

TASMANIA

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**PARLIAMENT SQUARE PLANNING PERMIT  
AMENDMENT BILL 2015**

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**CONTENTS**

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 6 amended (Planning permit to take effect, &c.)
6. Section 6A inserted
  - 6A. Further permits
7. Section 7 amended (Approvals for purposes of planning permit or further permits)
8. Section 8 amended (Amendment of planning permit or further permit)
9. Section 8A inserted
  - 8A. Minister may exclude part of affected or adjoining land from operation of Act
10. Section 12 amended (Heritage Register, &c.)
11. Repeal of Act



# PARLIAMENT SQUARE PLANNING PERMIT AMENDMENT BILL 2015

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.

SHANE DONNELLY, *Clerk of the House*  
27 August 2015

*(Brought in by the Minister for Planning and Local  
Government, the Honourable Peter Carl Gutwein)*

## A BILL FOR

**An Act to amend the *Parliament Square Planning Permit Act 2012***

Be it enacted by Her 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 *Parliament Square Planning Permit Amendment Act 2015*.

### 2. Commencement

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

*Parliament Square Planning Permit Amendment Act 2015*  
*Act No. of*

s. 3

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**3. Principal Act**

In this Act, the *Parliament Square Planning Permit Act 2012\** is referred to as the Principal Act.

**4. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *development* and substituting the following definitions:

*development or use* means a development, or use, within the meaning of the *Land Use Planning and Approvals Act 1993*;

*further permit* means a permit (other than the planning permit), as amended, if at all, under section 56 of the *Land Use Planning and Approvals Act 1993*, that is issued under that Act in respect of a substantially related development or use and is in effect;

- (b) by omitting “issued” from the definition of *planning permit* and substituting “, issued”;

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\*No. 48 of 2012

*Parliament Square Planning Permit Amendment Act 2015*  
*Act No. of*

s. 4

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(c) by inserting “, as amended, if at all, under section 56 of that Act” after “Authority” in the definition of *planning permit*;

(d) by inserting the following definition after the definition of *planning permit*:

***planning permit development*** means the project, the subject of the planning permit, known as “Parliament Square”, and includes any development or use referred to in the planning permit;

(e) by omitting “date.” from the definition of *specified person* and substituting “date;”;

(f) by inserting the following definition after the definition of *specified person*:

***substantially related development or use*** means –

(a) any development or use on the affected land, other than the planning permit development; and

(b) any development or use, on land adjoining the affected land, that is substantially related to the planning permit development.

*Parliament Square Planning Permit Amendment Act 2015*  
*Act No. of*

s. 5

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**5. Section 6 amended (Planning permit to take effect, &c.)**

Section 6(c) of the Principal Act is amended by omitting “the development” and substituting “the planning permit development”.

**6. Section 6A inserted**

After section 6 of the Principal Act, the following section is inserted:

**6A. Further permits**

- (1) Nothing in this Act, or in any provision of the planning permit or of any further permit, is to be taken to prevent any of the following activities:
  - (a) the making of an application under the *Land Use Planning and Approvals Act 1993* for a permit in respect of a substantially related development or use;
  - (b) the issue under the *Land Use Planning and Approvals Act 1993* of a permit in respect of a substantially related development or use;
  - (c) the carrying out of any substantially related development or use in accordance with, and subject to, any further permit.

*Parliament Square Planning Permit Amendment Act 2015*  
*Act No. of*

s. 7

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- (2) Subsection (1) applies to an activity whether the activity occurs before or after the commencement of the *Parliament Square Planning Permit Amendment Act 2015*.
- (3) Subsection (1) applies to an activity whether or not the planning permit development, or any part of the planning permit development, is to be, is being, or has been, carried out.
- (4) For the purposes of this Act and any other Act –
  - (a) the planning permit is taken not to include any reference to; and
  - (b) the planning permit development is taken not to include –

any part of the planning permit development to the extent that the part is not capable of being carried out in accordance with, and subject to, the planning permit because any substantially related development or use has been, or is being, carried out in accordance with, and subject to, a further permit.

**7. Section 7 amended (Approvals for purposes of planning permit or further permits)**

Section 7 of the Principal Act is amended as follows:

*Parliament Square Planning Permit Amendment Act 2015*  
*Act No. of*

s. 8

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- (a) by inserting in subsection (1) “or a further permit” after “permit”;
- (b) by omitting from subsection (2) “the permit” and substituting “the planning permit or a further permit”;
- (c) by inserting in subsection (3) “or a further permit” after “permit”;
- (d) by inserting in subsection (4) “or a further permit” after “permit”.

**8. Section 8 amended (Amendment of planning permit or further permit)**

Section 8 of the Principal Act is amended by inserting “and any further permit” after “permit”.

**9. Section 8A inserted**

After section 8 of the Principal Act, the following section is inserted:

**8A. Minister may exclude part of affected or adjoining land from operation of Act**

- (1) The Minister, by order, may exclude from the operation of sections 7 and 8 any part of the affected land or of the land adjoining the affected land.
- (2) The making of an order under subsection (1) in relation to a part of the affected land, or of the land adjoining the



affected land, does not affect the validity of –

- (a) any approval, consent or permission that is required by the planning permit or a further permit and has been given by the Minister under section 7 before the order comes into force; or
- (b) the exercise, before the order comes into force, by the Minister of the powers of a planning authority under section 56 of the *Land Use Planning and Approvals Act 1993* –

in relation to the planning permit, or a further permit, in relation to the part of the affected land, or of the land adjoining the affected land, to which the order relates.

**10. Section 12 amended (Heritage Register, &c.)**

Section 12(1) of the Principal Act is amended by omitting “the development” and substituting “the planning permit development”.

**11. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.