's final advice under section 60XR(1) in relation to a project that the EPA Board –
 - (a) requires a condition or restriction to be imposed on any major project permit that may be granted in relation to the major project, if the EPA Board is satisfied that, if the major project were not a major project –
 - (i) the EPA Board would not direct, under section 25(5) of the EMPC Act, a planning authority to

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refuse to grant a discretionary permit in relation to the major project; and

(ii) the EPA Board would, under section 25(5) of the EMPC Act, require a permit, granted under this Act in relation to the major project, to contain the condition or restriction or, if the condition is an in-principle permit commencement condition, require the information specified in the condition to be provided before it would grant such a permit; or

(b) directs the Panel to refuse to grant a major project permit in relation to the major project, if the EPA Board is satisfied that the EPA Board would, if the project were not a major project, direct, under section 25(5) of the EMPC Act, a planning authority to refuse to grant a discretionary permit in relation to the major project.

(4) A participating regulator that is the Heritage Council may only specify, in a

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participating regulator's final advice under section 60XR(1) in relation to a major project, that the Heritage Council –

- (a) requires a condition or restriction to be imposed on any major project permit that may be granted in relation to the major project, if the Heritage Council is satisfied that, if the major project were not a major project, the Heritage Council would –
 - (i) consent, under section 39(6) of the *Historic Cultural Heritage Act 1995*, to a discretionary permit being granted in relation to the major project, subject to the condition or restriction; or
 - (ii) if the condition is an in-principle permit commencement condition, require the information specified in the condition to be provided before it would grant such a permit; or
- (b) directs the Panel to refuse to grant a major project permit in relation to the major project, if the Heritage Council is satisfied that,

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if the major project were not a major project, the Heritage Council would notify the planning authority under section 39(6) of the *Historic Cultural Heritage Act 1995*, that a discretionary permit in relation to the major project should be refused.

60XT. Participating regulator must give reasons for requiring condition or restriction

- (1) A participating regulator must specify in the participating regulator's final advice under section 60XR(1) the reasons for –
 - (a) requiring a condition or restriction to be imposed on any major project permit that may be granted in relation to the major project; or
 - (b) directing the Panel to refuse to grant a major project permit in relation to the major project.
- (2) A participating regulator in relation to a major project must, before giving to the Panel a participating regulator's final advice under section 60XR(1) in relation to the major project, consider –
 - (a) any matters, raised in representations or hearings in

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relation to the major project, that are, in the opinion of the participating regulator, relevant to the regulator's consideration of whether –

- (i) to require conditions or restrictions to be imposed on any major project permit that may be granted in relation to the major project; or
 - (ii) to direct the Panel, in a notice under section 60XR(1), to refuse to grant a major project permit in relation to the major project; and
- (b) any further information provided under section 60XJ(5) to the participating regulator.

Subdivision 11 – Major project permits

60XU. Grant of major project permit

- (1) The Panel may, in accordance with this section, by notice to the proponent of a major project –
 - (a) grant a major project permit in relation to the major project; or

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- (b) refuse to grant a major project permit in relation to the major project.
- (2) In deciding under subsection (1) whether to grant a major project permit in relation to a major project, the Panel must consider any representations made under section 60XO(1) in relation to the major project.
- (3) The Panel may only grant a major project permit in relation to a major project if it is satisfied that –
 - (a) the grant of the permit will further the objectives specified in Schedule 1; and
 - (b) the grant of the permit will not be inconsistent with any State Policy or planning directive; and
 - (c) the assessment guidelines in respect of the project have been satisfied; and
 - (d) the relevant fee required under section 60L, and any other fee required under any other Act to be paid for the assessment of the project, have been paid; and
 - (e) the Panel has received a participating regulator's final advice under section 60XR(1)

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from each participating regulator and each participating regulator has not directed the Panel, in the notice, to refuse to grant a major project permit in relation to the major project.

- (4) The Panel may grant a major project permit in relation to a major project, even though the use or development permitted by the permit would not be permitted under a planning scheme that applies to the land to which the permit relates, but only if the Panel is satisfied that the grant of the permit is not inconsistent with the TPPS or the regional land use strategy in relation to the land.

60XV. When decision about grant of major project permit is to be made

- (1) The Panel is to decide whether to grant a major project permit in relation to a major project under section 60XU within –
- (a) 60 days after the end of the public exhibition of the major project under section 60XM(4); or
 - (b) a longer period, if any, allowed by the Minister.
- (2) If the Panel has requested the proponent under section 60XQ(3) to provide the

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Panel with further information in relation to a major project, the period between the day on which that request is made and the day on which the proponent provides the information to the satisfaction of the Panel is not to be counted in the calculation of the period referred to in subsection (1) in relation to the major project.

Subdivision 12 – Conditions on major project permits generally

60XW. Major project permit may be granted subject to conditions or restrictions

- (1) Subject to section 60XX, the Panel may impose conditions or restrictions (including in-principle permit commencement conditions) on a major project permit granted under section 60XU(1)(a).
- (2) The Panel must, under subsection (1), impose on a major project permit granted under section 60XU(1)(a) –
 - (a) any conditions or restrictions (including in-principle permit commencement conditions) that a participating regulator requires in the participating regulator's final advice under section 60XR(1) to be imposed on the permit; or

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- (b) if there is an inconsistency between the conditions or restrictions that different participating regulators require in their participating regulator's final advices under section 60XR(1) to be imposed on the permit – the conditions or restrictions that the Panel determines, following consultation with those participating regulators, best achieve the purposes for which those conditions or restrictions were so required.
- (3) The Panel must not impose on a major project permit a condition or restriction that is inconsistent with a condition or restriction that the Panel must, under subsection (2), impose.
- (4) The Panel must notify, of the conditions or restrictions, if any, imposed on a permit, the persons provided under section 60XX(2) with copies of the conditions or restrictions that the Panel proposes to impose on the permit.
- (5) The conditions that may be imposed on a major project permit include, but are not limited to including, a condition that all reasonable steps must be taken to enter into an agreement in respect of a use or

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development forming all or part of the project to which the permit relates.

- (6) If a condition referred to in subsection (5) is included, the Panel must specify on the major project permit the matters, and the requirements in respect of those matters, to be included in the agreement.
- (7) If –
 - (a) a person is granted a major project permit on which is imposed a condition, referred to in subsection (5), that all reasonable steps must be taken to enter into an agreement; and
 - (b) that person is not the owner of the land in respect of which the agreement must be entered into –the Panel must, within 7 days of granting the permit, serve on the owner of the land notice of the Panel's decision to impose the condition.
- (8) If a condition or restriction is imposed on a major project permit, the Panel must designate on the permit the participating regulator, or participating regulators, that is or are responsible for the enforcement of the condition or restriction.

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60XX. Process for determining conditions or restrictions to be imposed on major project permits

- (1) In deciding under section 60XW whether to impose conditions or restrictions on a major project permit to be granted in relation to the major project, the Panel must consider –
 - (a) any representations made under section 60XO(1) in relation to such conditions or restrictions; and
 - (b) any notice given under subsection (3) in relation to the major project.
- (2) At least 28 days before granting under section 60XU(1)(a) a major project permit on which a condition or restriction is imposed under section 60XW, the Panel must provide to the following persons a copy of the conditions or restrictions that it proposes to impose on the major project permit:
 - (a) the proponent for the project;
 - (b) the planning authority for the land to which the permit is to relate;

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- (c) the State Service Agencies that the Panel believes have an interest in the project;
 - (d) each participating regulator in relation to the major project to which the permit relates;
 - (e) the Corporation within the meaning of the *Water and Sewerage Corporation Act 2012*;
 - (f) if all or part of the land is in Wellington Park – the Wellington Park Management Trust.
- (3) A person may, within 14 days of receiving under subsection (2) a copy of a proposed condition or restriction in respect of a proposed major project permit, set out, by notice to the Panel –
 - (a) any objections the person may have to the proposed condition or restriction; and
 - (b) any other conditions or restrictions that the person thinks ought to be specified on the proposed major project permit.
- (4) If a person, in a notice under subsection (3), objects to a proposed condition or restriction that is required, under section 60XW(2), to be specified in the permit –

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- (a) the Panel must forward a copy of the objection to the participating regulator who required in the participating regulator's final advice under section 60XR(1) the condition or restriction to be imposed or in relation to whose requirement the condition or restriction was imposed under section 60XW(2)(b); and
 - (b) the participating regulator may, if it thinks fit, within 14 days after receiving the copy, by notice to the Panel, amend the participating regulator's final advice under section 60XR(1); and
 - (c) subsection (2) does not apply in relation to a condition or restriction proposed to be imposed on a major project permit that is, before the condition or restriction is imposed, altered pursuant to an amendment of the participating regulator's final advice in accordance with paragraph (b).

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Subdivision 13 – In-principle permit commencement conditions

60XY. In-principle permit commencement conditions

- (1) The conditions that may be imposed on a major project permit under section 60XW(1) include, but are not limited to including, an in-principle permit commencement condition.
- (2) An in-principle permit commencement condition is a condition that, within a period, specified in the condition, that is –
 - (a) after the issue of the major project permit; and
 - (b) before a permit commencement notice is issued in relation to the permit –

the holder of the permit must ensure that *the Panel* has approved under section 60Y one or more documents that contain the matters specified in the condition as required to be contained in such documents.

- (3) If an in-principle permit commencement condition imposed on a major project permit is not complied with within the

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period specified in the condition or a longer period allowed by the Minister –

- (a) a permit commencement notice must not be issued in relation to the major project permit; and
 - (b) the major project permit may be revoked under section 60YJ.
- (4) An in-principle permit commencement condition in relation to a major project may include a requirement that documents only be provided to the participating regulator by the proponent under section 60Y(1) after the proponent –
- (a) has provided to a person, or persons, specified in the condition, a draft of the documents; and
 - (b) has consulted with the person or persons in relation to the draft.

60XZ. Commencement of permit with in-principle permit commencement condition

- (1) Subject to section 60YD, a major project permit on which an in-principle permit commencement condition is imposed –
 - (a) takes effect, subject to section 60YD(3), in so far as it

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consists of, or relates to, the in-principle permit commencement condition, on the day on which the permit is granted or a later day specified, in relation to the in-principle permit commencement condition, on the permit; and

- (b) in so far as it consists of provisions other than the in-principle permit commencement condition, takes effect on the day on which the permit commencement notice in relation to the project is published in the *Gazette* under section 60YA(3).

- (2) Without limiting the generality of subsection (1), if an activity –

- (a) is an activity that is required to be carried out in order to comply with an in-principle permit commencement condition imposed on a major project permit; and
- (b) is an activity that is authorised under a provision of the permit to be carried out –

the provision of the permit takes effect to the extent required in order for the in-

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principle permit commencement
condition to be satisfied.

**60Y. Satisfaction of in-principle permit
commencement conditions**

- (1) A proponent in relation to a project may provide to a participating regulator –
 - (a) a document of a kind that the proponent is required to provide to the participating regulator by an in-principle permit commencement condition imposed on a major project permit granted in relation to the major project; or
 - (b) if required to do so by the participating regulator, an amendment of a document referred to in paragraph (a).
- (2) A participating regulator, within 28 days after receiving under subsection (1) a document or an amendment of a document, must –
 - (a) provide to the Panel a copy of the document or amendment; and
 - (b) give notice to the Panel as to whether the document, or amendment, is satisfactory or unsatisfactory; and

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- (c) if the notice under paragraph (b) specifies that the document or amendment is unsatisfactory – include in the notice the reasons why the participating regulator is of the opinion that the document or amendment is unsatisfactory.
- (3) The Panel, after receiving from a participating regulator a notice under subsection (2) in relation to a document or an amendment of a document, may, by notice to the proponent who provided the document or amendment to the participating regulator, approve or refuse to approve the document or amendment.
- (4) If a participating regulator has advised the Panel in a notice under subsection (2) that a document or amendment of a document is unsatisfactory, the Panel must –
 - (a) refuse to approve under subsection (3) the document or amendment of a document; and
 - (b) include in the notice under subsection (3) –
 - (i) the reasons why the Panel refuses to approve the document; and
 - (ii) a statement that the proponent may provide to

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the participating regulator
under subsection (1)
another document or
another amendment of a
document.

**60YA. Permit commencement notice for permits
with in-principle permit commencement
condition**

- (1) The Panel may issue a permit commencement notice in relation to a major project permit on which an in-principle permit commencement condition is imposed.
- (2) The Panel may only issue a permit commencement notice in relation to a major project permit if the Panel has issued an approval, or approvals, under section 60Y(3) in relation to all the documents that the proponent of the major project is required, by an in-principle permit commencement condition imposed on the major project permit, to provide to a participating regulator.
- (3) The Panel must publish a permit commencement notice in the *Gazette*, and in a newspaper that is published, and circulates generally, in Tasmania.

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Subdivision 14 – Other provisions in relation to major project permits

60YB. Notice of grant of major project permit to be given

- (1) If the Panel grants a major project permit under section 60XU(1)(a) –
 - (a) the Panel must give notice, in a newspaper that is published, and circulates generally, in Tasmania, of –
 - (i) the grant of the major project permit; and
 - (ii) the place where a copy of the major project permit, and the reasons for granting the permit, may be viewed or purchased; and
 - (b) the Commission must place on the Commission's principal website a copy of the major project permit and the reasons for granting the permit.
- (2) If the Panel, under section 60XU(1)(b), refuses to grant a major project permit in relation to the major project, the Panel must give notice, in a newspaper that is

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published, and circulates generally, in Tasmania, of –

- (a) the refusal to grant the major project permit; and
 - (b) the place where a copy of the reasons for the decision to refuse to grant the permit may be obtained.
- (3) The Panel must –
- (a) give to the proponent of a major project, and provide on request to a person, a statement of the reasons for granting, or refusing to grant, a major project permit under section 60XU in relation to the major project; and
 - (b) ensure that there are available at a place specified in a notice published in a newspaper under this section, a copy of a major project permit, and any statement of reasons, referred to in the notice.

60YC. Fees in relation to major project permits

- (1) If a major project permit is granted to the proponent of a major project and the EPA Board or Heritage Council is a

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participating regulator in relation to the major project –

- (a) the proponent is liable to pay to the EPA Board, or the Heritage Council, respectively, the fees that the proponent would have been liable to pay under the EMPC Act, or the *Historic Cultural Heritage Act 1995*, respectively, if the major project permit had been a permit within the meaning of this Act; and
 - (b) the EMPC Act, or the *Historic Cultural Heritage Act 1995*, respectively, applies in relation to such fees accordingly.
- (2) If a major project permit is granted to the proponent of a major project and there is in relation to the major project a participating regulator in relation to a project-associated Act (other than the EMPC Act, or the *Historic Cultural Heritage Act 1995*) –
- (a) the proponent is liable to pay to the Director, within the meaning of that Act, the fees that the proponent would have been liable to pay if the major project permit had been a project-related permit granted under that Act; and

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- (b) that Act applies in relation to such fees accordingly.

60YD. When major project permit takes effect

- (1) Subject to this section, a major project permit in relation to a major project, that is not a major project permit on which an in-principle permit commencement condition is imposed, takes effect on the day on which it is granted or another later day specified in the permit.
- (2) Despite subsection (1) and section 60XZ, if the relevant fee under section 60L, and the fees, if any, payable under section 60YC, in relation to a major project permit have not been paid by the day on which, under this section or section 60XZ, the major project permit takes effect, the major project permit does not take effect before the day by which all of the fees have been paid.
- (3) If any other approvals (however described) under this Act or another Act are required for the proposed use or development to which a major project permit relates, the major project permit does not take effect until all those approvals have been granted.
- (4) If it is a condition of a major project permit that all reasonable steps be taken

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to enter into an agreement, the permit does not take effect until –

- (a) the day on which the agreement is executed; or
 - (b) the day on which the Commission notifies the proponent in writing under subsection (5) that the Commission is satisfied that the proponent has taken all reasonable steps to enter into such an agreement.
- (5) The Commission may, on the application of a proponent of a project, issue a notice in writing to the proponent stating that the Commission is satisfied that the proponent has taken all reasonable steps to enter into an agreement.
- (6) The Commission must give notice of the issue of a notice under subsection (5) in relation to a major project to the council for the land to which the notice under subsection (5) relates.

60YE. When permit lapses

- (1) A major project permit lapses if –
 - (a) after a period of 4 years from –

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- (i) the day on which a major project permit was granted; or
- (ii) if an in-principle permit commencement condition was imposed on the permit – the day on which the project commencement notice in relation to the project to which the major project permit relates is published in the *Gazette* under section 60YA(3); or
- (b) where the Commission has granted an extension under subsection (2), after a further period of 2 years –
- the principal use or development in respect of which a major project permit was granted is not substantially commenced.
- (2) If the principal use or development in respect of which a major project permit was granted is not, or is unlikely to be, substantially commenced before the permit would otherwise lapse under subsection (1)(a), the Commission may grant (once only) a 2-year extension of the period during which that use or

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development must be substantially commenced.

Subdivision 15 – Amendment and revocation of major project permits

60YF. Interpretation of Subdivision 15

In this Subdivision –

relevant decision-maker, in relation to a major project permit, means –

- (a) the Panel in relation to the major project, if the permit –
 - (i) is not a major project permit on which an in-principle permit commencement condition is imposed and the permit has not taken effect under section 60YD(1); or
 - (ii) is a major project permit on which an in-principle permit commencement condition is imposed and the permit has not taken effect under section 60XZ(1)(b); or
- (b) the Commission, if the permit –
 - (i) is not a major project permit on which an in-

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principle permit
commencement condition
is imposed and the permit
has taken effect under
section 60YD(1); or

- (ii) is a major project permit
on which an in-principle
permit commencement
condition is imposed and
the permit has taken effect
under section 60XZ(1)(b).

**60YG. Amendment, of major project permit, that
does not increase detriment, use or
development**

- (1) Subject to section 60YH, the relevant
decision-maker may, on the application
of the holder of a major project permit,
by notice in writing to the applicant,
amend a condition or restriction imposed
on the major project permit.

- (2) If a major project permit is granted in
relation to a major project, the relevant
decision-maker may, on the application
of –

- (a) a participating regulator in
relation to a major project to
which the major project permit
relates; or

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- (b) the planning authority for the area of land to which the major project relates –

by notice in writing to the proponent, amend a condition or restriction imposed on the major project permit.

- (3) The relevant decision-maker may only amend under subsection (2) a condition or restriction imposed on a permit if it has invited the proponent of the major project to which the permit relates to show cause why the condition or restriction should not be amended as proposed.

- (4) The relevant decision-maker may only amend under subsection (1) or (2) a condition or restriction imposed on a major project permit if, at least 14 days before amending the condition or restriction –

- (a) the relevant decision-maker has invited each participating regulator, in relation to the major project to which the major project permit relates, to advise the relevant decision-maker within 14 days, or a longer period allowed by the relevant decision-maker, as to whether the participating regulator objects to

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the condition or restriction being amended as proposed; and

- (b) the participating regulator has not, within the time required under paragraph (a), advised that the participating regulator objects to the condition or restriction being amended as proposed.
- (5) Subsection (4) does not apply in relation to a participating regulator in relation to an amendment, of a condition or restriction imposed on a major project permit, that has been requested by the participating regulator under subsection (2)(a).
- (6) If the relevant decision-maker amends under subsection (1) or (2) a condition or restriction imposed on a major project permit, the relevant decision-maker is to give notice in writing, to each person notified under section 60YH(1), of the proposal to amend the condition or restriction.
- (7) The relevant decision-maker, as soon as practicable after amending under subsection (2) a condition or restriction imposed on a major project permit granted in relation to a major project, is to make a reasonable attempt to notify of the making of the amendment each person who made a representation under

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section 60XO(1) in relation to the project, that is a representation that is relevant to the condition or restriction that is amended.

- (8) The relevant decision-maker, as soon as practicable after amending under subsection (1) or (2) a condition or restriction imposed on a major project permit, is to ensure that a notice, specifying that the amendment has been made and setting out the effect of the amendment, is published in a newspaper that is published, and circulates generally, in Tasmania.

60YH. Limitations on ability to amend under section 60YG conditions of major project permits

- (1) The relevant decision-maker may only amend under section 60YG(1) or (2) a condition or restriction imposed on a major project permit in relation to an area of land if –
- (a) at least 14 days before amending the condition or restriction, the relevant decision-maker has made a reasonable attempt to provide a copy of the proposed amendment of the conditions or restrictions to –

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- (i) the planning authority for the area of land; and
 - (ii) the Corporation within the meaning of the *Water and Sewerage Corporation Act 2012*; and
 - (iii) if all or part of the land is in Wellington Park – the Wellington Park Management Trust; and
 - (iv) each person who made a representation under section 60XO(1) in relation to the major project that is a representation that is relevant to the condition or restriction that is amended; and
- (b) the relevant decision-maker has considered any objections in relation to the condition or restriction that it has received under subsection (2).
- (2) A person to whom a copy of the proposed amendment of the conditions or restrictions has been provided under subsection (1) may, within 14 days of receiving the notice, by notice to the relevant decision-maker, set out the

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person's objections to the amendment of the condition or restriction.

- (3) The relevant decision-maker may only amend under section 60YG(1) or (2) a condition or restriction imposed on a major project permit if the amendment –
- (a) will not cause an increase in detriment to any person other than the proponent; and
 - (b) does not change the use or development for which the permit was issued, other than by changing in a minor way the description of the use or development.
- (4) The relevant decision-maker may only amend under section 60YG(1) or (2) a condition or restriction, imposed on a major project permit in relation to an area of land, if it is satisfied that the condition or restriction of the permit, as so amended, would not be inconsistent with –
- (a) the objectives set out in Schedule 1; and
 - (b) the TPPS; and
 - (c) a planning directive or State policy.

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- (5) The relevant decision-maker may, if subsection (4) is complied with in relation to a condition or restriction, amend under section 60YG(1) or (2) the condition or restriction imposed on a major project permit in relation to an area of land even though the condition or restriction of the permit, as so amended, would be inconsistent with a planning scheme that applies to the land.

60YL. Amendment of permits to ensure consistency with EPN

- (1) The relevant decision-maker may, by notice in writing to the proponent in relation to a major project, amend a condition or restriction imposed on a major project permit granted in relation to the major project, if the amendment is necessary to ensure that the major project permit is consistent with an environment protection notice, within the meaning of the EMPC Act, in relation to which the Commission has received a notice under section 44(4AA) of the EMPC Act.
- (2) The relevant decision-maker, as soon as practicable after amending under subsection (1) a condition or restriction imposed on a major project permit, is to ensure that a notice, specifying that the amendment has been made and setting out the effect of the amendment, is

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published in a newspaper that is published, and circulates generally, in Tasmania.

60YJ. Correction and revocation of major project permit

- (1) The relevant decision-maker may, on the application of the holder of a major project permit or the owner of the land to which a major project permit relates, by notice in writing to the proponent or owner, as the case may be, revoke the major project permit.
- (2) The relevant decision-maker may, by notice to the holder of a major project permit on which an in-principle permit commencement condition is imposed, revoke the permit if the condition has not been satisfied within 2 years after the permit is granted.
- (3) The relevant decision-maker may, by notice in writing to the proponent in relation to a major project, correct a major project permit in relation to the major project if the permit contains –
 - (a) a clerical mistake or an error arising from any accidental slip or omission; or
 - (b) an evident material miscalculation of figures or an

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evident material mistake in the description of any person, thing or property referred to in the permit.

- (4) If the relevant decision-maker, under this section, revokes or corrects a major project permit in relation to a major project carried out or to be carried out on an area of land, the relevant decision-maker must give notice in writing of the revocation or correction to –

- (a) the proponent; and
- (b) the owner of the land; and
- (c) the planning authority for the land; and
- (d) each participating regulator in relation to the major project.

- (5) The relevant decision-maker, as soon as practicable after correcting under this section a major project permit, is to ensure that a notice, specifying that the correction has been made and the nature of the correction, is given in a newspaper that is published, and circulates generally, in Tasmania.

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60YK. Significant amendment of major project permit

- (1) For the purposes of this section, an amendment of a major project permit is a significant amendment of a major project permit if –
 - (a) were the permit amended in accordance with the amendment, the permit would authorise a use or development (the *altered use or development*) that is in addition to, or in substitution for, or is of a different scale or nature to, the uses and developments to which the major project permit relates; but
 - (b) the major project to which the major project permit, as so amended, would relate would be substantially the same major project as the major project to which the permit related before the amendment.
- (2) A significant amendment may not be made to a major project permit unless –
 - (a) the relevant decision-maker has permitted subsection (8) to apply in relation to the major project permit; and

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- (b) this Division has, in accordance with subsection (8), applied in relation to the altered use or development to which the request relates.
- (3) The holder of a major project permit, by notice to the relevant decision-maker, may request the relevant decision-maker to permit subsection (8) to apply in relation to a significant amendment of the major project permit.
- (4) A request under subsection (3) is to contain, in relation to an altered use or development, the matters specified in section 60D as required to be included in a major project proposal.
- (5) If a request under subsection (3) relates to a matter in relation to which a participating regulator would have been likely to have had regard in giving the participating regulator's final advice under section 60XR(1) in relation to the relevant major project, the relevant decision-maker must –
- (a) forward the request to the participating regulator; and
 - (b) invite the participating regulator to provide to the relevant decision-maker, within 14 days after the request is forwarded to

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the regulator, the advice of the regulator in relation to the request; and

- (c) consider each opinion provided under subsection (6).
- (6) A participating regulator to whom an invitation has been issued under subsection (5) may, within 14 days, provide to the relevant decision-maker the participating regulator's advice in relation to the request to which the invitation relates, including whether the regulator requires the relevant decision-maker –
 - (a) to refuse to give permission under subsection (7) in relation to the major project permit; or
 - (b) to give permission under subsection (7) in relation to the major project permit only if the altered use or development is modified in accordance with the requirements of the regulator that are set out in the advice.
- (7) The relevant decision-maker may, by notice to a proponent who has made a request under subsection (3) in relation to a major project permit –

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- (a) give permission for subsection (8) to apply in relation to the major project permit; or
 - (b) refuse to give permission for subsection (8) to apply in relation to the major project permit.
 - (8) If the relevant decision-maker, pursuant to a request under subsection (3), gives a permission under subsection (7) in relation to a major project permit, this Division applies in relation to the altered use or development to which the request relates as if –
 - (a) that altered use or development constituted the major project for the purposes of this Part; and
 - (b) the request were a major project proposal in relation to the major project; and
 - (c) the major project had just been declared under section 60F(1)(a) to be a major project; and
 - (d) references in this Division to a major project permit were a reference to an amendment of the major project permit that authorises the altered use or development.

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- (9) The relevant decision-maker may only give a permission under subsection (7) if the relevant decision-maker has not received advice under subsection (6) that a participating regulator requires the relevant decision-maker to refuse to give permission under subsection (7) in relation to the major project permit.
- (10) If a regulator has, in an advice provided under subsection (6), required that the relevant decision-maker give permission under subsection (7) in relation to the major project permit only if the altered use or development is modified in accordance with the requirements of the regulator that are set out in the advice, the relevant decision-maker may only give permission under subsection (3) if –
 - (a) the altered use or development has been modified in accordance with those requirements; and
 - (b) the proponent has agreed to the modification.

Subdivision 16 – Miscellaneous

60YL. Amendment of LPS

- (1) As soon as practicable after a major project permit is granted in relation to a major project, the Commission must, in consultation with the relevant planning

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authority, amend an LPS that applies to the land on which the project is to be situated, so as to remove any inconsistency between the permit and the LPS.

- (2) Part 3B does not apply to an amendment made under subsection (1).
- (3) If the Commission amends under subsection (1) an LPS that applies to land on which a major project is to be situated –
 - (a) the amendment is to be taken to have come into operation on the date on which the project was declared to be a major project; and
 - (b) the Commission must give notice of the amendment in the *Gazette* and in a newspaper published in Tasmania and circulating generally in the area to which the LPS relates.
- (4) The Commission may amend under subsection (1) an LPS that applies to land on which a major project is to be situated even though the LPS, as amended, would be inconsistent with a management plan under the *Wellington Park Act 1993* in relation to the land and a provision of such a management plan that is

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inconsistent with the LPS, as so amended, is of no effect to the extent of the inconsistency.

60YM. Enforcement of compliance with conditions

(1) If –

- (a) a major project permit is in force in relation to a major project; and
- (b) an activity is carried out in relation to the major project that, if the major project were not a major project, would be an activity in relation to which a project-related permit would be required under a project-associated Act; and
- (c) the major project permit authorises the carrying out of the activity –

the major project permit is, for the purposes of that Act, to be taken to be a project-related permit, issued under that Act, authorising the activity subject to any relevant conditions or restrictions in relation to the project-associated Act.

- (2) For the purposes of subsection (1), a condition or restriction is a relevant condition or restriction in relation to a project-associated Act if –

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- (a) the condition or restriction is imposed under section 60XW(2) on the major project permit pursuant to a requirement of a participating regulator who is the person responsible for the administration of that Act; or
 - (b) the condition or restriction is imposed under section 60XW(2) on the major project permit pursuant to the application of section 60XW(2)(b) to a condition or restriction proposed by the participating regulator who is the person responsible for the administration of that Act.
- (3) Nothing in subsection (1) is to be taken to have the effect that a major project permit to which that subsection applies ceases to be a major project permit for the purposes of this Act.
- (4) If a major project permit is to be taken under subsection (1) to be a project-related permit issued under a project-associated Act –
- (a) the project-related permit remains, despite any provision of that Act, in force until the major project permit ceases to be in effect under this Act; and

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- (b) the project-related permit may not be cancelled or revoked under that Act.

60YN. Restriction on certain applications for permits or amendments to LPS

A person may not, within 2 calendar years from the date of a decision by a Panel under section 60XU(1)(b) to refuse to grant a major project permit in relation to a major project, or the date of a revocation of a declaration of a major project under section 60M –

- (a) apply to a planning authority to grant a permit in relation to a project that is the same as, or substantially the same as, the major project; or
- (b) request the planning authority under section 37(1) to prepare a draft amendment of an LPS that is substantially the same as a draft amendment of an LPS prepared in accordance with section 60YL(1) in relation to the project.

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60YO. Application of certain provisions in relation to enforcement

Sections 65F and 65G apply in relation to a major project permit as if a reference in those sections –

- (a) to an authorised officer were a reference to a person authorised by the Commission; and
- (b) to a permit were a reference to a major project permit; and
- (c) to a planning authority were a reference to the Commission.

20. Section 63 amended (Obstruction of sealed schemes)

Section 63 of the Principal Act is amended as follows:

- (a) by omitting paragraph (d) from subsection (2) and substituting the following paragraph:
 - (d) constitutes a breach of section 60K(2) or of a condition or restriction imposed under section 60XW, as amended or corrected, if at all, under section 60YG, 60YI, 60YJ or 60YK, on a major project permit granted in relation to the land.

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- (b) by omitting from subsection (5B) “special permit” and substituting “major project permit”.

21. Section 63B amended (Notice of suspected contravention, &c., may be given)

Section 63B(1) of the Principal Act is amended by omitting “section 60ZB(1) or”.

22. Section 64 amended (Civil enforcement proceedings)

Section 64(1A) of the Principal Act is amended by omitting “section 60ZB(1) or” twice occurring.

23. Section 65C amended (Enforcement notices)

Section 65C(1) of the Principal Act is amended by omitting “section 60ZB(1),”.

24. Section 65D amended (Requirements of enforcement notices)

Section 65D(2)(e) of the Principal Act is amended by omitting “special permit” and substituting “major project permit”.

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25. Section 65E amended (Offences and penalties in relation to enforcement notices)

Section 65E(4) of the Principal Act is amended by omitting “special permit” and substituting “major project permit”.

26. Section 65I amended (Authorised officers)

Section 65I of the Principal Act is amended by omitting subsection (1).

27. Section 77 amended (Agreement may not breach planning scheme)

Section 77 of the Principal Act is amended by omitting “special permit” and substituting “major project permit”.

28. Section 82 amended (Evidentiary provision)

Section 82(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (c) “special permit” and substituting “major project permit”;
- (b) by omitting “special permit” second occurring and substituting “major project permit”.

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29. Section 83 amended (Planning schemes, &c., to be judicially noticed)

Section 83 of the Principal Act is amended by omitting “special permit” and substituting “major project permit”.

30. Section 87E inserted

After section 87C of the Principal Act, the following section is inserted in Division 2:

87E. Savings and transitional – *Land Use Planning and Approvals Amendment (Major Projects) Act 2017*

The savings and transitional provisions specified in Schedule 7 have effect.

31. Schedule 5 amended (Savings and Transitional Provisions – *Land Use Planning and Approvals Amendment (Streamlining of Process) Act 2014*)

Clause 3 of Schedule 5 to the Principal Act is amended as follows:

- (a) by omitting from subclause (2)(b) “section 43A” and substituting “section 40T”;
- (b) by omitting from subclause (8) “section 43A” and substituting “section 40T”.

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32. Schedule 7 inserted

After Schedule 6 to the Principal Act, the following Schedule is inserted:

**SCHEDULE 7 – SAVINGS AND TRANSITIONAL
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Section 87E

1. References to LPS in Division 2A of Part 4

Until an LPS comes into force in relation to a municipal area, a reference in Division 2A of Part 4 to an LPS is to be taken, in relation to the municipal area, to be a reference to the planning scheme in relation to the area.

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Part 4 – Concluding Provision

PART 4 – CONCLUDING PROVISION

33. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

draft Only