TASMANIA

STATE POLICIES AND PROJECTS AMENDMENT BILL 2005

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STATE POLICIES AND PROJECTS AMENDMENT
BILL 2005

(Brought in by the Premier, the Honourable Paul Anthony Lennon)

A BILL FOR

An Act to amend the State Policies and Projects Act 1993, the Water Management Act 1999 and the State Policies and Projects (Project of State Significance) Order 2004

Be it enacted by His 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 State Policies and Projects Amendment Act 2005.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.
PART 2 – STATE POLICIES AND PROJECTS ACT 1993 AMENDED

3. Principal Act

In this Part, the *State Policies and Projects Act 1993* is referred to as the Principal Act.

4. Section 16 amended (Interpretation: Part 3)

Section 16 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

(2) For the purposes of this Part –

“integrated assessment”, in relation to a project of State significance, means a consideration of environmental, social, economic and community issues relevant to that project and such other issues as may be prescribed;

“person proposing the project of State significance” includes any person for the time being proposing to undertake the project of State significance or any use or development included in that project.

*No. 65 of 1993*
5. Sections 18A and 18B inserted

After section 18 of the Principal Act, the following sections are inserted in Part 3:

18A. Content of order declaring project to be a project of State significance

An order under section 18(2) declaring a project to be a project of State significance may include in the project any use or development which is necessary or convenient for the implementation of the project, whether or not the use or development is to be undertaken by or on behalf of any person named in the order.

18B. Part 3 continues to apply despite change in identity or number of proponents

Where an order under section 18(2) declaring a project to be a project of State significance is made, this Part continues to apply to the project despite any change in the identity or number of the persons proposing the project or any use or development included in the project.

6. Section 19 amended (Effect of order declaring a project of State significance)

Section 19 of the Principal Act is amended as follows:
(a) by omitting paragraph (a) from subsection (1) and substituting the following paragraph:

(a) requiring the approval, consent or permission of any person in connection with any use or development to which the order relates; or

(b) by omitting from subsection (1)(b) “that” and substituting “any such use or”;

(c) by omitting from subsection (1)(c) “that” and substituting “any such use or”;

(d) by omitting from subsection (1)(d) “that” and substituting “any such use or”;

(e) by omitting from subsection (1)(e) “that” and substituting “any such use or”;

(f) by omitting from subsection (2) “Development, other than development” and substituting “Use or development, other than use or development”.

7. Section 27A inserted

After section 27 of the Principal Act, the following section is inserted in Part 3:

27A. Amendment of planning schemes, &c., to remove inconsistencies

(1) As soon as practicable after an order under section 26(6) or (8), 26A or 26B takes effect, the Commission must, in consultation with the relevant planning
authority, amend any relevant planning scheme or special planning order to remove any inconsistency between it and the order.

(2) The *Land Use Planning and Approvals Act 1993* does not apply to an amendment made under subsection (1).

(3) Where the Commission amends a planning scheme or special planning order under subsection (1) –

(a) the amendment is taken to have come into operation on the date on which the order under section 26(6) or (8), 26A or 26B to which it relates was made; and

(b) the Commission must give notice, as prescribed, of the amendment.
PART 3 – WATER MANAGEMENT ACT 1999 AMENDED

8. Principal Act

In this Part, the Water Management Act 1999* is referred to as the Principal Act.

9. Section 34 amended (Review and amendment of water management plans)

Section 34(5)(c) of the Principal Act is amended by inserting “or an order under section 26(6) or (8), 26A or 26B of the State Policies and Projects Act 1993” after “policy”.

*No. 45 of 1999
PART 4 – STATE POLICIES AND PROJECTS
(PROJECT OF STATE SIGNIFICANCE) ORDER 2004
AMENDED

10. Principal Order

In this Part, the State Policies and Projects (Project of State Significance) Order 2004 is referred to as the Principal Order.

11. Clause 4 amended (Nature of project)

(1) Clause 4 of the Principal Order is amended by omitting “the development and operation of any facility or infrastructure on or off the mill site which is necessary or convenient for the implementation of the project, including but not limited to” and substituting “any use or development which is necessary or convenient for the implementation of the project, including but not limited to the development and operation of”.

(2) Subsection (1) does not prevent the Principal Order from being amended or rescinded by a later order.

(3) The Principal Order as amended by subsection (1) is taken to be valid and to have been approved by both Houses of Parliament.

* S.R. 2004, No. 111

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