# Major projects assessment Reform: An Overview

## What changes is the Government proposing?

The Government is proposing to reform the process for assessing major projects in Tasmania to make it more efficient, provide greater certainty to proponents earlier in the process and improve transparency and public involvement.

This process is different to the current process for assessing Projects of Regional Significance (PORS) under the *Land Use Planning and Approvals Act 1993*.

The main changes proposed by the Government are:

* Expanding the suite of approvals to include approvals under land use planning, water and gas, environmental, Aboriginal cultural heritage, historic cultural heritage, threatened species and nature conservation legislation.
* Clarifying when a project is eligible to be declared to be a major project;
* Introducing a ‘no reasonable prospect’ test early in the process and in-principle permit commencement conditions;
* Enhancing transparency, public consultation and engagement; and
* Clarifying timeframes and staging the recovery of assessment fees on a cost recovery basis.

The proposed changes are contained in the draft Land Use Planning and Approvals Amendment (Major Projects) Bill 2018. The changes will be finalised following this further consultation period on the draft Bill.

## Why is the Government proposing the changes?

The changes are intended to address concerns with the current PORS process for assessing major projects. These concerns include:

* The limited number of approvals provided under the PORS process (land use planning and environmental approvals). For many major projects, a broader range of approvals may be required to use and develop the relevant land, including Aboriginal and historic cultural heritage, threatened species and nature conservation approvals;
* A lack of certainty for proponents as to whether their project is likely to be approved. This can result in significant wasted time and resources for both proponents and regulators in preparing reports and surveys and assessing a project that was never likely to be approved; and
* The timing and calculation of assessment fees. These are currently charged on declaration of the project and prior to the assessment occurring. They are also based on a percentage of the capital cost of the project rather than cost-recovery. This potentially discriminates against larger projects, which are not necessarily more complex and costly to assess.

The lack of certainty under the existing PORS assessment process is a disincentive to proponents seeking to enter the process.

What features will be retained?

The proposed major projects assessment process retains some core features of the current PORS assessment process. These include:

* Independent assessment by an expert Development Assessment Panel established by the Tasmanian Planning Commission, and by participating regulators;
* A coordinated assessment and combined permit approval process; and
* Accreditation of the environmental assessment process under the Commonwealth’s *Environmental Protection and Biodiversity Conservation Act 1999* (the EPBC Act)*.*

## What consultation has there been so far?

The draft Bill has been developed in consultation with the Planning Reform Taskforce and key State Government agencies. The Commonwealth Department of the Environment and Energy has also been consulted on the proposal to seek accreditation of the new process under the Bilateral Agreement between Tasmania and the Commonwealth on environmental assessments under the EPBC Act.

The first period for comment on the draft Bill closed on 2 October 2017 and 198 submissions were received. The submissions raised a number of issues that have been considered by the Government in preparing this revised draft Bill.

## Where do I find the revised draft Bill?

A copy of the revised draft Bill, a second Consultation Paper and the accompanying seven Fact Sheets are available at [www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au) or at [www.justice.tas.gov.au](http://www.justice.tas.gov.au).

## How can I comment?

Comment on the proposed changes to the draft Bill are invited by **Monday, 29 January 2018**. Comments should be marked ‘Major Projects Reform’ and can be emailed to [Planning.Unit@justice.tas.gov.au](mailto:Planning.Unit@justice.tas.gov.au) or posted to:

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Further enquiries can be directed to the Planning Policy Unit at the above email address or by telephoning (03) 6166 1429.

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