

TASMANIA

**WELLINGTON PARK AMENDMENT BILL
2002**

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WELLINGTON PARK AMENDMENT BILL 2002

*(Brought in by the Minister for Tourism, Parks and
Heritage, the Honourable James Alexander Bacon)*

A BILL FOR

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

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:

Short title

1. This Act may be cited as the *Wellington Park
Amendment Act 2002*.

Commencement

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

Principal Act

3. In this Act, the *Wellington Park Act 1993** is referred to
as the Principal Act.

*No. 59 of 1993

Section 3 amended (Interpretation)

4. Section 3(1) of the Principal Act is amended by inserting after the definition of “authorized officer” the following definition:

“**Commission**” means the Resource Planning and Development Commission established under section 4 of the *Resource Planning and Development Commission Act 1997*;

Section 23 amended (Management plans)

5. Section 23 of the Principal Act is amended by inserting after subsection (3) the following subsections:

(4) Where a planning scheme in force under the *Land Use Planning and Approvals Act 1993* affects the protection, use, development or management of any land contained in Wellington Park –

- (a) the relevant provisions of the management plan are taken to be included in that planning scheme; and
- (b) in the event of conflict between the management plan and the planning scheme, the management plan is to prevail.

(5) If a provision of the management plan is inconsistent with a provision of a planning directive issued under section 13 of the *Land Use Planning and Approvals Act 1993*, the latter provision prevails.

(6) The planning directive may contain provisions for resolving any conflict between the management plan and the planning scheme.

Section 24 amended (Formulation of management plans)

6. Section 24(9) of the Principal Act is amended by inserting “or any report made by the Commission under section 24D” after “subsection (7)”.

Sections 24A, 24B, 24C and 24D inserted

7. After section 24 of the Principal Act, the following sections are inserted in Division 1:

Referral of representations to Commission

24A. The Trust, within 30 days after receiving any representations under section 24(7)(c) or within any further period that the Minister allows, is to forward to the Commission –

- (a) a copy of all representations received under section 24; and
- (b) a report containing –
 - (i) a summary of the representations; and
 - (ii) the Trust’s opinion on the merits of the representations including whether or not it believes the representations to be of sufficient merit to warrant modification of the plan; and

- (iii) a summary of any proposed modification to the plan; and
- (iv) any additional information that the Trust considers relevant.

Public exhibition of representations, &c.

24B. (1) The Commission, as soon as practicable after receipt of copies of representations and the report of the Trust under section 24A, is to notify by public notice –

- (a) the places at which copies of the representations and report are to be exhibited; and
- (b) the period during which they are to be exhibited; and
- (c) any other information that the Commission considers relevant.

(2) At least one of the places referred to in subsection (1)(a) is to be in the city of Hobart.

(3) The Trust and the Commission may make available any information that may assist public consideration of the representations and the report of the Trust at the places referred to in subsection (1)(a).

Review by Commission

24C. (1) The Commission is to review the representations and the report of the Trust made under section 24A with reference to the management plan.

(2) The Commission, within 21 days after receipt of the copies of the representations and the

report of the Trust, or within any further period that the Minister allows, is to decide whether or not to hold a hearing to assist in its review of the representations.

(3) If the Commission decides to hold a hearing, the Commission is to notify the Trust of that decision.

(4) If the Commission decides not to hold a hearing, the Commission, within 14 days after making that decision, is to give written notice of that decision to –

- (a) the Trust; and
- (b) any person who has made a representation under section 24(7).

(5) A hearing is to be conducted in accordance with Part 3 of the *Resource Planning and Development Commission Act 1997*.

Report of Commission

24D. (1) The Commission, within such period as the Minister allows, is to provide the Trust with a report of the review under section 24C.

(2) As soon as practicable after the period referred to in subsection (1), the Commission is to publish in the *Gazette* and in a daily newspaper circulating generally within the State notice of –

- (a) the making of its report; and
- (b) the places where copies of its report are available for inspection by the public.

Section 28 amended (Developments undertaken in Wellington Park)

8. Section 28 of the Principal Act is amended by omitting “Subject to Division 3, until” and substituting “Until”.

***Land Use Planning and Approvals Act 1993* amended**

9. The *Land Use Planning and Approvals Act 1993* is amended as follows:

- (a) by inserting in section 4(2) “and, in particular, applies to land in Wellington Park, as defined in the *Wellington Park Act 1993*” after “regulations”;
- (b) by inserting the following section after section 52:

Permit for development of land in Wellington Park

52A. If any land in respect of which an application for a permit is required is in Wellington Park, as defined in the *Wellington Park Act 1993*, the application must –

- (a) be executed under the common seal of the Wellington Park Management Trust; or
- (b) be accompanied by the written permission of the Trust to the making of the application.