

TASMANIA

LAND USE PLANNING AND APPROVALS AMENDMENT BILL 2022

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consultation version

LAND USE PLANNING AND APPROVALS AMENDMENT BILL 2022

*(Brought in by the Minister for Local Government and
Planning, the Honourable Michael Darrel Joseph Ferguson)*

A BILL FOR

An Act to amend the *Land Use Planning and Approvals Act 1993*

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:

1. Short title

This Act may be cited as the *Land Use Planning and Approvals Amendment Act 2022*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

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

*No. 70 of 1993

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4. Section 60 amended (Timing of determination of compliance with certain permit conditions)

Section 60(1) of the Principal Act is amended by omitting “*Gas Pipelines Act 2000*,” from paragraph (c) of the definition of *regulatory authority* and substituting “*Gas Industry Act 2019*”.

5. Section 60B amended (Interpretation: Division 2A)

Section 60B(1) of the Principal Act is amended as follows:

- (a) by inserting “, as amended if at all under section 60TF(2),” after “section 60O(1)” in the definition of *declaration of a major project*;
- (b) by omitting the definitions of *major project impact statement* and *major project proposal* and substituting the following definitions:

major project impact statement, in relation to a major project, means –

- (a) except if paragraph (b) or (c) applies, a major project impact statement provided, in relation to the major project, to the Panel under section 60ZS(1); or

- (b) except if paragraph (c) applies, if a major project impact statement in relation to the major project is provided to the Panel under section 60ZV(6) – that major project impact statement; or
- (c) if a major project impact statement in relation to the major project is provided to the Panel under section 60ZZZAB(7)(a) – that major project impact statement;

major project proposal, in relation to a proposed major project, means –

- (a) except if paragraph (b), (c) or (d) applies, a major project proposal that, under section 60E(1), accompanies a proposal for a declaration in relation to the proposed major project or that is provided to the Minister under section 60E(3); or
- (b) except if paragraph (c) or (d) applies, if an amended major project proposal in

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relation to the project is provided under section 60G(3) – that major project proposal; or

(c) except if paragraph (d) applies, if there is an amended major project proposal in relation to the project, being a proposal to which section 60ZH(4) relates – that major project proposal; or

(d) if an amended major project proposal is taken under section 60TH(6) to be the major project proposal – that major project proposal;

(c) by inserting “or who becomes, under section 60TD(4),” after “section 60ZB,” in the definition of *participating regulator*;

(d) by omitting “*Gas Pipelines Act 2000*” from the definition of *pipeline licensee* and substituting “*Gas Industry Act 2019*”.

6. Section 60CA inserted

Before section 60C of the Principal Act, the following section is inserted in Subdivision 2:

60CA. Information about sensitive matters

- (1) A person who –
- (a) is intending to make, in relation to a project, a proposal for a declaration in relation to a major project; or
 - (b) is required under section 60E(2) to make, in relation to a project, a proposal for a declaration in relation to a major project –

must, before making the proposal, make to each relevant regulator a sensitive matters request in relation to the project.

- (2) A person who is intending to make, in relation to a project, a request under section 60TB(1) for the relevant decision-maker to advise the Minister that it is appropriate to amend a declaration in relation to a major project so that the declaration also relates to an additional area of land must, before making the request, make to each relevant regulator a sensitive matters request in relation to the project.
- (3) A person who is intending to make under section 60ZZW or 60ZZZ an application for an amendment to a major project permit must, before making the application, make to each relevant regulator a sensitive matters request in relation to the project, unless the person

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has already given a notice under subsection (2) in relation to an additional area of land to which the application is to relate.

- (4) A sensitive matters request, in relation to a project, by a person to a relevant regulator, is a notice to the relevant regulator –

(a) specifying –

(i) if subsection (1) applies to the person – the area of land to which the project is to relate; or

(ii) if subsection (2) applies to the project – the additional area of land to which the project is to relate; or

(iii) if subsection (3) applies to the person and subsection (2) does not apply to the project – the area of land to which the project relates; and

(b) including –

(i) a general description of the nature of the project; or

- (ii) if subsection (3) applies to the person, the amendment for which the person proposes to apply; and
 - (c) requesting the relevant regulator to advise the person whether any category of information, that may be provided under this Division by the relevant regulator, or the person, to the Panel or another person, is likely to contain sensitive matter.
- (5) For the purposes of this section, a category of information is likely to contain sensitive matter if –
 - (a) information within the category of information is culturally sensitive; or
 - (b) were information within the category of information available to members of the public, there may be a risk of harm to members of a cultural group, an object or an organism.
- (6) A relevant regulator that receives a sensitive matters request from a person must, within 35 days, by notice to the person –
 - (a) advise the person whether the relevant regulator considers that a

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category of information, to be provided under this Division by the relevant regulator, or the person, to a Panel or other person is likely to contain sensitive matter; and

- (b) if the relevant regulator considers a category of information, to be provided by the relevant regulator, or the person, to a Panel or other person under this Act is likely to contain sensitive matter – set out in the notice the category of information.

- (7) A relevant regulator that gives to a person a notice under subsection (6) in relation to a project must provide a copy of the notice to –

- (a) the Minister, if the Minister is not the person; and
- (b) the Commission; and
- (c) the Panel, if any, in relation to the project.

- (8) If a category of information is specified in a notice given under subsection (6) then, despite any other provision of this Act or any other Act, any information that is within the category of information –

- (a) must not be included, in a document given to another person under this Act, that a member of the public is able to view under a provision of this Act, unless the information is not able to be viewed by a member of the public; and
 - (b) must not be disclosed in any meeting, or hearing, under this Act, that a member of the public may attend; and
 - (c) must not be disclosed in any discussion between a member of the public (or the proponent) and the Minister, a relevant regulator, a member of the Panel or the Commission; and
 - (d) must not be disclosed during proceedings of the Tasmanian Civil and Administrative Tribunal or a court, unless the Tribunal, or court, respectively, has been advised of the potential risk of harm to members of a cultural group, an object or an organism if the information is disclosed.
- (9) If a category of information is referred to in a notice given under subsection (6) –
- (a) the declaration of a major project; and

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- (b) an amendment to the declaration of a major project made under section 60TF(2) to which relates a notice given under subsection (6) in response to a notice under subsection (2); and
- (c) any other document that a member of the public is able to view under a provision of this Division –

is to include a sensitive matters statement able to be viewed by members of the public.

- (10) For the purposes of subsection (9), a sensitive matters statement to be included in a document is a statement that the document contains information, relating to a sensitive matter, that –

- (a) is not able to be viewed by a member of the public; and
- (b) must not be disclosed in any meeting, or hearing, under this Act, that a member of the public may attend; and
- (c) must not be disclosed in any discussion between a member of the public (or the proponent) and the Minister, a relevant regulator, a member of the Panel or the Commission; and

- (d) must not be disclosed during proceedings of the Tasmanian Civil and Administrative Tribunal or a court, unless the Tribunal, or court, respectively, has been advised of the potential risk of harm to members of a cultural group, an object or an organism if the information is disclosed.

7. Section 60D amended (Effect, of proposal for a declaration, on permit applications, referrals and project-associated Acts)

Section 60D(1) of the Principal Act is amended by omitting “section 70D of the *Gas Pipelines Act 2000*” from paragraph (d) of the definition of *referral* and substituting “section 51 of the *Gas Industry Act 2019*”.

8. Section 60F amended (Contents of major project proposal)

Section 60F of the Principal Act is amended by inserting after subsection (1) the following subsection:

- (1A) A major project proposal in relation to a project may include a statement stating –
 - (a) that one or more preliminary studies, specified in the statement, may be required to be carried out before assessment criteria are determined under

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section 60ZM(1) in relation to the major project; and

- (b) why each of the preliminary studies is required to be carried out before assessment criteria are determined under section 60ZM(1) in relation to the major project.

9. Section 60S amended (Effect on planning matters of declaration of major project)

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

- (a) by omitting subsection (1) and substituting the following subsection:

- (1) A person must not undertake a use or development, on land to which a major project relates, that is –

- (a) the same as, or substantially the same as, a use or development to which the major project permit relates; and
 - (b) a use or development for which, under a planning scheme that applies to the land, a permit is required –

except if the use or development is under and in accordance with –

- (c) a major project permit in relation to the project; or
 - (d) a permit that was in force immediately before the project was declared to be a major project.
- (b) by inserting in subsection (2) “section 60SA,” after “under”;
- (c) by inserting the following subsections after subsection (3):
- (3A) Subsection (1) does not apply in relation to land to which a major project permit relates if a certificate of development completion has been issued under subsection (3B) in relation to the land to which the permit relates.
 - (3B) If the Commission is satisfied that all development, to which a major project permit in relation to land relates, has been completed, or that no further such development is intended to occur under a major project permit, the Commission may issue a certificate of development completion in relation to the land to –

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- (a) each landowner of the land; and
- (b) the planning authority in relation to the land.
- (d) by inserting the following subsection after subsection (4):

(5) If a declaration of a major project is amended under section 60TF(2) to include an area of land –

(a) an application for an ordinary permit, in relation to a use or development forming all or part of the major project, that –

(i) relates to the area of land; and

(ii) has been made to, but not determined by, the planning authority, before the declaration of a major project is amended under section 60TF(2) –

is taken to have been withdrawn on the day on which the declaration of a major project is amended

under section 60TF(2);
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.

10. Section 60SA inserted

After section 60S of the Principal Act, the following section is inserted in Subdivision 4:

60SA. Project-related permit may be given to enable preliminary study activity

- (1) In this section –

preliminary study activity means an activity for the purposes of a preliminary study that is specified in a statement included, in accordance with section 60F(1A), in the major project proposal in relation to the major project.

- (2) A proponent of a major project may request the Commission to authorise under subsection (3) a preliminary study activity that is not permitted under a planning scheme unless there is a permit in relation to the activity.

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- (3) The Commission may, on receiving from a proponent of a major project a request under subsection (2) in relation to a preliminary study activity, authorise, on the conditions or restrictions the Commission thinks fit, all or part of the activity to be carried out on land to which the major project relates.
- (4) A proponent of a major project may request a person or body, to whom an application for a project-related permit may be made under an Act, to issue to the proponent a project-related permit, authorising the carrying out all or part of a preliminary study activity specified in the request.
- (5) A person or body to whom an application for a project-related permit may be made under an Act, must, on receiving from a proponent of a major project a request under subsection (4) in relation to a preliminary study activity, issue to the proponent a project-related permit, authorising the carrying out all or part of an activity specified in the request, as if –
 - (a) the proponent had made under that Act a valid application for the permit; and
 - (b) the permit may, under that Act, be issued, in respect of the activity, to the proponent.

- (6) A project-related permit may be issued in accordance with subsection (5) subject to the conditions or restrictions that may be imposed on the permit under the relevant project-associated Act.
- (7) An authorisation under subsection (3), and a project-related permit issued in accordance with subsection (5), in respect of an activity in relation to a major project, ceases to be in force on whichever of the following days occurs first:
 - (a) the day on which the declaration of a major project in relation to the major project is revoked under section 60U;
 - (b) the day on which a major project permit is granted under section 60ZZM(1)(a) in relation to the major project, or, if the project-related permit relates to a matter that is required to be addressed in a major project impact statement that relates to a proposed amendment to a major project permit, after the amendment has been granted or refused;
 - (c) the day on which the proponent is notified under section 60ZZM(1)(b) that the Panel has refused to grant a major

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project permit in relation to the
major project.

11. Section 60T amended (Effect on project-associated Acts, and relevant regulators, of declaration of major project)

Section 60T of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) If a declaration of a major project is, on a day, amended under section 60TF(2) so that the declaration also relates to an additional area of land –
 - (a) an application under a project-associated Act, for a project-related permit in relation to the land, that has been made by or on behalf of the proponent but that has not been determined under that Act is taken to have been withdrawn under that Act on that day; and
 - (b) each relevant regulator to which an application referred to in paragraph (a) has been made must, as soon as practicable, refund to the applicant half of any fees that the applicant has paid in respect of the application; and
 - (c) any referral, within the meaning of section 60D, that relates to the

additional area of land that is made to a referred entity, within the meaning of that section, is to be taken to be void and of no effect.

12. Part 4, Division 2A, Subdivision 5: Heading amended

Subdivision 5 of Division 2A of Part 4 of the Principal Act is amended by omitting “*Revocation of declaration*” from the heading to that Subdivision and substituting “*Amendment and revocation of declaration*”.

13. Sections 60TA, 60TB, 60TC, 60TD, 60TE, 60TF, 60TG and 60TH inserted

Before section 60U of the Principal Act, the following sections are inserted in Subdivision 5:

60TA. Interpretation of Subdivision 5

In this Subdivision –

additional area of land means an area of land specified in a request made under section 60TB(1);

relevant advice body, in relation to a major project, means –

- (a) if a major project permit has not been granted in relation to the major project – the Panel; or

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- (b) if a major project permit has been granted in relation to the major project – the Commission.

60TB. Request from proponent to have declaration of a major project amended to include additional area of land

- (1) A proponent of a major project may, in writing, request the relevant advice body in relation to the major project to advise the Minister that it is appropriate to amend a declaration of a major project so that the declaration also relates to an additional area of land (the *additional area of land*) that adjoins, or that is additional to, the area of land to which the declaration of a major project relates.
- (2) A request from a proponent, under subsection (1), in relation to an additional area of land –
 - (a) is to include a map, or description, indicating the location of the additional area of land; and
 - (b) is to include a description of the proposed uses or developments that the proponent proposes are to occur on the additional area of land (including any such uses or development that may only occur

if a major project permit is amended); and

- (c) is to include a plan indicating generally the areas, on the additional area of land, on which proposed uses or developments in relation to the project are proposed to occur; and
- (d) is to set out the subsection of section 60TE under which the relevant advice body may be satisfied that it is appropriate for the Minister to amend the declaration of a project so that the declaration also relates to an additional area of land; and
- (e) if the proponent requires the declaration of the major project to be amended so that the declaration also relates to an additional area of land because the proponent –
 - (i) proposes to make an application under section 60ZZW(1) for an amendment of the major project permit that applies in relation to the major project so that the permit will relate to the additional area of land –

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is to include a copy of the proposed application; or

- (ii) proposes to make an application under section 60ZZZ for an amendment of the major project permit that applies in relation to the major project so that the permit will relate to the additional area of land – is to include a copy of the proposed application; or

- (f) is to include any other information that the relevant advice body requests.

- (3) A relevant advice body that has received under subsection (1) a request from a proponent in relation to an additional area of land may, by notice to the proponent, request the proponent to provide to the relevant advice body information, or a document, specified in the notice, that the relevant advice body reasonably requires in order to determine the request.

- (4) The period specified in section 60TE(1) does not run during the period between the day on which a relevant advice body has given to a proponent a notice under subsection (3) and the day on which the relevant advice body receives from the

proponent the information, or the document, specified in the notice.

60TC. Notification of request from proponent

- (1) The relevant advice body, on receiving under section 60TB(1) a request in relation to an additional area of land in relation to a major project, must, within 7 days, give a notice in relation to the request to each of the following persons:
 - (a) each owner, of all or part of the additional area of land or of land adjoining the additional area of land;
 - (b) the owners of, the occupiers of, and the lessees of, the additional land or of land adjoining the additional area of land;
 - (c) the council that is the relevant planning authority in relation to the major project;
 - (d) each council that is not a relevant planning authority in relation to the major project but that is the council for a municipal area that is in the regional area, or regional areas, in which the project is to be situated; and
 - (e) each relevant State entity that the relevant advice body considers

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may have an interest in the
additional area of land.

- (2) A notice to a person under subsection (1) in relation to a request under section 60TB(1) from a proponent of a major project must –
- (a) specify that the proponent has requested the relevant advice body to advise the Minister to amend a declaration of a major project so that the declaration also relates to an additional area of land; and
 - (b) specify the additional area of land; and
 - (c) specify –
 - (i) the reasons given by the proponent as to why the amendment is sought; and
 - (ii) the uses and developments that are intended to be conducted on the additional area of land; and
 - (d) invite the person to advise the relevant advice body, within 14 days after the notice is given to the person, as to the opinion of the person in relation to the proposed amendment of a

declaration of a major project so that the declaration also relates to an additional area of land.

- (3) A person who receives a notice under subsection (1) in relation to a request under section 60TB(1) in relation to an additional area of land may, within 14 days, advise the relevant advice body as to the opinion of the person in relation to the proposed amendment of a declaration of a major project so that the declaration also relates to an additional area of land.

60TD. Relevant regulators to be notified of request to amend declaration of a major project

- (1) The relevant advice body, on receiving under section 60TB(1) from a proponent of a major project a request in relation to an additional area of land, must, within 7 days, give a notice in relation to the request to each relevant regulator.
- (2) A notice under subsection (1) to a relevant regulator in relation to a request under section 60TB(1) from a proponent of a major project must –
- (a) specify that the proponent has requested the relevant advice body to advise the Minister to amend a declaration of a major project so that the declaration also relates to an additional area of land; and

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(b) specify the additional area of land; and

(c) specify –

(i) the reasons given by the proponent as to why the amendment is sought; and

(ii) the uses and developments that are intended to be conducted on the additional area of land; and

(d) if –

(i) the request specifies, in accordance with section 60TB(2)(d), that section 60TE(6) or (7) is a section under which the relevant advice body may be satisfied that it is appropriate for the Minister to amend a declaration of a major project so that the declaration also relates to an additional area of land; and

(ii) the relevant regulator is not a participating regulator in relation to the major project –

invite the relevant regulator to advise the relevant advice body, within 14 days after the notice is given to the relevant regulator, whether the relevant regulator wishes to become a participating regulator in relation to the major project.

(3) If –

- (a) a relevant regulator receives a notice under subsection (1) in relation to a request under section 60TB(1) from a proponent in relation to a major project; and
- (b) the request specifies, in accordance with section 60TB(2)(d), that section 60TE(6) or (7) is a section under which the relevant advice body may be satisfied that it is appropriate for the Minister to amend a declaration of a major project so that the declaration also relates to an additional area of land; and
- (c) the relevant regulator is not a participating regulator in relation to the major project –

the relevant regulator may, within 14 days, advise the relevant advice body that

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the relevant regulator wishes to become a participating regulator in relation to the major project.

- (4) If a relevant regulator advises the relevant advice body under subsection (3) that the relevant regulator wishes to become a participating regulator in relation to a major project, the relevant regulator becomes a participating regulator in relation to the major project.

60TE. Advice from relevant advice body

- (1) The relevant advice body, on receiving under section 60TB(1) a request in relation to an additional area of land, must, within 28 days or a longer period allowed by the Minister –
- (a) decide whether to give, or refuse to give, advice to the Minister under subsection (2); and
 - (b) notify the person who made the request of the decision of the relevant advice body under paragraph (a).
- (2) The relevant advice body, on receiving under section 60TB(1) a request in relation to an additional area of land, may advise the Minister that it is appropriate to amend a declaration of a major project, to which the request

relates, so that the declaration also relates to an additional area of land.

- (3) A relevant advice body must not give advice under subsection (2) in relation to an additional area of land if it is of the opinion that, were the declaration of a major project amended so that the declaration also relates to an additional area of land, the project would, under section 60N, be not eligible to be declared to be a major project.
- (4) An advice to the Minister under subsection (2) must include information sufficient to indicate to the Minister why the relevant advice body is satisfied that subsection (3) has been complied with.
- (5) The relevant advice body may only advise the Minister under subsection (2) that it is appropriate to amend a declaration of a major project, to which the request relates, so that the declaration also relates to an additional area of land, if –
 - (a) the advice is given after the end of the period in which a person may, under section 60TC(3), give the person's opinion to the relevant advice body; and
 - (b) if the relevant advice body has considered each advice given by a person under section 60TC(3).

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- (6) The relevant advice body, on receiving under section 60TB(1) a request in relation to an additional area of land, may advise the Minister under subsection (2) that it is appropriate for the Minister to amend a declaration of a major project so that the declaration also relates to an additional area of land, if the relevant advice body is satisfied that –
- (a) the additional area of land is a small area, relative to the area of land to which the declaration of a major project relates, and
 - (b) there is no major project permit in relation to the major project; and
 - (c) assessment criteria have been determined under section 60ZM(1) in relation to the major project; and
 - (d) the major project impact statement in relation to the project has not been provided to the Panel under section 60ZS.
- (7) The relevant advice body, on receiving under section 60TB(1) a request in relation to an additional area of land, may advise the Minister under subsection (2) that it is appropriate for the Minister to amend a declaration of a major project so that the declaration also

relates to an additional area of land, if the relevant advice body is satisfied that –

- (a) the additional area of land is a small area, relative to the area of land to which the declaration of a major project relates; and
 - (b) a submission made under section 60ZZD(1) or at a hearing under section 60ZZE, suggests that it is necessary or desirable for the additional land to form part of the area of land to which the declaration of a major project relates.
- (8) The relevant advice body, on receiving under section 60TB(1) a request in relation to an additional area of land may advise the Minister under subsection (2) that it is appropriate for the Minister to amend a declaration of a major project so that the declaration also relates to an additional area of land, if –
- (a) the relevant advice body is satisfied that the area of land is a small area, relative to the area of land to which the declaration of a major project relates; and
 - (b) the request is accompanied, in accordance with section 60TB(2)(e), with an application that relates to a

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proposed amendment, of a major project permit, that relates to the additional area of land; and

(c) the relevant advice body is satisfied that the proposed amendment to the major project permit is sought by the proponent because the proponent is of the opinion that an alteration to –

(i) the use or developments to which the permit relates; or

(ii) the design of the major project –

is necessary or desirable to fulfil one or more of the purposes of the major project.

(9) The relevant advice body, on receiving under section 60TB(1) a request in relation to an additional area of land must not advise the Minister under subsection (2) that it is appropriate for the Minister to amend a declaration of a major project so that the declaration also relates to an additional area of land, unless the relevant advice body may do so under subsection (6), (7) or (8).

60TF. Amendment of declaration of major project to include additional area of land

- (1) The Minister must, within 14 days after receiving under section 60TE(2) advice in relation to a major project, decide whether to amend under subsection (2) a declaration of a major project so that the declaration also relates to an additional area of land to which the advice relates.
- (2) The Minister, by notice in the *Gazette*, may amend a declaration of a major project so that the declaration also relates to an additional area of land.
- (3) An amendment of a declaration of a major project made under subsection (2) so that the declaration also relates to an additional area of land may contain the amendments to the declaration that are necessary to ensure that the declaration –
 - (a) also relates to the additional area of land; and
 - (b) includes the proposed uses or development that are proposed to occur on the additional land (including any such uses or development that may only occur if a major project permit is amended); and
 - (c) indicates generally the areas, on the additional area of land, on which proposed uses or

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developments in relation to the
major project are to occur.

- (4) The Minister must not amend a declaration of a major project under subsection (2) so that the declaration also relates to an additional area of land unless the Minister has received under section 60TE(2) advice from the relevant advice body in relation to the additional area of land.
- (5) The Minister must not amend a declaration of a major project under subsection (2) so that the declaration also relates to an additional area of land if the Minister considers that, were the declaration of a major project amended so that the declaration also relates to an additional area of land, the project would, under section 60N, be not eligible to be declared to be a major project.
- (6) The Minister must not amend a declaration of a major project under subsection (2) so that the declaration also relates to an additional area of land, except –
 - (a) if all or part of the additional area of land is Crown land, within the meaning of the *Crown Lands Act 1976* – with the consent of the Minister to whom the administration of that Act is assigned; or

- (b) if all or part of the additional area of land is land owned by a council – with the consent of the council; or
 - (c) if all or part of the additional area of land is situated in Wellington Park – with the consent of the Wellington Park Management Trust.
- (7) The Minister must not amend a declaration of a major project under subsection (2) so that the declaration also relates to an additional area of land unless –
 - (a) where all or part of the additional area of land is land of which the proponent is not the owner – the owner, or owners, of the land; and
 - (b) where all or part of the additional area of land is land that is not owned by a council but is occupied or administered by a council – the council –

have been given notice in writing of the proposal to amend a declaration of a major project under subsection (2) so that the declaration also relates to the additional area of land.

- (8) If –

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- (a) the Minister has amended a declaration of a major project under subsection (2) so that the declaration also relates to an additional area of land; and
- (b) the Minister is satisfied that the additional area of land is no longer required for the purposes for which the amendment of the declaration of a major project was sought –

the Minister may amend the declaration of a major project so the declaration of a major project no longer relates to the additional area of land.

60TG. Notice of amendment of declaration of major project to be given

- (1) The Minister must ensure that a notice specifying –
 - (a) that a declaration of a major project has been amended under section 60TF; and
 - (b) an electronic address, and an address of the Commission, where a copy of the declaration, as so amended, may be viewed –

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

- (2) The Minister, within 7 days after amending under section 60TF a declaration of a major project, is to notify in writing –
- (a) the proponent of the major project; and
 - (b) if the proponent is not the owner of all the land to which the declaration relates – the owners of the parts of the land that the proponent does not own; and
 - (c) the owners of, the occupiers of, and the lessees of, any part of land adjoining the land to which the declaration relates or that adjoined that land before the amendment; and
 - (d) the council that is a relevant planning authority in relation to the project; and
 - (e) each council that is not a relevant planning authority in relation to the project but that is the council for a municipal area that is in the regional area, or regional areas, in which the major project is, or is to be, situated; and
 - (f) if the project is or was to be situated on an area of land that is not within any municipal area – all councils for an area of land in

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a regional area that is adjacent to the area of land in which the project is to be situated; and

- (g) the Commission; and
- (h) each State Service Agency, or Tasmanian Government Business, that the Minister considers may have an interest in relation to a matter to which the project relates; and
- (i) if the land to which the declaration relates is situated in Wellington Park – the Wellington Park Management Trust; and
- (j) any other person, or class of persons, that is prescribed for the purposes of section 60R(1)(j).

60TH. Alteration of major project proposal may be required if alteration of declaration of major project to include additional area of land

- (1) The Minister must give a major project proposal amendment notice to the proponent in relation to a major project, if –
 - (a) the Minister has, under section 60TF(2), amended a declaration of a major project in relation to the major project so that the declaration also relates to an additional area of land; and

- (b) the additional area of land was specified in a request under section 60TB(1) that was, in accordance with section 60TB(2)(e), accompanied by an application proposed to be made under section 60ZZZ in relation to the additional area of land.
- (2) A major project proposal amendment notice to a proponent under subsection (1) is a notice requesting the proponent to provide to the Minister, within 14 days or a longer period allowed by the Minister, the major project proposal in relation to the project, amended so that the information, specified in section 60F(1) as required to be included in the proposal, refers to, and takes into account, the additional area of land.
- (3) If a major project proposal amendment notice is given to a proponent under subsection (1), the proponent of the project must, within 14 days or a longer period allowed by the Minister, provide to the Minister the major project proposal in relation to the major project, amended so that the information, specified in section 60F(1) as required to be included in the proposal, refers to, and takes into account, the additional area of land.

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- (4) If an amended major project proposal that relates to a major project is given to the Minister under subsection (3), the Minister must notify the proponent that –
 - (a) the Minister has accepted the amended major project proposal; or
 - (b) the Minister requires the proponent to submit to the Minister under subsection (3) another amended project proposal.
- (5) The Minister must notify the proponent under subsection (3) that the Minister has accepted the amended major project proposal, if the Minister is satisfied that the information, specified in section 60F(1) as required to be included in the proposal, refers to, and takes into account, the additional area of land.
- (6) If the Minister notifies the proponent that the Minister has accepted an amended major project proposal given to the Minister under subsection (3), the amended major project proposal in relation to the major project is taken to be the major project proposal in relation to the major project.
- (7) If an amended major project proposal in relation to the major project is taken under subsection (6) to be the major

project proposal in relation to the major project, the Minister must provide a copy of the amended major project proposal to –

- (a) each owner of all or part of the land to which the major project relates; and
- (b) the owners of, the occupiers of, and the lessees of, any part of land adjoining the land on which the project is to be situated; and
- (c) the owners of, the occupiers of, and the lessees of, any part of land adjoining the land on which the project is to be situated; and
- (d) the council that is the relevant planning authority in relation to the project; and
- (e) each relevant State entity that the Minister considers may have an interest in the major project proposal.

14. Section 60Z amended (Relevant regulators)

Section 60Z(2) of the Principal Act is amended by omitting “pipeline planning corridor, as defined in section 70A of the *Gas Pipelines Act 2000*” and substituting “gas infrastructure planning corridor within the meaning of the *Gas Industry Act 2019*”.

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15. Section 60ZA amended (Relevant regulator to give notice of assessment, no assessment, or recommending revocation)

Section 60ZA of the Principal Act is amended by inserting after subsection (8) the following subsection:

- (9) If a relevant regulator, other than the EPA Board, fails to give a notice under subsection (1) in relation to a major project within the period in which such a notice is required under that subsection to be given to the Panel, the relevant regulator is to be taken to have given in relation to the major project a notice of no assessment requirements.

16. Section 60ZL amended (Public exhibition, submissions and alteration notices)

Section 60ZL(1) of the Principal Act is amended as follows:

- (a) by inserting the following subparagraph after subparagraph (i) in paragraph (a):
 - (ia) an electronic address at which a copy of the draft assessment criteria in relation to the major project will be available for viewing or downloading during the period of 14 days specified in the notice; and

(b) by inserting the following paragraph after paragraph (b):

(ba) make the draft assessment criteria, together with a copy of the major project proposal in relation to the major project, available for viewing and downloading, at the electronic address specified in accordance with subparagraph (ia), for a period of 14 days beginning after the notice is given under paragraph (a); and

17. Section 60ZN amended (Period in which assessment criteria to be determined)

Section 60ZN(2) of the Principal Act is amended by inserting “or, if the Panel considers it necessary to obtain further information from a regulator in relation to the regulator’s notice of assessment requirements or alteration notice, within the period of 42 days after the period begins” after “day”.

18. Section 60ZR amended

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

(a) by renumbering the section as subsection (1);

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(b) by inserting the following subsection after subsection (1):

(2) If the Minister, under section 60TF(2), amends a declaration of a major project so that the declaration also relates to an additional area of land, the major project impact statement in relation to the project provided under section 60TF(2) may relate to the additional area of land, but if it does so, the major project impact statement is to include a statement –

(a) identifying the additional area of land; and

(b) stating that the area of additional land was not included in the declaration of a major project as originally made.

19. Section 60ZT amended (Project-related permit may be given to enable preparation of major project impact statement)

Section 60ZT(4)(b) of the Principal Act is amended by inserting “or, if the project-related permit relates to a matter that is required to be addressed in a major project impact statement that relates to a proposed amendment to a major

project permit, after the amendment has been granted or refused” after “the major project”.

20. Section 60ZU amended (Certain permissions may be given to enable preparation of major project impact statement)

Section 60ZU(8)(b) of the Principal Act is amended by inserting “or, if the notice or authority relates to a matter that is required to be addressed in a major project impact statement that relates to a proposed amendment to a major project permit, after the amendment has been granted or refused” after “the major project”.

21. Section 60ZW amended (Panel may request further information)

Section 60ZW of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) The Panel may only make a request under subsection (1) within the period of 42 days after the Panel has received from the proponent under section 60ZS(1) a major project impact statement in relation to the major project.

22. Section 60ZZA amended (Initial assessment report)

Section 60ZZA of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

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- (1) The Panel must prepare an initial assessment report in relation to a major project within 28 days, or a longer period allowed by the Minister, after whichever is the later of the following:
 - (a) the day by which a participating regulator must give to the Panel a notice under section 60ZV(1);
 - (b) the day on which the Panel received from a person or body information that the Panel requested under section 60ZW;
 - (c) the day on which the Panel last received under section 60ZY(1) a preliminary advice in relation to the major project from a participating regulator.

23. Section 60ZZB amended (Notification and exhibition of major project)

Section 60ZZB(4)(c) of the Principal Act is amended by inserting “or downloading” after “viewing”.

24. Section 60ZZI amended (Contents of final advice of pipeline licensee)

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

- (a) by omitting from subsection (1) “section 70D of the *Gas Pipelines Act 2000*” and

substituting “section 51 of the *Gas Industry Act 2019*”;

- (b) by omitting from subsection (2)(a) “section 70D of the *Gas Pipelines Act 2000*” and substituting “section 51 of the *Gas Industry Act 2019*”;
- (c) by omitting from subsection (2)(b)(i) “section 70D of the *Gas Pipelines Act 2000*” and substituting “section 51 of the *Gas Industry Act 2019*”;
- (d) by omitting from subsection (2)(b)(ii) “section 70D of the *Gas Pipelines Act 2000*” and substituting “section 51 of the *Gas Industry Act 2019*”.

25. Sections 60ZZMA and 60ZZMB inserted

After section 60ZZM of the Principal Act, the following sections are inserted in Subdivision 14:

60ZZMA. Major project permit may relate to additional area of land included by amendment to declaration of major project

A major project permit may be granted under section 60ZZM(1) in relation to a major project, even though the permit relates to an area of land that was not specified in the declaration of a major project in relation to the major project when it was made under section 60O, if the declaration of a major project was

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amended under section 60TF(2) so that the declaration also relates to the area of land.

60ZZMB. Power of Panel to correct certain failures of procedure under this Division

(1) In this section –

notice does not include a notice required under this Division to be given in the *Gazette*.

(2) The performance or exercise by a person or body of a function or power under this Division is not invalid by reason only that a notice required under a provision of this Division to be given or provided to a person or body other than the Minister, a relevant regulator or the Panel –

(a) was not given or provided to the person or body; or

(b) was not given or provided to the person or body within the period in which, under this Division, the notice was required to be given or provided.

(3) If –

(a) a major project permit has not been issued in relation to a major project; and

(b) it appears to the Panel that a person or body (other than the Minister, a relevant regulator or the Panel) to whom a notice, in relation to the major project, is required to be given or provided under a provision of this Division –

(i) has not been given or provided with the notice under the provision; or

(ii) has not been given or provided with the notice within the period in which, under this Division, the notice was required to be given or provided to the person –

the Panel may, under subsection (4), issue a notice to the person.

(4) The Panel may issue a notice to a person inviting the person to make, within the period of not less than 7 days specified in the notice, a representation to the Panel in relation to either or both of the following:

(a) whether a major project permit ought to be granted in relation to the major project;

(b) as to any conditions or restrictions that the person

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considers ought to be imposed on such a permit if granted.

- (5) If the Panel gives a notice under subsection (4) to a person, the person may, within the period of not less than 7 days specified in the notice, make a representation to the Panel in relation to either or both of the following:
 - (a) whether a major project permit ought to be granted in relation to the major project;
 - (b) as to any conditions or restrictions that the person considers ought to be imposed on such a permit if granted.
- (6) A representation given to the Panel by a person under subsection (5) is to be taken to be a representation given under section 60ZZD.

26. Section 60ZZP amended (Major project permit may be granted subject to conditions or restrictions)

Section 60ZZP of the Principal Act is amended by omitting subsection (9) and substituting the following subsections:

- (9) If a condition or restriction is imposed under subsection (1) on a major project permit in accordance with subsection (4) the Panel must designate on the permit the relevant regulator, or relevant

regulators, if any, that is or are responsible under section 60ZZZD(4) for the enforcement of the condition or restriction.

(10) A condition or restriction that is imposed under subsection (1) on a major project permit otherwise than in accordance with subsection (4) may specify that –

- (a) plans, information, designs, or other documents, are required, under the condition, to be prepared and provided to the Panel or a planning authority; and
- (b) particular actions or works are to be carried out to the satisfaction of the Panel or a planning authority –

and, if such a condition refers to the Panel, then, after the major project permit has taken effect, the reference in the condition to the Panel is taken to be a reference to the Commission.

27. Section 60ZZS amended (When major project permit takes effect)

Section 60ZZS(4)(b) of the Principal Act is amended by omitting “Panel” and substituting “Commission”.

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28. Section 60ZZU amended (Interpretation of Subdivision 15)

Section 60ZZU of the Principal Act is amended by omitting “section” and substituting “Subdivision”.

29. Section 60ZZX amended (Limitations on ability to make minor amendments to major project permits)

Section 60ZZX of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (3A) The relevant decision-maker may, subject to subsection (3), amend under section 60ZZW(1) or (2) a major project permit in relation to an additional area of land that is specified in an amendment to a declaration made under section 60TF(2).

30. Section 60ZZZ substituted

Section 60ZZZ of the Principal Act is repealed and the following sections are substituted:

60ZZZ. Application for significant amendment of major project permits

- (1) In this section –

altered use or development in relation to a major project permit, means a use or development, that –

- (a) is in addition to, or in substitution of, the uses and developments to which the major project permit relates; or
- (b) is of a scale or character that is different from, the uses and developments to which the major project permit relates; or
- (c) may result in an increase in detriment to a person other than the proponent of the major project;

application means an application under subsection (2);

proposed significant amendment means a significant amendment that a person wishes to be made to a major project permit in accordance with section 60ZZZAB;

significant amendment, in relation to a major project permit, means an amendment of the permit, in accordance with section 60ZZZAB, that, if the amendment were made –

- (a) would have the effect that the permit would authorise an altered use or

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development under the permit as so amended; but

- (b) would not have the effect that the major project to which the permit relates was no longer substantially the same major project as the major project to which the permit related before the amendment was made –

and may relate to an additional area of land that is specified in an amendment to a declaration made under section 60TF(2).

- (2) A person who –

- (a) is a proponent of a major project to which a major project permit relates; or
- (b) an owner, occupier or lessee of land to which a major project permit relates –

may make, to the relevant decision-maker, an application for a proposed significant amendment of a major project permit in relation to a major project.

- (3) An application for a proposed significant amendment of a major project permit in relation to a major project must –

- (a) specify the proposed significant amendment; and
 - (b) contain, in relation to each altered use or development to which the proposed significant amendment relates, the matters specified in section 60F as required to be included in a major project proposal; and
 - (c) be accompanied by the information, if any, that the relevant decision maker requires.
- (4) A relevant decision-maker that receives an application must, within 7 days or a longer period allowed by the Minister, give to each relevant regulator –
 - (a) a copy of the application; and
 - (b) a notice requesting the relevant regulator to give to the relevant decision-maker an amendment advice notice under subsection (5) in relation to the application.
- (5) A relevant regulator that receives a notice under subsection (4) in relation to an application must, within 14 days or a longer period allowed by the Minister, give to the relevant decision-maker an amendment advice notice in relation to the application.

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- (6) An amendment advice notice given by a relevant regulator under subsection (5) in relation to an application for a proposed significant amendment of a major project permit in relation to a major project is a notice that contains –
- (a) advice as to whether the assessment criteria in relation to the major project require amendment in order for the relevant regulator to be able to appropriately assess, in accordance with this Division, the proposed significant amendment; and
 - (b) advice as to the opinion of the relevant regulator in relation to the application, including whether the regulator requests the relevant decision-maker –
 - (i) to refuse under section 60ZZZAB(2) the application; or
 - (ii) to refuse under section 60ZZZAB(2) the application, unless the proposed significant amendment referred to in the application is modified in accordance with the requirements of

the regulator that are set out in the advice.

- (7) If a relevant regulator has given to the relevant decision-maker, in relation to an application (the *first application*), an amendment advice notice under subsection (5) containing advice referred to in subsection (6)(b)(ii) –

(a) the relevant decision-maker must –

(i) notify the person who made the first application of the relevant regulator's request; and

(ii) advise the person that the person may withdraw the first application and request the person to provide to the relevant decision-maker an application under subsection (2) that contains the proposed significant amendment, referred to in the first application, modified in accordance with the requirements of the regulator that are set out in the advice; and

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- (b) the person may withdraw the first application and, in accordance with the request under paragraph (a)(ii), make an application under subsection (2) that contains the proposed significant amendment, referred to in the first application, modified in accordance with the requirements of the regulator that are set out in the advice; and
- (c) where an application is made in accordance with paragraph (b), the amendment advice notice under subsection (5) in relation to the first application is to be taken to be an amendment advice notice under subsection (5) in relation to the application made in accordance with paragraph (b), in so far as it contains advice referred to in subsection (6)(a).

60ZZZAB. Determination as to whether, and the manner in which, proposed significant amendment may be assessed

- (1) In this section –

altered use or development has the same meaning as in section 60ZZZ;

amendment advice notice means an amendment advice notice

received under section 60ZZZ(5)
by the relevant decision-maker.

application has the same meaning as
in section 60ZZZ;

proposed significant amendment has
the same meaning as in
section 60ZZZ;

significant amendment has the same
meaning as in section 60ZZZ.

- (2) The relevant decision-maker, within 14 days after the day on which the period specified in section 60ZZZ(5) ends or a longer period allowed by the Minister, must, after considering each amendment advice notice in relation to an application –
- (a) determine that –
 - (i) subsection (6) applies in relation to the application;
or
 - (ii) subsection (7) applies in relation to the application;
or
 - (b) determine that the application does not relate to a significant amendment and refuse the application accordingly; or
 - (c) refuse the application.

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- (3) The relevant decision-maker must not determine under subsection (2) that subsection (7) applies in relation to an application unless each amendment advice notice given to the relevant decision-maker by a relevant regulator advises that the assessment criteria do not require amendment in order for the relevant regulator to be able to appropriately assess in accordance with this Division the proposed significant amendment contained in the application.
- (4) The relevant decision-maker must, under subsection (2) refuse an application if –
 - (a) a relevant regulator has, in an amendment advice notice in relation to the application, requested, in accordance with section 60ZZZ(6)(b)(i), the relevant decision-maker to do so; or
 - (b) where a relevant regulator has, in an amendment advice notice in relation to the application, made a request in accordance with section 60ZZZ(6)(b)(ii) – the application is not an application made in accordance with section 60ZZZ(7)(b).
- (5) The relevant decision-maker must, within 7 days after making a determination under subsection (2) in relation to an

application in relation to a major project permit, give to the following persons a notice setting out the terms and effect of the determination:

- (a) the person who made the application;
 - (b) the proponent of the major project to which the determination relates, if the proponent was not the person who made the application;
 - (c) each owner, occupier or lessee of land to which the major project permit relates.
- (6) If the relevant decision-maker determines under subsection (2) that this subsection applies in relation to an application, this Division applies in relation to each altered use or development to which the application relates as if –
- (a) that altered use or development contained in the application constituted the major project for the purposes of this Division; and
 - (b) the proposed significant amendment to which the application relates were a major project proposal in relation to the major project; and

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- (c) the major project had just been declared under section 60O to be a major project; and
 - (d) references in this Division to a major project permit were a reference to a significant amendment that authorises the altered use or development.
- (7) If the relevant decision-maker determines under subsection (2) that this subsection applies in relation to an application –
 - (a) the proponent in relation to the major project is to provide to the Panel the major project impact statement previously provided under section 60ZS(1) in relation to the major project to which the application relates, together with an addendum to the statement that addresses the matters that are set out in the assessment criteria in relation to the major project as matters that are required to be addressed in the major project impact statement; and
 - (b) this Division applies in relation to each altered use or development to which the application relates as if –
 - (i) the altered use or development contained in

the application constituted the major project for the purposes of this Division; and

- (ii) the proposed significant amendment to which the application relates were a major project proposal in relation to the major project; and
- (iii) references in this Division to a major project permit were a reference to a significant amendment that authorises the altered use or development; and
- (iv) the major project impact statement provided under paragraph (a) had been provided under section 60ZS(1) in relation to the major project as constituted, in accordance with this subsection, by the altered use or development; and
- (v) so much of the procedure set out in this Division as applies in relation to a major project after a major project impact statement is provided in

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relation to the major project under section 60ZS(1) applies in relation to the major project as constituted, in accordance with this subsection, by the altered use or development.

- (8) If the relevant decision-maker determines under subsection (2) that subsection (7) applies in relation to an application in relation to an altered use or development, the provisions of this Division are taken to be modified in relation to the altered use or development as if –
- (a) the reference in section 60ZV(1) to 21 days were a reference to 14 days; and
 - (b) the reference in section 60ZW(2) to 42 days were a reference to 21 days; and
 - (c) the reference in section 60ZY(3)(b) to 42 days were a reference to 28 days; and
 - (d) the reference in section 60ZZB(5)(b) to 28 days were a reference to 14 days; and
 - (e) the reference in section 60ZZF(1) to a 42-day period were a reference to a 14-day period; and

- (f) the reference in section 60ZZM(1) to 90 days were a reference to 49 days.

31. Section 60ZZZAB inserted

After section 60ZZZA of the Principal Act, the following section is inserted in Subdivision 15:

60ZZZAB. Enforcement certificates

- (1) The Commission may issue an enforcement certificate in relation to all or part of the land to which a major project permit relates.
- (2) The Commission must not issue an enforcement certificate in relation to all or part of the land to which a major project permit relates that applies to a condition or restriction, of the major project permit in relation to the land, that was included in the final advice of a relevant regulator who is a person who has functions under –
 - (a) the *Aboriginal Heritage Act 1975*; or
 - (b) the *Threatened Species Protection Act 1995*; or
 - (c) the *Nature Conservation Act 2002*.
- (3) If the Commission issues an enforcement certificate in relation to all or part of the

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land to which a major project permit relates, the Commission must give a copy of the enforcement certificate to –

- (a) each landowner of the land to which the major project permit relates; and
 - (b) the planning authority in relation to the land to which the major project permit relates; and
 - (c) each relevant regulator.
- (4) An enforcement certificate in relation to land to which a major project permit relates is to specify one or more of the following:
- (a) that the planning authority is to be responsible for the enforcement of this Act in respect of each condition or restriction of the major project permit in relation to the land;
 - (b) that the planning authority is to be responsible for the enforcement of this Act, in relation to a part of the land that is specified in the certificate, in respect of each condition or restriction of the major project permit in relation to the land;
 - (c) that the planning authority is to be responsible for the

enforcement of this Act in respect of each condition or restriction, of the major project permit in relation to the land, that relates to a use, of the land, that is specified in the certificate;

- (d) that the planning authority is to be responsible for the enforcement of this Act, in relation to a part of the land that is specified in the certificate, in respect of each condition or restriction, of the major project permit in relation to the land, that relates to a use, of the land, that is specified in the certificate.
- (5) The Commission may only issue an enforcement certificate in relation to land, or a part of land, to which a major project permit relates if the Commission is satisfied that –
 - (a) where the certificate specifies a matter referred to in subsection (4)(a) – all development under the permit has been completed or no further such development is intended to occur under a major project permit; or
 - (b) where the certificate specifies a matter referred to in subsection (4)(b) in relation to a

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part of land – all development, under the permit, in relation to the part of the land has been completed; or

(c) where the certificate specifies a matter referred to in subsection (4)(c) in relation to a use – all development, under the permit, that was necessary for the use to be carried out has been completed; or

(d) where the certificate specifies a matter referred to in subsection (4)(d) in relation to a part of land and a use – all development, under the permit, that has been carried out on the part of the land and that was necessary for the use to which the certificate relates to be carried out has been completed.

(6) If an enforcement certificate in relation to land to which the major project permit relates –

(a) where the certificate specifies a matter referred to in subsection (4)(a) –
sections 60ZZZD and 60ZZZF cease to apply in relation to the land; or

- (b) where the certificate specifies a matter referred to in subsection (4)(b) in relation to a part of the land – sections 60ZZZD and 60ZZZF cease to apply in relation to the part of the land; or
 - (c) where the certificate specifies a matter referred to in subsection (4)(c) in relation to a use that is specified in the certificate – sections 60ZZZD and 60ZZZF cease to apply in relation to the use on that land; or
 - (d) where the certificate specifies a matter referred to in subsection (4)(d) in relation to a part of the land, and to a use, that are specified in the certificate – sections 60ZZZD and 60ZZZF cease to apply in relation to the use on that part of the land.
- (7) The Commission may only issue an enforcement certificate, in relation to land to which the major project permit relates, that –
- (a) specifies a matter referred to in subsection (4)(a) – if each relevant regulator, who included in the final advice of the relevant regulator, a condition or restriction of the major project

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permit, has agreed to the issue of the enforcement certificate; or

- (b) specifies a matter referred to in subsection (4)(b) in relation to a part of the land – if each relevant regulator who included in the final advice of the relevant regulator a condition or restriction of the major project permit that applies in relation to the part of the land has agreed to the issue of the enforcement certificate; or
- (c) specifies a matter referred to subsection (4)(c) in relation to a use – if each relevant regulator, who included in the final advice of the relevant regulator, a condition or restriction, of the major project permit, that applies in relation to the use has agreed to the issue of the enforcement certificate; or
- (d) specifies a matter referred to in subsection (4)(d) in relation to a part of land and a use – if each relevant regulator, who included in the final advice of the relevant regulator a condition or restriction, of the major project permit, that applies in relation to the part of the land and to the use

has agreed to the issue of the enforcement certificate.

32. Section 60ZZZD amended (Enforcement of compliance with conditions)

Section 60ZZZD(5)(d) of the Principal Act is amended by omitting “*Gas Pipelines Act 2000*” and substituting “*Gas Industry Act 2019*”.

33. Section 60ZZZH amended

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

- (a) by renumbering the section as subsection (1);
- (b) by inserting the following subsection after subsection (1):

- (2) If a provision of this Act requires a notice to be given to a person and for a document or information to be provided to the person together with the notice, the document or information is taken to have been provided to the person if –

- (a) the notice specifies a means by which the person may view, or download a copy of, the document or information at a website specified in

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the notice, using a means specified in the notice; and

- (b) the person may view, or download a copy of, the document or information at the website specified in the notice, using the means specified in the notice.

34. 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”.

35. Section 64 amended (Civil enforcement proceedings)

Section 64(1A) of the Principal Act is amended as follows:

- (a) by omitting “section 60ZB(1) or”;
- (b) by omitting “section 60ZB or”.

36. Section 65C amended (Enforcement notices)

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

37. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

consultation version