

TASMANIA

**SULLIVANS COVE WATERFRONT AUTHORITY
AMENDMENT BILL 2005**

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SULLIVANS COVE WATERFRONT AUTHORITY AMENDMENT BILL 2005

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

A BILL FOR

**An Act to amend the *Sullivans Cove Waterfront Authority
Act 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:

1. Short title

This Act may be cited as the *Sullivans Cove
Waterfront Authority Amendment Act 2005*.

2. Commencement

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

3. Principal Act

In this Act, the *Sullivans Cove Waterfront
Authority Act 2004** is referred to as the
Principal Act.

*No. 60 of 2004

4. Section 10 amended (Powers of Authority)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “*Land Use Planning and Approvals Act 1993* and the *Historic Cultural Heritage Act 1995*” and substituting “*Historic Cultural Heritage Act 1995*, the *Land Use Planning and Approvals Act 1993* and the *Major Infrastructure Development Approvals Act 1999*”;
- (b) by inserting the following subsections after subsection (2):
 - (2A) For the purposes of the *Major Infrastructure Development Approvals Act 1999*, the Authority is, subject to subsection (2B), the planning authority in respect of the planning area, and, subject to subsection (2B), is the only person or body that may perform the functions and exercise the powers of a planning authority under that Act in that area.
 - (2B) Notwithstanding subsection (2A), if a combined planning authority is established under the *Major Infrastructure Development Approvals Act 1999* in respect of a major infrastructure project in the planning area, the combined planning authority is the planning

authority in relation to that project.

- (c) by inserting in subsection (3) “, Part 3 and Divisions 1, 2 and 3 of Part 8 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, the *Major Infrastructure Development Approvals Act 1999* and the *Strata Titles Act 1998*” after “*Building Act 2000*”;
- (d) by omitting from subsection (3) “that Act” twice occurring and substituting “those Acts”;
- (e) by inserting the following subsection after subsection (3):
 - (3A) For the purposes of section 107(5) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, the chief executive officer has the same powers as the general manager under that subsection in relation to the planning area and is the only person who may exercise the powers of the general manager under that subsection in relation to that area.

5. Section 43 amended (Regulations)

Section 43 of the Principal Act is amended as follows:

- (a) by omitting subsection (2) and substituting the following subsection:

- (2) The regulations may provide for fees payable in respect of any performance of functions or exercise of powers by the Authority whether under this or any other Act.
- (b) by inserting the following subsections after subsection (4):
 - (5) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
 - (6) Regulations made under subsection (5) may take effect on the day on which this Act commences or a later day as specified in the regulations, whether the day so specified is before or after the day on which the regulations take effect.

6. Schedule 5 amended (Savings and transitional provisions)

Schedule 5 to the Principal Act is amended by inserting after clause 2 the following clause:

2A. References in permits granted by planning authority

A reference to an officer of the planning authority in a permit under the planning scheme that was granted by the planning authority before the commencement of

2005

*Sullivans Cove Waterfront Authority
Amendment*

No.

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this Act is taken to be a reference to the
chief executive officer.