

CLAUSE NOTES

Land Use Planning and Approvals (Amendment) Bill 2022

Key acronyms:

- Amending Act – *Land Use Planning and Approvals (Amendment) Bill 2022*
- Commission – Tasmanian Planning Commission
- LUPA Act – *Land Use Planning and Approvals Act 1993*
- Minister – Minister for Planning
- Panel – the Development Assessment Panel

Clause 1	Cites the short title of the Act – the <i>Land Use Planning and Approvals Amendment Act 2022</i>
Clause 2	Provides for the provisions of this Act to commence upon receiving Royal Assent.
Clause 3	Identifies the Principal Act for this part of the Act as the <i>Land Use Planning and Approvals Act 1993</i> (LUPA Act).
Clause 4	<p>Section 60 amended (Timing of determination of compliance with certain permit conditions)</p> <p>Amends the definition of regulatory authority by updating the gas safety references to the <i>Gas Industry Act 2019</i>.</p>
Clause 5	<p>Section 60B amended (Interpretation: Division 2A)</p> <p>Amends four of the definitions as follows -</p> <ol style="list-style-type: none"> a) 'declaration of a major project' to also include land that is included, if at all, by way of amending the declared major project area. b) 'major project impact statement' to also include documentation submitted for a proposed significant amendment to a major project permit c) 'major project proposal' to correct a cross reference to section 60ZH, which should be 60ZH(2) instead of 60ZH(4). d) 'pipeline licensee' is updated to refer to the current legislation for gas safety.
Clause 6	<p>Section 60BA inserted (Information about sensitive matters)</p> <p>Inserts a new section before section 60C.</p> <p>The section enables the early identification of sensitive information so that during the major projects assessment process or the assessment of an amendment to a major project permit, the sensitive information can be withheld from viewing by the general public and that sensitive information is only made available to the participating regulators and the Panel to conduct their assessments.</p> <p>For information to be considered sensitive information, the subject matter can only refer to matters that relate to information that is culturally sensitive or an object or place to which the <i>Aboriginal Heritage Act 1975</i> relates.</p>

	<p>Subsection (1) provides for a proponent to make a sensitive matters request to the regulator before the major projects assessment process begins or before the major project permit amendment process begins. The subsection covers the 3 scenarios when a sensitive matters request application is required to be made by the proponent to the regulator, that is –</p> <ol style="list-style-type: none"> a. When a major project is proposed under section 60C, b. When an amendment to the declared major project area is proposed under section 60TB, or c. When an amendment to a major project permit is proposed under section 60ZZW or section 60ZZZ. <p>Subsection (2) sets out the information requirements for the sensitive matters request.</p> <p>Subsection (3) defines the type of information that is sensitive information as - culturally sensitive or that there may be a risk of harm to an object or place to which the <i>Aboriginal Heritage Act 1975</i> relates.</p> <p>Subsection (4) specifies the time period, 35 days, for when the regulator must give a response to the proponent as to whether any information required by the assessment process is likely to contain a sensitive matter.</p> <p>Subsection (5) specifies the content of the regulator's advice to the proponent in relation to a sensitive matters request.</p> <p>Subsection (6) requires the regulator's advice to specify the category of sensitive information.</p> <p>Subsection (7) requires that the regulators are to give notice to the proponent, the Minister, the Commission and the Panel (if they are established).</p> <p>Subsection (8) establishes the basis for the public display or otherwise of any information that is of a sensitive matter including the requirement to –</p> <ol style="list-style-type: none"> a. Not disclose sensitive information in a document given to another person during the process, where the public is able to view that part of the document. The sensitive information can be included in a document given to another person during the process if the public is unable to view that document given. b. Not disclose sensitive information at any meeting or hearing that the public can attend, c. Not discuss any sensitive matter with the public, and d. Not disclose any sensitive information at any proceedings of the Tasmanian Civil and Administrative Tribunal <p>Subsection (9) requires that upon the identification of sensitive information as it relates to the proposed major project, any documentation submitted in the assessment process must include a sensitive matters statement able to be viewed by the public, when the major project involves sensitive information.</p> <p>Subsection (10) describes what a sensitive matters statement is, which is a statement that a document contains some information that is not able to be viewed by the public,</p>
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	must not be discussed in a meeting or hearing with the public or must not be discussed during proceedings of the Tasmanian Civil and Administrative Tribunal.
Clause 7	<p>Section 60D (Effect, of proposal for a declaration, on permit applications, referrals and project-associated Acts)</p> <p>Amends the section by updating the gas safety references to the <i>Gas Industry Act 2019</i>.</p>
Clause 8	<p>Section 60E (Major Project Proposal required)</p> <p>Amends subsections (1) & (2) to clarify that a proposal is for a “project to be declared a major project”.</p>
Clause 9	<p>Section 60F (Contents of major project proposal)</p> <p>Inserts a new subsection that provides for the major project proposal to identify any site studies that need to occur early and specify why the studies are needed to be done early.</p> <p>In this context, early means after a major project has been declared and before the assessment criteria are made during the assessment process.</p>
Clause 10	<p>Section 60S (Effect on planning matters of declaration of major project)</p> <p>Substitutes subsection (1) with an amended subsection (1) that requires that development of land, which is for a major project, must only occur in accordance with a major project permit once a major project has been declared, or the development of land which is for a major project or part of a major project can occur under an existing planning permit that was in place prior to the declaration of a major project.</p> <p>The amended subsection (1) is intended to clarify that the subsection does not prevent a landowner whose land is included within an area of land under a major project declaration, where the landowner is not the proponent of the declared major project, from applying for planning approvals under the normal planning processes on their land.</p> <p>Subsection (2) is amended to include a reference to the new section 60SB, so that the effect of subsection (1) does not apply to permissions granted for early site investigations.</p> <p>New subsection (3A) is inserted after subsection (3) to provide further clarity around the application of subsection (1), as follows –</p> <p style="padding-left: 40px;">a. Subsection (3A) switches off the effect of subsection (1) once a completion certificate has been issued under the new section 60SA.</p> <p>New subsection (5) is inserted to replicate the effect of section 60S subsection (4) on any existing application for an ordinary planning permit, in the case where a declaration of a major project area is amended under the new section 60TG(2).</p>
Clause 11	<p>Sections 60SA and 60SB (inserted)</p> <p>Inserted after section 60S</p>

Section 60SA (Certificate of development completion)

The new section provides for a completion certificate to be issued by the Commission.

Subsection (1) provides for the proponent to apply to the Commission for a completion certificate over all or part of the area of land that relates to their major project.

Subsection (2) requires the Commission to act within 21 days and either approve or refuse the application for a completion certificate. A refusal must be given in writing and accompanied with reasons for the decision.

Subsection (3) enables the Commission to request further information from the proponent in relation to the completion certificate request. While the request is being answered, the 21-day period in subsection (1) does not run.

Subsection (4) provides for the Commission to issue the completion certificate for all or part of the area of land, or if the Commission is satisfied that no further developments of the major project are intended to be built.

Subsection (5) enables the Commission to also act on its own accord without a request from the proponent and issue a completion certificate.

Subsection (6) requires the Commission to give notification when a completion certificate has been issued. Where the persons notified are the proponent, the planning authority and land owners whose land relates to the completion certificate.

Section 60SB (Project-related permit may be given to enable preliminary study activity)

The new section 60SB provides for the issue of permissions to conduct preliminary studies/site investigations before the assessment criteria have been made, provided the need for the early site studies/investigations have been identified in the major project proposal document submitted with the proposed major project.

Subsection (1) provides a definition for the section to clarify the meaning of a "preliminary study activity".

Subsections (2) & (3) provide for the proponent to make a request to the Commission and for the Commission to have the discretion to issue permission for the early site study/investigation within 21 days.

Subsections (4), (5) & (6) provide for the proponent to make a request to the regulators of project related permits and for those regulators to have the discretion to issue permission for the site study/investigation, within 21 days.

Subsection (7) enables the regulator to impose conditions or restrictions on the permission, that they may impose under their own Act.

Subsection (8) provides for any site study/investigation permission that has been issued under this section to cease to have any effect –

- a. if a major project declaration has been revoked, or
- b. if a major project permit has been issued or amended, or
- c. if a major project has been refused.

<p>Clause 12</p>	<p>Section 60T (Effect on project-associated Acts, and relevant regulators, of declaration of major project)</p> <p>Inserts a new subsection (3) to provide the same functions as subsections (1) & (2) in this section when the area of the land declared for a major project is amended under section 60TG(2).</p>
<p>Clause 13</p>	<p>Part 4, Division 2A, Subdivision 5</p> <p>Amends the heading to also include a reference to an amendment to a major project declaration.</p>
<p>Clause 14</p>	<p>Amending the area of land declared for a major project</p> <p>Sections 60TA, 60TB, 60TC, 60TD, 60TE, 60TF, 60TG, 60TH and 60TI</p> <p>These new sections are inserted after section 60T to provide a process that enables consideration of a proposal to amend the area of land declared for a major project.</p> <hr/> <p>Section 60TA Interpretation of Subdivision 5</p> <p>Provides 2 definitions that are applicable when amending the area of land declared for a major project.</p> <p>The definition of “additional area of land” provides the linkage between the request from the proponent and the Ministers final decision. The Minister can only declare an additional area of land that has been identified in the proponent’s request.</p> <p>The definition of “relevant advice body” is there to cover the situation where the original Panel has finished its role. When the Panel has finished its role, the Commission takes on the decision-making role.</p> <hr/> <p>Section 60TB Grounds on which declaration of a major project may be amended</p> <p>Subsection (1) specifies the grounds for when an amendment to the declared area of land can be considered. These grounds, referred to as circumstances, relate to particular stages in the major projects assessment process, which are:</p> <ol style="list-style-type: none"> a. before draft assessment criteria have been prepared, b. after draft assessment criteria have been prepared and before the submission of a major project impact statement, c. after a major project impact statement has been submitted and before public exhibition commences d. after public exhibition commences and before a major project permit has been issued e. after the issue of a major project permit for the purposes of supporting an amendment to a major project permit. <p>Subsections (2), (3), (4), (5) & (6) set out the specific details of each of the grounds to amend by detailing the circumstances that relate to each stage in the assessment process. These detailed circumstances are used to identify if it is appropriate to amend</p>

	<p>the area of declared land, or if any part of the assessment process will need to be repeated if the area of land is amended.</p> <p>In each case only a small area of land relative to the original declared area of land can be added with each application to amend the area of land declared for a major project.</p>
	<p>Section 60TC Request for declaration of a major project to be amended to include additional area of land</p> <p>Subsection (1) provides for a proponent to make a request to the relevant advice body to amend the area of land declared for a major project.</p> <p>Subsection (2) clarifies that the additional area of land subject to the application does not have to adjoin the existing declared area of land.</p> <p>Subsection (3) provides the matters that the proponent must detail in their request.</p> <p>Subsection (4) allows the relevant decision maker to seek additional information in relation to the proponent's request.</p> <p>Subsection (5) provides for the 28-day period in section 60TF to not run while a request for additional information is being answered by the proponent.</p> <p>Subsection (6) provides that the overall assessment process time clock does not run whilst a request to amend the declared area of land, is being considered by the relevant advice body and the Minister.</p>
	<p>Section 60TD Notification of request from proponent</p> <p>Subsection (1) provides for a range of persons to be notified (within 7 days of receipt of the proposal) about the proposal to amend the area of land declared for a major project. The range of persons is the same as those specified in section 60I.</p> <p>Subsection (2) sets out the information that is to be given in the notice to the range of persons about the proposal to amend the area of land declared for a major project.</p> <p>Subsection (3) establishes the time period for notified persons to give their opinions in relation to the proposed amendment to the area of land declared for the major project which is within 14 days.</p>
	<p>Section 60TE Relevant regulators to be notified of request to amend declaration of a major project</p> <p>Subsection (1) provides for the regulators to be notified about the proposal to amend the area of land declared for a major project.</p> <p>Subsection (2) sets out the information that is to be given in the notice to the regulators about the proposal to amend the area of land declared for a major project.</p> <p>Subsection (3) invites the regulators to provide their applicable advice in relation to the proposed major project on the amended declared land area and respond to the relevant advice body within 14 days.</p> <p>Subsections (4), (5), (6) & (7) establish the terms of the regulators 'applicable advice' for each key stage in the assessment process that the proposed major project has</p>

	<p>reached when the request to amend the area of land declared for the major project has reached. These stages in the assessment process are aligned with the grounds for amendment circumstances set out in section 60TB(1). The intent of the applicable advice is to determine if any part of the assessment process needs to be repeated, if a regulator would now have differing assessment requirements if the additional land is added to the major project declaration.</p> <p>Subsection (8) provides for the regulators to advise that one or more of the shortened process timeframes under section 60ZZZAA(8) for consideration of a significant amendment to a major project should not be shortened. This is applied in the circumstance where the request to amend the area of land declared for a major project is also accompanied with a request to amend the major project permit.</p> <p>Section 60TF Advice from relevant advice body</p> <p>Subsections (1) & (2) provide for the relevant advice body to assess the proposed amendment to the declared land area and advise the Minister whether it is appropriate, or not, to amend the area of land declared for the major project, within 28 days.</p> <p>Subsection (3) requires that the relevant advice body must not give advice to the Minister to amend the declared area of land unless the grounds to amend the declared area of land are established. These grounds are set out in section 60TB and referred to as circumstances.</p> <p>Subsection (4) requires that the relevant advice body must not give advice to the Minister to amend the declared area of land if that land would not be eligible to be declared under section 60N.</p> <p>Subsection (5) requires the relevant advice body to set out why it is satisfied that the declared area of land can be amended.</p> <p>Subsection (6) requires the relevant advice body to only give advice to the Minister after receiving and considering responses from persons notified under section 60TD and section 60TE.</p> <p>Subsection (7) establish the scenario when the area of land declared for a major project cannot be amended. These are if the amendment circumstances set out in section 60TB are the “post-MPIS” circumstances, and</p> <ol style="list-style-type: none"> a. a regulator has advised that the assessment criteria would need to be amended to accommodate the additional area of land, or b. a regulator who is currently not involved with the assessment process would wish to become involved with the assessment process as a result of adding the additional area of land. <p>In each case the relevant advice body can only support the amendment to the declared major project land area if the additional area of land is small relative to the original area of land declared for the major project.</p> <p>Section 60TG Amendment of declaration of major project to include additional area of land</p>
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	<p>Subsection (1) provides for the Minister to make a decision whether to approve or refuse a request to amend the declaration of a major project area, within 14 days of receiving advice from the relevant advice body.</p> <p>Subsection (2) requires notification of the amended declaration to be placed in the <i>Gazette</i>.</p> <p>Subsection (3) allows the Minister to amend the area of land declared for a major project even if the additional land does not adjoin the existing declared area of land.</p> <p>Subsection (4) specifies the information that the Ministers declaration may contain.</p> <p>Subsection (5) requires that for the Minister to amend the declared area of land the relevant advice body must have given their advice, and the Minister must be satisfied that the grounds to amend listed section 60TB are established.</p> <p>Subsection (6) requires the Minister to consider whether the amended area of land would be ineligible under section 60N.</p> <p>Subsection (7) requires the Minister to have the consent of the landowner for Crown Land, a Council or the Wellington Park Management Trust before making the declaration to amend the major project area, when the additional area of land is owned or managed by those bodies.</p> <p>Subsection (8) requires that the Minister must not amend the declaration for the area of land unless the owners of land who are not the proponent or a Council that manages the land is given notice in writing of the proposal to amend the declaration of the major project area, when the additional area of land is managed by a Council or owned by a person who is not the proponent.</p> <p>Subsection (9) provides for the Minister to 'trim' any additional area of land included in an amended major project declaration, if the Minister is satisfied that the additional land is no longer required for the major project.</p>
	<p>Section 60TH Notice of amendment of declaration of major project to be given</p> <p>Subsection (1) requires the Minister to give notification of an amended major project declaration. The notification is required to be given in a newspaper circulating in Tasmania and also shown on the website of the Commission.</p> <p>Subsection (2) provides for a list of persons to be notified, within 7 days, of the amended major project declaration being made, where the list of persons are the same as those listed in section 60R when the original major project declaration was made.</p>
	<p>Section 60TI Effect of certain advices under section 60TE(3) if declaration of a major project is amended</p> <p>This section specifies the assessment requirements of the proposed major project once the additional area of land is added to the major project declaration.</p> <p>The section identifies which elements of the assessment process are required to be repeated, based upon the regulator's applicable advice given under section 60TE during</p>

	<p>the consideration of the request to amend the area of land declared for the major project.</p> <p>Each subsection (1-5) sets out the assessment requirements which are relative to the section 60TB grounds (circumstances) position in the assessment process and taking account of the regulators applicable advice given under section 60TE.</p>
Clause 15	<p>Section 60Z (Relevant regulators)</p> <p>Amends the section by updating the gas safety references to the <i>Gas Industry Act 2019</i>.</p>
Clause 16	<p>Sections 60ZA (Relevant regulator to give notice of assessment, no assessment, or recommending revocation)</p> <p>Inserts a new subsection (9) to clarify that a 'no response' from a regulator is taken as the regulator not wishing to participate in the assessment process, ie they have 'no assessment requirements'.</p> <p>Inserts a new subsection (10) that requires the Commission to remind the regulators of the requirements of section 60ZA, which is a way to check that the regulator is aware they have a decision to make. This should ensure that the regulator simply doesn't forget to respond and then end up becoming excluded from participating in the assessment process.</p>
Clause 17	<p>Section 60ZL (Public exhibition, submissions and alteration notices)</p> <p>Inserts 2 subsections that clarify the draft assessment criteria can be exhibited to the public via electronic means on a website, as part of the task of giving notice of the proposed draft assessment criteria.</p>
Clause 18	<p>Section 60ZN (Period in which assessment criteria to be determined)</p> <p>Amends subsection (1) by extending the period from 28 days to 42 days only if the Panel considers it necessary to obtain further information from the regulators.</p>
Clause 19	<p>Section 60ZR (Contents of major project proposal)</p> <p>Inserts a new subsection (2) to allow the major project impact statement to be submitted with content that also relates to any additional area of land that has been included by amending the declared major project area. Where the major project impact statement is required to identify which parts of the declared major project land were in the original major project declaration and which parts have been added by the amendment to the declared major project area.</p>
Clause 20	<p>Section 60ZT (Project-related permit may be given to enable preparation of major project impact statement)</p> <p>Amends subsection (4)(b) to also reference the determination of a major project permit amendment that has been approved or refused, so that a project-related permit ceases to be in force when this decision occurs.</p>

<p>Clause 21</p>	<p>Section 60ZU (Certain permissions may be given to enable preparation of major project impact statement)</p> <p>Amends subsection (8)(b) to also reference the determination of a major project permit amendment that has been approved or refused, so that a notice or authority ceases to be in force when this decision occurs.</p>
<p>Clause 22</p>	<p>Section 60ZW (Panel may request further information)</p> <p>Amends subclause (2) so that the Panel can seek further information, within 42 days of receiving the major project impact statement, from any of those persons or bodies listed in subclause (1), rather than just the proponent.</p>
<p>Clause 23</p>	<p>Section 60ZZA (Initial assessment report)</p> <p>Substitutes subclause (1) to give the Panel 28 days (instead of 14 days) to prepare the initial assessment report after receiving the last notice from a person or body listed under section 60ZW or a regulator giving a notice under section 60ZY(1).</p> <p>The intent is to align the timing of the Panels determination so that the Panel has received all of the possible notices that the Panel may receive at this stage of the process rather than just a notice of the regulator’s preliminary advice.</p> <p>The possible scenarios are –</p> <ul style="list-style-type: none"> a) A notice of a request for more information at the time when the regulator would have been required to give that notice under section 60ZV, b) The giving of further information from a person or body requested to do so under section 60ZW, or c) The preliminary advice from a regulator under section 60ZY. <p>Point (a) is there to set a minimum time the Panel would have to prepare their initial assessment report, in the unlikely scenario if points (b) or (c) were not applicable or they were attended to in a very quick time.</p>
<p>Clause 24</p>	<p>Section 60ZZB (Notification and exhibition of major project)</p> <p>Amends the section to clarify the major project, and its supporting documentation, can be exhibited to the public via electronic means on a website, as part of the task of giving notice of the proposed major project.</p>
<p>Clause 25</p>	<p>Section 60ZZI (Contents of final advice of pipeline licensee)</p> <p>Amends the section by updating the gas safety references to the <i>Gas Industry Act 2019</i>.</p>
<p>Clause 26</p>	<p>Section 60ZZMA and 60ZZMB are inserted</p> <p>New sections inserted in subdivision 14 after section 60ZZM</p>
	<p>Section 60ZZMA (Major project permit may relate to additional area of land included by amendment to declaration of major project)</p>

	<p>Provides for a major project permit to be granted over land that has been included within the declared major project area by an amendment to the declared major project land under section 60TF.</p> <p>Section 60ZZMB (Power of Panel to correct certain failures of procedure under this Division)</p> <p>Subsections (1) & (2) provides for the situation if certain process errors occur during the assessment process then the assessment process is not invalid if a notice, that was required to be given during the process, was not given to a person or body or not given within the prescribed time.</p> <p>Subsections (3), (4) & (5) provides for the Panel to issue a notice to a person who may not have received a notice during the assessment process that the person is required to receive. Where the notice invites the person to express their views about the proposed major project or any conditions or restrictions that should be imposed on the major project permit, prior to the Panel making its final decision on the proposed major project. The person has 21 days to respond to the notice.</p> <p>Subsection (6) provides that any response given by a person under this section is taken to be a representation under section 60ZZD.</p>
<p>Clause 27</p>	<p>Section 60ZZP (Major project permit may be granted subject to conditions or restrictions)</p> <p>Subsection (9) is amended to require the Panel provide clarity for who has an enforcement responsibility in relation to the major project permit conditions.</p> <p>Inserts a new subclause (10) that enables the Panel to issue a condition or restriction that provides for the Panel to approve any plans, designs, information or documents when a condition on a major project permit requires the Panel to approve such documents. The Commission assumes the role of the Panel when that Panel is no longer involved with the major project. The provision also provides that these types of conditions are given without limiting the generality of any condition that may be imposed on the major project permit.</p>
<p>Clause 28</p>	<p>Section 60ZZS (When major project permit takes effect)</p> <p>Amends subsection (4) by changing the reference 'Panel' to 'Commission', as this is the intention.</p>
<p>Clause 29</p>	<p>Section 60ZZU (Interpretation of Subdivision 15)</p> <p>Amends the clause to change 'section' to 'subdivision'.</p>
<p>Clause 30</p>	<p>Section 60ZZX (Limitations on ability to make minor amendments to major project permits)</p> <p>Inserts a new subsection (3A) to clarify that a minor amendment to a major project permit can be granted in reference to any additional area of land that has been included</p>

	<p>in the area of land declared for the major project by an amendment to the declared area of land under section 60TG.</p>
<p>Clause 31</p>	<p>Section 60ZZZ (substituted)</p> <p>Substitutes the existing section 60ZZZ with a revised section 60ZZZ and inserts a new section 60ZZZAA.</p>
	<p>Section 60ZZZ (Application for significant amendment of major project permits)</p> <p>Subsection (1) provides a range of definitions to for this section to operate.</p> <p>Subsection (2) enables a proponent, owner, occupier or lessee of land to apply to the decision maker for a significant amendment to a major project permit.</p> <p>Subsection (3) sets out the information requirements for a significant amendment request.</p> <p>Subsection (4) provides for the decision maker to send the application for the significant amendment to the regulators.</p> <p>Subsection (5) sets the time limit for when a regulator must give an amendment advice notice to the decision maker.</p> <p>Subsection (6) sets out what an amendment advice notice can contain, which is any of the following -</p> <ul style="list-style-type: none"> a. advice as to whether the regulator wishes to become a participating regulator, if subsection (7) in section 60ZZZAA applies to the application b. advice as to whether the regulator considers that the assessment criteria will or will not need to be modified in order to assess the proposed significant amendment. c. advice as to whether the significant amendment request ought to be refused, or d. advice as to whether the significant amendment request ought to be refused unless the proposed significant amendment is modified in accordance with the regulator’s requirements. <p>Subsection (7) provides the administrative arrangements for withdrawing the proposal and then seeking a modified significant amendment application when the regulator advises that the significant amendment application ought to be refused unless the proposed significant amendment is modified in accordance with the regulators requirements. When this occurs the relevant regulator is not required to give a further notice under subclause (5), as the original notice is taken as the relevant notice for the modified significant amendment application.</p>
	<p>Section 60ZZZAA (Determination as to whether, and the manner in which, proposed significant amendment may be assessed)</p> <p>Subsection (1) provides definitions for this section to operate.</p> <p>Subsection (2) provides the decisions that the relevant decision maker can make in relation to the proposed significant amendment, which is</p>

	<ul style="list-style-type: none"> a. That new assessment criteria are required and subsection (6) applies b. That new assessment criteria are not required and subsection (7) applies c. That the proposed significant amendment cannot be considered as a significant amendment and refuse the application, or d. That the proposed significant amendment application ought to be refused. <p>Subsection (3) requires all regulators to respond to the relevant decision maker before subsection (7) can be applied to the proposed significant amendment.</p> <p>Subsection (4) establishes the terms for when a proposed significant amendment application must be refused by the relevant decision maker, which is if a regulator advises to do so under section 60ZZZ(6)(b) or if the revised significant amendment (submitted by the proponent under section 60ZZZ) application has not addressed the regulators concerns.</p> <p>Subsection (5) provides for a range of persons to be notified when a decision is made regarding the proposed significant amendment application.</p> <p>Subsection (6) sets out the course of action to take for the assessment of the proposed significant amendment application when the relevant decision maker has determined that new assessment criteria are required for the assessment of the proposed significant amendment application, which is the proposed significant amendment is assessed as if it were a major project in the process from the point at which a major project has just been declared.</p> <p>Subsection (7) sets out the course of action to take for the assessment of the proposed significant amendment application when the relevant decision maker has determined that new assessment criteria are not required for the assessment of the proposed significant amendment application, which is the proposed significant amendment is assessed as if it were a major project in the process from the point at which the major project impact statement is required to be submitted with an addendum to the original major project impact statement to the Panel. Where the addendum addresses the assessment criteria for the proposed alterations to the original major project.</p> <p>Subsection (8) provides for a range of reduced timeframes in the assessment process when subsection (7) applies to the proposed significant amendment application. These are –</p> <ul style="list-style-type: none"> a. The time for a regulator to seek an amendment major project impact statement under section 60ZV(1), b. The time the Panel may seek additional information from a range of persons or bodies under section 60ZW(2). c. The time a regulator must provide the Panel with preliminary advice under section 60ZY(3)(b) – note the time is not reduced for the EPA Board when the amendment requires a bi-lateral assessment with the <i>Commonwealth under the Environment Protection and Biodiversity Control Act 1999</i>. d. The time the proposed significant amendment is placed on public exhibition under section 60ZZB(5). e. The time a regulator must provide their final advice under section 60ZZF(1), and
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	<p>f. The time the Panel has to determine the major project permit under section 60ZZM(1).</p> <p>Subsection (9) provides that a part of subsection (8) does not apply if a regulator has advised under section 60TE(8) the timeframe should not be shortened.</p>
<p>Clause 32</p>	<p>Section 60ZZZAB (Enforcement certificates)</p> <p>Inserts a new section after section 60ZZZA which provides for the Commission to issue an enforcement certificate to the relevant planning authority.</p> <p>Subsection (1) provides for the Commission to issue an enforcement certificate.</p> <p>Subsection (2) sets out the matters that the Commission cannot include in an enforcement certificate.</p> <p>Subsection (3) sets out who should be notified when an enforcement certificate is issued.</p> <p>Subsection (4) sets out the different scenarios for what an enforcement certificate can cover, these are –</p> <ol style="list-style-type: none"> a. The planning authority is responsible for enforcement of each relevant condition for the whole major project, except those conditions that are managed by those regulators of Aboriginal Cultural Heritage or Threatened Species. b. The planning authority is responsible for enforcement of each relevant condition for the major project on part of the land specified in the certificate, except those conditions that are managed by those regulators of Aboriginal Cultural Heritage or Threatened Species. c. The planning authority is responsible for enforcement of each relevant condition for the whole major project as it relates to use of land, except those conditions that are managed by those regulators of Aboriginal Cultural Heritage or Threatened Species. d. The planning authority is responsible for enforcement of each relevant condition for the major project as it relates to use of land on part of the land specified in the certificate, except those conditions that are managed by those regulators of Aboriginal Cultural Heritage or Threatened Species. <p>Subsection (5) specifies the requirements to be met before an enforcement certificate for each scenario listed above can be issued. The reference to “or no further development” acknowledges that some aspects of a major project may become unviable to complete and the proponent does not wish to complete that part of the major project.</p> <p>Subsection (6) sets out that when an enforcement certificate is issued the provisions of section 60ZZZD and section 60ZZZF cease to apply to the major project.</p> <p>Subsection (7) specifies that the Commission cannot issue an enforcement certificate unless each relevant regulator has given their advice to the Commission that they agree to the issue of the enforcement certificate.</p>

Clause 33	<p>Section 60ZZZD (Enforcement of compliance with conditions)</p> <p>Amends the section by updating the gas safety references to the <i>Gas Industry Act 2019</i>.</p>
Clause 34	<p>Section 60ZZZH (Notice or document under Division may be given electronically)</p> <p>Inserts subsection (2) to enable the exchange of documents via electronic means, where the major projects assessment process requires these documents to be exchanged to the public, regulators, the Commission, planning authorities or state agencies, unless a person states they wish to receive the document as a hard copy.</p>
Clause 35	<p>Section 63B (Notice of suspected contravention, &c., may be given)</p> <p>Amends the section to omit a reference to section 60ZB, as that was intended to refer to a section of the LUPAA Act that was planned for introduction relating to private certification, but that section 60ZB has been replaced with the major projects assessment process and the new section 60ZB does not relate to this section of the LUPA Act.</p>
Clause 36	<p>Section 64 (Civil enforcement proceedings)</p> <p>Amends the section to omit a reference to section 60ZB, as that was intended to refer to a section of the LUPAA Act that was planned for introduction relating to private certification, but that section 60ZB has been replaced with the major projects assessment process and the new section 60ZB does not relate to this section of the LUPA Act.</p>
Clause 37	<p>Section 65C (Enforcement notices)</p> <p>Amends the section to omit a reference to section 60ZB, as that was intended to refer to a section of the LUPAA Act that was planned for introduction relating to private certification, but that section 60ZB has been replaced with the major projects assessment process and the new section 60ZB does not relate to this section of the LUPA Act.</p>
Clause 38	<p>Repeal of Act</p> <p>Provides for the repeal of the Act.</p>