

TASMANIA

**MAJOR INFRASTRUCTURE
DEVELOPMENT APPROVALS AMENDMENT
BILL 2003**

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**MAJOR INFRASTRUCTURE
DEVELOPMENT APPROVALS AMENDMENT
BILL 2003**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
16 April 2003

*(Brought in by the Minister for Primary Industries, Water
and Environment, the Honourable Bryan Alexander Green)*

A BILL FOR

**An Act to amend the *Major Infrastructure
Development Approvals Act 1999***

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 *Major Infrastructure Development Approvals Amendment Act 2003*.

Commencement

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

Principal Act

3. In this Act, the *Major Infrastructure Development Approvals Act 1999** is referred to as the Principal Act.

Section 17AA inserted

4. After section 17 of the Principal Act, the following section is inserted in Part 2:

Enforcement of conditions or restrictions of permit

17AA. For the avoidance of doubt, a condition or restriction of a permit granted by a combined planning authority is taken to be a condition or restriction imposed by a planning authority pursuant to a planning scheme or special planning order and may be enforced under section 63 or 64 of the *Land Use Planning and Approvals Act 1993* by the combined planning authority or by a planning authority which has received a certificate under section 17A(1) in respect of the permit.

Section 18AA inserted

5. After section 18 of the Principal Act, the following section is inserted in Part 2:

Suspension of operation of combined planning authority

18AA. (1) In this section, “**relevant day**” means the day specified in an order made under subsection (2) on which a combined planning authority is dissolved or the day specified in an order

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made under subsection (3) on which the operation of a combined planning authority is suspended, as the case may be.

(2) The Governor may make an order which dissolves a combined planning authority.

(3) The Governor may make an order which suspends the operation of a combined planning authority or which revokes the operation of such an order.

(4) If the Governor makes an order under subsection (3) which suspends the operation of a combined planning authority, the membership of the combined planning authority lapses and, on and from the relevant day and until the order is revoked –

- (a) the operation of the combined planning authority is suspended, and the combined planning authority has no responsibilities, obligations or powers under this Act or any other law; and
- (b) a specified planning authority which was represented on the combined planning authority has no obligation to maintain its membership of the combined planning authority.

(5) If the Governor makes an order under subsection (2) which dissolves a combined planning authority or an order under subsection (3) which suspends the operation of a combined planning authority –

- (a) any assets of the combined planning authority owned by the combined planning authority immediately before

the relevant day vest in the Crown on the same terms and conditions as they were vested in the combined planning authority; and

- (b) all rights, obligations and liabilities of the combined planning authority subsisting immediately before the relevant day are transferred to the Crown; and
- (c) any contract or agreement entered into by or on behalf of a combined planning authority before the relevant day is to be treated for all purposes as a contract or agreement entered into by the Crown; and
- (d) a reference to a combined planning authority in a contract or other instrument to which the combined planning authority became a party before the relevant day is to be construed as a reference to the Crown; and
- (e) any legal or other proceeding which might otherwise have been instituted or continued by or against a combined planning authority in respect of any matter arising before the relevant day may be instituted or continued by or against the Crown; and
- (f) a permit granted by the combined planning authority may be corrected in accordance with section 55 of the *Land Use Planning and Approvals Act 1993* by any specified planning authority which was represented on the combined

planning authority, as if the permit had been granted by the specified planning authority; and

- (g) a permit granted by the combined planning authority may be amended in accordance with section 56 of the *Land Use Planning and Approvals Act 1993* by any specified planning authority which was represented on the combined planning authority, as if the permit had been granted by the specified planning authority; and
- (h) subject to subsection (7), any permit which is required for the implementation of the major infrastructure project may be issued by the planning authority which normally administers the planning scheme or special planning order which is relevant to the use or development to which the permit relates.

(6) Paragraphs (f) and (g) of subsection (5) do not apply unless the specified planning authority has first obtained the consent of each other specified planning authority which was represented on the combined planning authority.

(7) Subsection (5)(h) ceases to apply in relation to an order under subsection (3) which suspends the operation of a combined planning authority if that order is revoked.

(8) As soon as practicable after an order under subsection (2) or (3) has taken effect, the Minister must –

- (a) give written notice of the taking effect of the order to –

- (i) the Commission; and
 - (ii) each specified planning authority which, at the time when the order was made, was represented on the combined planning authority; and
- (b) advertise the taking effect of the order in a newspaper circulating in the area over which the combined planning authority had jurisdiction.

(9) If the Governor makes an order under subsection (3) which revokes an order which suspends the operation of a combined planning authority –

- (a) each specified planning authority which is to be represented on the combined planning authority must, within 28 days of the receipt by the specified planning authority of notice of the revocation order from the Minister under subsection (8), nominate in writing to the Minister the persons to be appointed by the Minister to the combined planning authority as members and deputy members representing the specified planning authority; and
- (b) the Minister must appoint members and deputy members to the combined planning authority within 14 days of receiving all of the nominations required under paragraph (a).

2003

*Major Infrastructure Development
Approvals Amendment*

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(10) Any instrument made for the purposes of subsection (5) is exempt from stamp duty and may be filed, recorded or registered without payment of any fee.