

# FACT SHEET

## *Parliament Square Planning Permit Amendment Bill 2015*

- The purpose of this Bill is to amend the *Parliament Square Permit Act 2012* to provide the developer with opportunity to seek further planning permits within the boundaries of the Act, but clearly maintain the opportunity for public scrutiny and review. The Bill will be known as the Parliament Square Planning Permit Amendment Bill 2015.

### **Background**

- The *Parliament Square Planning Permit Act 2012* (The Act) validates the second planning permit issued by the former planning authority (the Sullivans Cove Waterfront Authority) in relation to the parliament square development.
- The Act also provides that the Minister for Planning, is the planning authority for the permit for the purposes of section 56 of the Land Use Planning and Approvals Act 1993 (LUPA) (approval of minor amendments), with Treasury being the agency responsible for administering the requirements of the Act.
- Following a number of months of contemplating various alternative proposals and amendments to the approved parliament square development proposed by the Developer and ongoing discussions with Treasury and representatives of Parliament House, both the Developer and the Crown have reached an in principle agreement to progress a number of proposed amendments to the development.
- The Office of the Crown Solicitor and Treasury have reviewed the proposed development amendments and implications from a planning perspective and support the development of amendments to the Act to specifically allow Hobart City Council to issue further planning permits for alterations to the *parliament square* development that cannot be dealt with as minor amendments under section 56 of LUPA.

### **Other Issues and Supporting Information**

- The Crown Solicitor has confirmed that both he and the Solicitor-General are of the opinion that the Act requires amendment to ensure that the proposed changes to the development can be lawfully carried out. The Act, as it stands, has not been drafted with sufficient flexibility to contemplate the issue of any further planning permits to operate concurrently with the permit validated by the Act; it tolerates only minor amendments.
- The alternative to amending the Act would be for the Developer to seek a new permit for the entire development, including the demolition of 10 Murray Street, each time a Developer change (other than a minor amendment) is proposed. This is not acceptable to the Developer, and it is anticipated that this approach would not be acceptable to the Crown due to the potential for those parties wishing to retain 10 Murray Street objecting to any new permit. With construction underway, it is likely that works would be interrupted, which would not be an acceptable outcome.

- The Developer submitted an application to the Hobart City Council for amendments to the currently approved development on 17 June 2015. This application has been acknowledged by the Developer as being at its risk and without any commitment by the Crown. The application submitted by the developer is for a number of improvements such as change of use from office accommodation to retail (Tower Ground level), change of use from plant room to office accommodation (Tower Level 7), additional food and beverage outlets including the redevelopment of the remnants of the Red Brick Building, additional car parking and additional office accommodation (for other than Crown leasing) below the podium level.
- The Developer plans to submit further applications to the Hobart City Council in respect of proposed developments for matters such as construction of an atrium link between Parliament House and the new office tower and the potential change of use of 34 Davey Street from office accommodation to a hotel.

### **Proposed Legislation**

The proposed Bill will:

- specifically allow applications made or to be made to the Hobart City Council to issue further planning permits for alterations to the parliament square development that cannot be dealt with under a section 56 application (minor amendment) under the Land Use Planning and Approvals Act 1993 (LUPA);
- remove doubts as to the interaction of the existing planning permit validated by the Act with any further planning permits issued by the Hobart City Council in relation to the parliament square development; and
- allow for parts of the parliament square development site to be excised from the operation of the Act, if it becomes necessary to do so (so that further development on any excised parts will only be subject to the requirements of the *Land Use Planning and Approvals Act 1993* and not the Act).