

TASMANIA

LAND USE PLANNING AND APPROVALS AMENDMENT BILL 2022

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 60 amended (Timing of determination of compliance with certain permit conditions)
5. Section 60B amended (Interpretation: Division 2A)
6. Section 60BA inserted
60BA. Information about sensitive matters
7. Section 60D amended (Effect, of proposal for a declaration, on permit applications, referrals and project-associated Acts)
8. Section 60E amended (Major project proposal required)
9. Section 60F amended (Contents of major project proposal)
10. Section 60S amended (Effect on planning matters of declaration of major project)
11. Sections 60SA and 60SB inserted
60SA. Certificate of development completion
60SB. Project-related permit may be given to enable preliminary study activity
12. Section 60T amended (Effect on project-associated Acts, and relevant regulators, of declaration of major project)
13. Part 4, Division 2A, Subdivision 5: Heading amended

14. Sections 60TA, 60TB, 60TC, 60TD, 60TE, 60TF, 60TG, 60TH and 60TI inserted
 - 60TA. Interpretation of Subdivision 5
 - 60TB. Grounds on which declaration of a major project may be amended
 - 60TC. Request for declaration of a major project to be amended to include additional area of land
 - 60TD. Notification of request from proponent
 - 60TE. Relevant regulators to be notified of request to amend declaration of a major project
 - 60TF. Advice from relevant advice body
 - 60TG. Amendment of declaration of a major project to include additional area of land
 - 60TH. Notice of amendment of declaration of a major project to be given
 - 60TI. Effect of certain advices under section 60TE(3) if declaration of a major project is amended
15. Section 60Z amended (Relevant regulators)
16. Section 60ZA amended (Relevant regulator to give notice of assessment, no assessment, or recommending revocation)
17. Section 60ZL amended (Public exhibition, submissions and alteration notices)
18. Section 60ZN amended (Period in which assessment criteria to be determined)
19. Section 60ZR amended
20. Section 60ZT amended (Project-related permit may be given to enable preparation of major project impact statement)
21. Section 60ZU amended (Certain permissions may be given to enable preparation of major project impact statement)
22. Section 60ZW amended (Panel may request further information)
23. Section 60ZZA amended (Initial assessment report)
24. Section 60ZZB amended (Notification and exhibition of major project)
25. Section 60ZZI amended (Contents of final advice of pipeline licensee)
26. Sections 60ZZMA and 60ZZMB inserted
 - 60ZZMA. Major project permit may relate to additional area of land included by amendment to declaration of a major project

- 60ZZMB. Power of Panel to correct certain failures of procedure under this Division
27. Section 60ZZP amended (Major project permit may be granted subject to conditions or restrictions)
 28. Section 60ZZS amended (When major project permit takes effect)
 29. Section 60ZZU amended (Interpretation of Subdivision 15)
 30. Section 60ZZX amended (Limitations on ability to make minor amendments to major project permits)
 31. Section 60ZZZ substituted
 - 60ZZZ. Application for significant amendment of major project permits
 - 60ZZZAA. Determination as to whether, and the manner in which, proposed significant amendment may be assessed
 32. Section 60ZZZAB inserted
 - 60ZZZAB. Enforcement certificates
 33. Section 60ZZZD amended (Enforcement of compliance with conditions)
 34. Section 60ZZZH amended
 35. Section 63B amended (Notice of suspected contravention, &c., may be given)
 36. Section 64 amended (Civil enforcement proceedings)
 37. Section 65C amended (Enforcement notices)
 38. Repeal of Act

LAND USE PLANNING AND APPROVALS AMENDMENT BILL 2022

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*
29 September 2022

*(Brought in by the Minister for Planning, the Honourable
Michael Darrel Joseph Ferguson)*

A BILL FOR

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

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 *Land Use Planning and Approvals Amendment Act 2022*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 3

3. Principal Act

In this Act, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

4. Section 60 amended (Timing of determination of compliance with certain permit conditions)

Section 60(1) of the Principal Act is amended by omitting “*Gas Pipelines Act 2000*” from paragraph (c) of the definition of *regulatory authority* and substituting “*Gas Industry Act 2019*”.

5. Section 60B amended (Interpretation: Division 2A)

Section 60B(1) of the Principal Act is amended as follows:

- (a) by inserting “, as amended if at all under section 60TG(2) or (9),” after “section 60O(1)” in the definition of *declaration of a major project*;
- (b) by omitting the definitions of *major project impact statement* and *major project proposal* and substituting the following definitions:

major project impact statement, in relation to a major project, means –

*No. 70 of 1993

- (a) except if paragraph (b) or (c) applies, a major project impact statement, in relation to the major project, provided to the Panel under section 60ZS(1); or
- (b) except if paragraph (c) applies, if a major project impact statement in relation to the major project is provided to the Panel under section 60ZV(6) – that major project impact statement; or
- (c) if a major project impact statement in relation to the major project is provided to the Panel under section 60ZZZAA(7)(a) – that major project impact statement;

major project proposal, in relation to a proposed major project, means –

- (a) except if paragraph (b) or (c) applies, a major project proposal that, under section 60E(1), accompanies a proposal for a declaration in

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 6

relation to the proposed major project or that is provided to the Minister under section 60E(3); or

(b) except if paragraph (c) applies, if an amended major project proposal in relation to the project is provided under section 60G(3) – that major project proposal; or

(c) if there is an amended major project proposal provided under section 60ZH(2) in relation to the project – that major project proposal;

(c) by omitting “*Gas Pipelines Act 2000*” from the definition of *pipeline licensee* and substituting “*Gas Industry Act 2019*”.

6. Section 60BA inserted

Before section 60C of the Principal Act, the following section is inserted in Subdivision 2:

60BA. Information about sensitive matters

(1) A proponent of a project must make to each relevant regulator a sensitive matters request in relation to the project –

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 6

- (a) before a proposal is made by a person under section 60C(1) or (2) that the project be declared to be a major project; and
 - (b) before making a request under section 60TC(1) in relation to the project; and
 - (c) before a person makes under section 60ZZW(1) or section 60ZZZ(2) an application for an amendment, or a significant amendment, to a major project permit in relation to the project.
- (2) A sensitive matters request, in relation to a project, made to a relevant regulator by a proponent of the project, is a notice by the proponent to the relevant regulator –
 - (a) specifying –
 - (i) if subsection (1)(a) or (c) applies to the proponent – the area of land to which the project is to relate; or
 - (ii) if subsection (1)(b) applies to the proponent – the additional area of land to which the project is to relate; and
 - (b) including –

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 6

- (i) a general description of the nature of the project; or
 - (ii) if subsection (1)(c) applies to the proponent – a copy of the proposed amendment, or proposed significant amendment, to which that subsection relates; and
- (c) requesting the relevant regulator to advise the proponent whether sensitive matter is likely to be contained in any category of information that may be provided under this Division, to the Panel or a person, by –
 - (i) the relevant regulator; or
 - (ii) the proponent; or
 - (iii) a person, if any, who is intending to make under section 60C(1) or (2) a proposal that a project be declared to be a major project; or
 - (iv) a person, if any, who is proposing to apply for the amendment, or significant amendment, to which subsection (1)(c) applies.

- (3) For the purposes of this section, sensitive matter is likely to be contained in a category of information if –
 - (a) information within the category of information is culturally sensitive; or
 - (b) were information within the category of information available to members of the public, there might be a risk of harm to an object, or land, to which the *Aboriginal Heritage Act 1975* relates.
- (4) A relevant regulator that receives a sensitive matters request from a proponent must, within 35 days, by notice to the proponent, give to the proponent a sensitive matter advice.
- (5) A sensitive matter advice from a relevant regulator to a proponent is to contain advice as to whether the relevant regulator considers that sensitive matter is likely to be contained in a category of information that is to be provided under this Division, to the Panel or a person, by –
 - (a) the relevant regulator; or
 - (b) the proponent; or
 - (c) a person, if any, who is intending to make under section 60C(1) or

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 6

- (2) a proposal that a project be declared to be a major project; or
 - (d) a person, if any, who is proposing to apply for the amendment, or significant amendment, to which subsection (1)(c) applies.
- (6) If the relevant regulator considers that sensitive matter is likely to be contained in a category of information referred to in subsection (5), the sensitive matter advice from a relevant regulator to a proponent is to specify, in the sensitive matter advice, the category of information.
- (7) A relevant regulator that gives to a proponent a sensitive matter advice under subsection (4) in relation to a project must provide a copy of the sensitive matter advice to –
 - (a) the Minister; and
 - (b) the Commission; and
 - (c) the Panel, if any, in relation to the project.
- (8) If a category of information is, in accordance with subsection (6), specified in a sensitive matter advice given under subsection (4), then, despite any other provision of this Act or any other Act, any information that is within the category of information –

- (a) must not be included, in a document given to another person under this Act, that a member of the public is able to view under a provision of this Act, unless the information is not able to be viewed by a member of the public; and
- (b) must not be disclosed in any meeting, or hearing, under this Act, that a member of the public may attend; and
- (c) must not be disclosed in any discussion between –
 - (i) a member of the public; and
 - (ii) the proponent, the Minister, a relevant regulator, a member of the Panel or the Commission; and
- (d) must not be disclosed during proceedings of the Tasmanian Civil and Administrative Tribunal or a court, unless the Tribunal, or court, respectively, has been advised as to whichever of the following is appropriate:
 - (i) the information is culturally sensitive;

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 6

- (ii) were the information available to members of the public, there might be a risk of harm to an object, or land, to which the *Aboriginal Heritage Act 1975* relates.
- (9) If a category of information is, in accordance with subsection (6), specified in a sensitive matter advice given under subsection (4) –
 - (a) the declaration of a major project; and
 - (b) an amendment to the declaration of a major project made under section 60TG(2) to which relates the sensitive matter advice given under subsection (4); and
 - (c) any other document that a member of the public is able to view under a provision of this Division –

is to include a sensitive matters statement able to be viewed by members of the public.
- (10) For the purposes of subsection (9), a sensitive matters statement to be included in a document is a statement that the document contains information, relating to a sensitive matter, that –

- (a) is not able to be viewed by a member of the public; and
- (b) must not be disclosed in any meeting, or hearing, under this Act, that a member of the public may attend; and
- (c) must not be disclosed in any discussion between –
 - (i) a member of the public; and
 - (ii) the proponent, the Minister, a relevant regulator, a member of the Panel or the Commission; and
- (d) must not be disclosed during proceedings of the Tasmanian Civil and Administrative Tribunal or a court, unless the Tribunal, or court, respectively, has been advised as to whichever of the following is appropriate:
 - (i) the information is culturally sensitive;
 - (ii) were the information available to members of the public, there might be a risk of harm to an object, or land, to which

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 7

the *Aboriginal Heritage Act 1975* relates.

7. Section 60D amended (Effect, of proposal for a declaration, on permit applications, referrals and project-associated Acts)

Section 60D(1) of the Principal Act is amended by omitting “section 70D of the *Gas Pipelines Act 2000*” from paragraph (d) of the definition of *referral* and substituting “section 51 of the *Gas Industry Act 2019*”.

8. Section 60E amended (Major project proposal required)

Section 60E of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “for a declaration in relation to the project” and substituting “that the project be declared to be a major project”;
- (b) by omitting from subsection (2) “for a declaration in relation to a project” and substituting “that a project be declared to be a major project”.

9. Section 60F amended (Contents of major project proposal)

Section 60F of the Principal Act is amended by inserting after subsection (1) the following subsection:

(1A) A major project proposal in relation to a project may include a statement specifying –

- (a) that one or more preliminary studies, specified in the statement, may be required to be carried out before assessment criteria are determined under section 60ZM(1) in relation to the project; and
- (b) why each of the preliminary studies is required to be carried out before assessment criteria are determined under section 60ZM(1) in relation to the project.

10. Section 60S amended (Effect on planning matters of declaration of major project)

Section 60S of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) A person must not undertake a use or development, on land to which a major project relates, that is –

- (a) the same as, or substantially the same as, a use or development to

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 10

which the major project permit relates; and

- (b) a use or development for which, under a planning scheme that applies to the land, a permit is required –

except if the use or development is under and in accordance with –

- (c) a major project permit in relation to the project; or
- (d) a permit that was in force immediately before the project was declared to be a major project.

- (b) by inserting in subsection (2) “section 60SB,” after “under”;

- (c) by inserting the following subsection after subsection (3):

- (3A) Subsection (1) does not apply in relation to all, or part, of the area of land to which a major project permit relates, if a certificate of development completion has been issued under section 60SA(4) in relation to all of the area of land, or the part of the area of land, respectively.

(d) by inserting the following subsection after subsection (4):

(5) If a declaration of a major project is amended under section 60TG(2) so that the declaration also relates to an additional area of land –

(a) an application for an ordinary permit, in relation to a use or development forming all or part of the major project, that –

(i) relates to the additional area of land; and

(ii) has been made to, but not determined by, the planning authority, before the declaration of a major project is amended under section 60TG(2) –

is taken to have been withdrawn on the day on which the declaration of a major project is amended under section 60TG(2); and

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 11

- (b) the planning authority to which the application was made must, as soon as practicable, refund to the applicant half of any fees that the applicant has paid in respect of the application.

11. Sections 60SA and 60SB inserted

After section 60S of the Principal Act, the following sections are inserted in Subdivision 4:

60SA. Certificate of development completion

- (1) A proponent of a major project in relation to which a major project permit has been granted may apply to the Commission for the issue of a certificate of development completion in relation to –
 - (a) all of the area of land to which the major project permit relates; or
 - (b) a part, of the area of land to which the major project permit relates, that is specified in the application.
- (2) If an application is made under subsection (1), by a proponent of a major project, in relation to an area of land or a

part of an area of land, the Commission must, within 21 days –

- (a) issue under subsection (4) a certificate of development completion in relation to the area of land, or the part of the area of land, respectively; or
 - (b) refuse to issue a certificate of development completion in relation to the area of land, or the part of the area of land, respectively, and give notice, in writing, to the proponent, specifying –
 - (i) that the Commission has refused to issue the certificate of development completion; and
 - (ii) the reasons why the Commission has refused to issue the certificate of development completion.
- (3) If an application is made under subsection (1), by a proponent of a major project, in relation to an area of land or a part of an area of land –
- (a) the Commission may request the proponent, by notice in writing, to provide to the Commission further information in relation to the application; and

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 11

- (b) if the Commission requests the proponent, by notice in writing, to provide further information in relation to the application, the period specified in subsection (2) does not run between –
 - (i) the day on which the notice is given; and
 - (ii) the day on which the information requested is provided to the Commission.
- (4) If the Commission is satisfied that –
 - (a) all development, to which a major project permit in relation to land relates, has been completed on all, or part, of the area of land to which the permit relates; or
 - (b) no further such development is intended to occur, under a major project permit, on all or part of the area of land –

the Commission may issue a certificate of development completion in relation to all of the land, or the part of the land, respectively.

- (5) The Commission may issue under subsection (4) a certificate of development completion on its own

motion or on an application made under subsection (1).

- (6) The Commission must give a copy of a certificate of development completion, issued in relation to all, or part, of the area of land to which a major project permit relates, to –
- (a) the proponent of the major project in relation to the area of land; and
 - (b) each landowner of a part of the area of land to which the certificate relates; and
 - (c) the planning authority in relation to the area of land.

60SB. Project-related permit may be given to enable preliminary study activity

- (1) In this section –

preliminary study activity means an activity for the purposes of a preliminary study that is specified in a statement included, in accordance with section 60F(1A), in the major project proposal in relation to the major project.

- (2) A proponent of a major project may request the Commission to authorise under subsection (3) a preliminary study activity that is not permitted under a

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 11

planning scheme unless there is a permit in relation to the activity.

- (3) The Commission may, within 21 days after receiving from a proponent of a major project a request under subsection (2) in relation to a preliminary study activity, authorise, on the conditions or restrictions that the Commission thinks fit, all or part of the activity to be carried out on land to which the major project relates.
- (4) A proponent of a major project may request a person or body, to whom an application for a project-related permit may be made under an Act, to issue to the proponent a project-related permit, authorising the carrying out of all or part of a preliminary study activity specified in the request.
- (5) A person or body to whom an application for a project-related permit may be made under an Act, must, within 21 days after receiving from a proponent of a major project a request under subsection (4) in relation to a preliminary study activity –
 - (a) issue to the proponent a project-related permit under subsection (6); or
 - (b) refuse to issue to the proponent a project-related permit under subsection (6) and give notice, in

writing, to the proponent,
specifying –

- (i) that the person or body has refused to issue a project-related permit; and
 - (ii) the reasons why the person or body has refused to issue a project-related permit.
- (6) A person or body to whom an application for a project-related permit may be made under an Act, may, on receiving from a proponent of a major project a request under subsection (4) in relation to a preliminary study activity, issue to the proponent a project-related permit, authorising the carrying out of all or part of an activity specified in the request, as if –
 - (a) the proponent had made under that Act a valid application for the permit; and
 - (b) the permit may, under that Act, be issued, in respect of the activity, to the proponent.
- (7) A project-related permit may be issued in accordance with subsection (6) subject to the conditions or restrictions that may be imposed on the permit under the relevant project-associated Act.

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 11

- (8) An authorisation under subsection (3), and a project-related permit issued in accordance with subsection (6), in respect of an activity in relation to a major project, ceases to be in force on whichever of the following days occurs first:
- (a) the day on which the declaration of a major project in relation to the major project is revoked under section 60U;
 - (b) the day on which a major project permit is granted under section 60ZZM(1)(a) in relation to the major project, or, if the project-related permit relates to a matter that is required to be addressed in a major project impact statement that relates to a proposed amendment to a major project permit, after the amendment has been granted or refused;
 - (c) the day on which the proponent is notified under section 60ZZM(1)(b) that the Panel has refused to grant a major project permit in relation to the major project.

12. Section 60T amended (Effect on project-associated Acts, and relevant regulators, of declaration of major project)

Section 60T of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) If a declaration of a major project is, on a day, amended under section 60TG(2) so that the declaration also relates to an additional area of land –
 - (a) an application under a project-associated Act, for a project-related permit in relation to the additional area of land, that has been made by or on behalf of the proponent but that has not been determined under that Act is taken to have been withdrawn under that Act on that day; and
 - (b) each relevant regulator to which an application referred to in paragraph (a) has been made must, as soon as practicable, refund to the applicant half of any fees that the applicant has paid in respect of the application; and
 - (c) any referral, within the meaning of section 60D, that relates to the additional area of land and that is made to a referred entity, within the meaning of that section, is to

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 13

be taken to be void and of no effect.

13. Part 4, Division 2A, Subdivision 5: Heading amended

Subdivision 5 of Division 2A of Part 4 of the Principal Act is amended by omitting “*Revocation of declaration*” from the heading to that Subdivision and substituting “*Amendment and revocation of declaration of major project*”.

14. Sections 60TA, 60TB, 60TC, 60TD, 60TE, 60TF, 60TG, 60TH and 60TI inserted

Before section 60U of the Principal Act, the following sections are inserted in Subdivision 5:

60TA. Interpretation of Subdivision 5

In this Subdivision –

additional area of land means an area of land specified in a request made under section 60TC(1);

relevant advice body, in relation to a major project, means –

- (a) if a major project permit has not been granted in relation to the major project – the Panel; or
- (b) if a major project permit has been granted in

relation to the major
project – the Commission.

**60TB. Grounds on which declaration of a major
project may be amended**

- (1) For the purposes of this Division, there are grounds to amend a declaration of a major project to which a request under section 60TC(1) relates so that the declaration also relates to an additional area of land, if –
 - (a) the pre-assessment criteria circumstances apply in relation to the additional area of land; or
 - (b) the pre-MPIS circumstances apply in relation to the additional area of land; or
 - (c) the post-MPIS circumstances apply in relation to the additional area of land; or
 - (d) the post-exhibition circumstances apply in relation to the additional area of land; or
 - (e) the permit amendment circumstances apply in relation to the additional area of land.
- (2) For the purposes of this Division, the pre-assessment criteria circumstances apply in relation to an additional area of land to which a request under

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

section 60TC(1) in relation to a declaration of a major project relates, if –

- (a) the additional area of land is a small area, relative to the area of land to which the declaration of a major project relates; and
 - (b) draft assessment criteria have not been prepared under section 60ZK(1) in relation to the major project.
- (3) For the purposes of this Division, the pre-MPIS circumstances apply in relation to an additional area of land to which a request under section 60TC(1) in relation to a declaration of a major project relates, if –
 - (a) the additional area of land is a small area, relative to the area of land to which the declaration of a major project relates; and
 - (b) either –
 - (i) draft assessment criteria have been prepared under section 60ZK(1) in relation to the major project; or
 - (ii) assessment criteria have been determined under section 60ZM(1) in

relation to the major
project; and

- (c) the major project impact statement in relation to the major project has not been provided to the Panel under section 60ZS.
- (4) For the purposes of this Division, the post-MPIS circumstances apply in relation to an additional area of land to which a request under section 60TC(1) in relation to a declaration of a major project relates if –
- (a) the additional area of land is a small area, relative to the area of land to which the declaration of a major project relates; and
 - (b) the major project impact statement in relation to the major project has been provided to the Panel under section 60ZS; and
 - (c) the public exhibition under Subdivision 12 in relation to the major project has not commenced.
- (5) For the purposes of this Division, the post-exhibition circumstances apply in relation to an additional area of land to which a request under section 60TC(1) in relation to a declaration of a major project relates, if –

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

- (a) the additional area of land is a small area, relative to the area of land to which the declaration of a major project relates; and
 - (b) there is no major project permit in relation to the major project; and
 - (c) either –
 - (i) a representation made under section 60ZZD(1), or at a hearing under section 60ZZE, in relation to the major project, or
 - (ii) information provided by the proponent at a hearing under section 60ZZE in relation to the major project –

suggests that it is necessary or desirable for the additional land to form part of the area of land to which the declaration of a major project relates.
- (6) For the purposes of this Division, the permit amendment circumstances apply in relation to an additional area of land to which a request under section 60TC(1) in relation to a declaration of a major project relates, if –
 - (a) the additional area of land is a small area, relative to the area of

land to which the declaration of a major project relates; and

- (b) the request under section 60TC(1) is accompanied, in accordance with section 60TC(3)(f), by an application that relates to a proposed amendment, or a proposed significant amendment, of a major project permit, that relates to the additional area of land; and
- (c) the proposed amendment, or proposed significant amendment, to the major project permit is sought by the proponent because the proponent is of the opinion that an alteration to –
 - (i) the uses or developments to which the major project permit relates; or
 - (ii) the design of the major project –

is necessary or desirable to fulfil one or more of the purposes of the major project.

60TC. Request for declaration of a major project to be amended to include additional area of land

- (1) A proponent of a major project may, in writing, request the relevant advice body

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

in relation to the major project to advise the Minister that it is appropriate to amend a declaration of a major project so that the declaration also relates to an additional area of land (the *additional area of land*).

- (2) A proponent of a major project may make a request under subsection (1) in relation to an additional area of land, whether or not the additional area of land adjoins the area of land to which a declaration of a major project relates.
- (3) A request under subsection (1), from a proponent of a major project, in relation to an additional area of land –
 - (a) is to include a map, or description, indicating the location of the additional area of land; and
 - (b) is to specify the reasons why the proponent is seeking the amendment; and
 - (c) is to include a description of the uses or developments that the proponent proposes are to occur on the additional area of land (including any such use or development that may only occur if a major project permit is amended); and

- (d) is to include a plan indicating generally the areas, on the additional area of land, on which proposed uses or developments in relation to the major project are proposed to occur; and
- (e) is to specify which of the following circumstances referred to in section 60TB apply in relation to the additional area of land:
 - (i) the pre-assessment criteria circumstances;
 - (ii) the pre-MPIS circumstances;
 - (iii) the post-MPIS circumstances;
 - (iv) the post-exhibition circumstances;
 - (v) the permit amendment circumstances; and
- (f) if the proponent specifies, for the purposes of paragraph (e), the permit amendment circumstances – is to include a copy of the proposed application under section 60ZZW(1), or section 60ZZZ, for the purposes of which the proponent requires the declaration of a major project

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

to be amended so that the
declaration also relates to an
additional area of land; and

(g) is to include any other
information that the relevant
advice body requests.

- (4) A relevant advice body that has received under subsection (1) a request from a proponent may, by notice to the proponent, request the proponent to provide to the relevant advice body information, or a document, specified in the notice, that the relevant advice body reasonably requires in order to determine the request.
- (5) The period specified in section 60TF(1) does not run during the period between the day on which a relevant advice body has given to a proponent a notice under subsection (4) and the day on which the relevant advice body receives from the proponent the information, or the document, specified in the notice.
- (6) A period specified in a provision in this Division (other than a provision in Subdivision 6 or this Subdivision) does not run during the period between the day on which a request is made under subsection (1) and whichever is the earlier of the following days:

- (a) the day on which the relevant advice body, in accordance with section 60TF(1), notifies the proponent that the relevant advice body refuses to give advice to the Minister under that section;
- (b) the day on which the Minister, under section 60TG(1) –
 - (i) amends the declaration of a major project; or
 - (ii) notifies the relevant advice body and the proponent that the Minister refuses to amend the declaration of a major project.

60TD. Notification of request from proponent

- (1) A relevant advice body, on receiving under section 60TC(1) a request in relation to an additional area of land in relation to a major project, must, within 7 days, give a notice in relation to the request to each of the following persons:
 - (a) each owner of all or part of the additional area of land or of land adjoining the additional area of land;
 - (b) the owners of, the occupiers of, and the lessees of, the additional

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

- area of land or of land adjoining the additional area of land;
 - (c) the council that is the relevant planning authority in relation to the major project;
 - (d) each council that is not a relevant planning authority in relation to the major project but that is the council for a municipal area that is in the regional area, or regional areas, in which the project is to be situated;
 - (e) each relevant State entity that the relevant advice body considers may have an interest in the additional area of land.
- (2) A notice to a person under subsection (1) in relation to a request under section 60TC(1) from a proponent of a major project must –
- (a) specify that the proponent has requested the relevant advice body to advise the Minister to amend a declaration of a major project so that the declaration also relates to an additional area of land; and
 - (b) specify the additional area of land; and
 - (c) specify –

- (i) the reasons specified in the request as to why the proponent is seeking the amendment; and
 - (ii) the uses or developments that the proponent proposes are to occur on the additional area of land; and
- (d) invite the person to advise the relevant advice body, within 14 days after the notice is given to the person, as to the opinion of the person in relation to the proposed amendment of a declaration of a major project so that the declaration also relates to the additional area of land.
- (3) A person who receives a notice under subsection (1) in relation to a request under section 60TC(1) in relation to an additional area of land may, within 14 days, advise the relevant advice body as to the opinion of the person in relation to the proposed amendment of a declaration of a major project so that the declaration also relates to the additional area of land.

60TE. Relevant regulators to be notified of request to amend declaration of a major project

- (1) A relevant advice body, in relation to a major project, that receives a request

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

under section 60TC(1) in relation to an additional area of land, must, within 7 days, give a notice of request to each relevant regulator.

- (2) A notice of request under subsection (1) to a relevant regulator in relation to a request under section 60TC(1) from a proponent of a major project to which a declaration of a major project relates must –
- (a) specify that the proponent has requested the relevant advice body to advise the Minister to amend the declaration of a major project so that the declaration also relates to an additional area of land; and
 - (b) specify the additional area of land; and
 - (c) specify –
 - (i) the reasons, specified in the request under section 60TC(1), as to why the proponent is seeking the amendment; and
 - (ii) the uses or developments that the proponent proposes are to occur on the additional area of land; and

- (d) specify which of the following circumstances referred to in section 60TB apply in relation to the additional area of land:
 - (i) the pre-assessment criteria circumstances;
 - (ii) the pre-MPIS circumstances;
 - (iii) the post-MPIS circumstances;
 - (iv) the post-exhibition circumstances;
 - (v) the permit amendment circumstances; and
 - (e) invite the relevant regulator to provide the relevant regulator's applicable advice to the relevant advice body within 14 days after the notice of request is given to the relevant regulator.
- (3) A relevant regulator may, within 14 days after a notice of request is given to the relevant regulator under subsection (1), provide the relevant regulator's applicable advice to the relevant advice body.
- (4) For the purposes of this section, the relevant regulator's applicable advice is, if –

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

- (a) the notice of request under subsection (1) to the relevant regulator specifies that the pre-assessment criteria circumstances apply in relation to an additional area of land; and
- (b) the relevant regulator has given, under section 60ZA, an assessment requirement notice, or a notice of no assessment requirements, in relation to a major project –

advice as to whether, if the declaration of a major project in relation to the major project had been, at the time at which the relevant regulator gave a notice under section 60ZA in relation to the major project, amended so that the declaration also relates to the additional area of land, the relevant regulator would have given, in relation to the major project –

- (c) an assessment requirement notice rather than a notice of no assessment requirements; or
- (d) an assessment requirement notice containing different requirements from those given, in relation to the major project, in the previous assessment requirement notice given by the relevant regulator; or

- (e) a notice recommending revocation.
- (5) For the purposes of this section, the relevant regulator's applicable advice is, if the notice of request under subsection (1) to the relevant regulator specifies that the pre-MPIS circumstances apply in relation to an additional area of land, advice as to whether, if a declaration of a major project were to be amended so that the declaration also relates to the additional area of land –
- (a) the relevant regulator, where the relevant regulator is a participating regulator, would require the draft assessment criteria, or the assessment criteria, in relation to the major project to be amended; or
 - (b) the relevant regulator, where the relevant regulator is not a participating regulator, would wish to become a participating regulator in relation to the major project.
- (6) For the purposes of this section, the relevant regulator's applicable advice is, if the notice of request under subsection (1) to the relevant regulator specifies that the post-MPIS circumstances apply in relation to an

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

additional area of land, advice as to whether, if a declaration of a major project in relation to a major project were to be amended so that the declaration also relates to the additional area of land –

- (a) the relevant regulator, where the relevant regulator is a participating regulator –
 - (i) would require the assessment criteria in relation to the major project to be amended; or
 - (ii) would require the major project impact statement, in relation to the major project, to be amended; or
 - (b) the relevant regulator, where the relevant regulator is not a participating regulator, would wish to become a participating regulator in relation to the major project.
- (7) For the purposes of this section, the relevant regulator's applicable advice is, if the notice of request under subsection (1) to the relevant regulator specifies that the post-exhibition circumstances apply in relation to an additional area of land, advice as to whether, if a declaration of a major

project in relation to a major project were to be amended so that the declaration also relates to the additional area of land –

- (a) the relevant regulator, where the relevant regulator is a participating regulator –
 - (i) would require the draft assessment criteria, or the assessment criteria, in relation to the major project, to be amended; or
 - (ii) would require the major project impact statement, in relation to the major project, to be amended; or
 - (iii) would provide under section 60ZY preliminary advice that is different from the preliminary advice already given by the relevant regulator in relation to the major project; or
- (b) the relevant regulator, where the relevant regulator is not a participating regulator, would wish to become a participating regulator in relation to the major project.

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

- (8) For the purposes of this section, the relevant regulator's applicable advice is, if the notice of request under subsection (1) to the relevant regulator specifies that the permit amendment circumstances apply in relation to an additional area of land, advice as to whether, if the declaration of a major project in relation to a major project were to be amended so that the declaration also relates to the additional area of land, the relevant regulator would require one or more periods specified in section 60ZZZAA(8) not to be shortened in accordance with section 60ZZZAA(8) in relation to an application for a significant amendment that relates to the major project.

60TF. Advice from relevant advice body

- (1) The relevant advice body, on receiving under section 60TC(1) a request in relation to an additional area of land, must, within 28 days or a longer period allowed by the Minister –
- (a) decide whether to give, or refuse to give, advice to the Minister under subsection (2); and
 - (b) notify the proponent who made the request of the decision of the relevant advice body under paragraph (a).

- (2) A relevant advice body that receives under section 60TC(1) a request in relation to an additional area of land, may advise the Minister that it is appropriate to amend the declaration of a major project, to which the request relates, so that the declaration also relates to the additional area of land.
- (3) A relevant advice body must not give advice under subsection (2) in relation to an additional area of land unless it is satisfied that there are, under section 60TB, grounds to amend a declaration of a major project so that the declaration also relates to the additional area of land.
- (4) A relevant advice body must not give advice under subsection (2) in relation to an additional area of land if it is of the opinion that, were a declaration of a major project amended so that the declaration also relates to the additional area of land, the project would, under section 60N, be not eligible to be declared to be a major project.
- (5) An advice to the Minister under subsection (2) must include information sufficient to indicate to the Minister why the relevant advice body is satisfied that subsection (4) has been complied with.
- (6) The relevant advice body must not give advice under subsection (2) that it is

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

appropriate to amend a declaration of a major project so that the declaration also relates to an additional area of land, unless –

- (a) the advice is given after the end –
 - (i) of the period in which a person may, under section 60TD(3), give the person's opinion to the relevant advice body; and
 - (ii) of the period in which a relevant regulator may, under section 60TE(3), provide the relevant regulator's advice to the relevant advice body; and
 - (b) the relevant advice body has considered –
 - (i) each opinion given by a person under section 60TD(3); and
 - (ii) each relevant regulator's advice provided under section 60TE(3).
- (7) The relevant advice body must not give advice under subsection (2) that it is appropriate to amend a declaration of a major project in relation to a major project so that the declaration also relates to an additional area of land, if –

- (a) the notice of request under section 60TE(1) in relation to the additional area of land specifies that the post-MPIS circumstances, or the post-exhibition circumstances, apply in relation to the additional area of land; and
- (b) a relevant regulator has, in the relevant regulator's advice provided under section 60TE(3) in relation to the additional area of land, advised that, if the declaration of a major project were to be amended so that the declaration also relates to the additional area of land, the relevant regulator –
 - (i) would require the assessment criteria, in relation to the major project, to be amended; or
 - (ii) would wish to become a participating regulator in relation to the major project.

60TG. Amendment of declaration of a major project to include additional area of land

- (1) The Minister must, within 14 days after receiving under section 60TF(2) advice in relation to a major project –

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

- (a) amend under subsection (2) the declaration of a major project, to which the advice relates, so that the declaration also relates to an additional area of land to which the advice relates; or
 - (b) refuse to amend under subsection (2) the declaration of a major project to which the advice relates and notify the relevant advice body and the proponent of that decision.
- (2) The Minister, by notice in the *Gazette*, may amend a declaration of a major project so that the declaration also relates to an additional area of land.
- (3) The Minister may amend a declaration of a major project under subsection (2) so that the declaration also relates to an additional area of land, whether or not the additional area of land adjoins the area of land to which the declaration of a major project relates.
- (4) An amendment of a declaration of a major project under subsection (2) that relates to an additional area of land may contain the amendments to the declaration that are necessary to ensure that the declaration –
 - (a) also relates to the additional area of land; and

- (b) specifies the proposed uses or developments that are proposed to occur on the additional land (including any such use or development that may only occur if a major project permit is amended); and
 - (c) indicates generally the areas, on the additional area of land, on which proposed uses or developments in relation to the major project are proposed to occur.
- (5) The Minister must not amend a declaration of a major project under subsection (2) so that the declaration also relates to an additional area of land unless –
 - (a) the Minister has received under section 60TF(2) advice from the relevant advice body in relation to the additional area of land; and
 - (b) the Minister is satisfied that there are, under section 60TB, grounds to amend the declaration of a major project so that the declaration also relates to the additional area of land.
- (6) The Minister must not amend a declaration of a major project under subsection (2) so that the declaration also

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

relates to an additional area of land, if the Minister is of the opinion that, were the declaration of a major project amended so that the declaration also relates to the additional area of land, the project would, under section 60N, not be eligible to be declared to be a major project.

- (7) The Minister must not amend a declaration of a major project under subsection (2) so that the declaration also relates to an additional area of land, except –
- (a) if all or part of the additional area of land is Crown land, within the meaning of the *Crown Lands Act 1976* – with the consent of the Minister to whom the administration of that Act is assigned; or
 - (b) if all or part of the additional area of land is land owned by a council – with the consent of the council; or
 - (c) if all or part of the additional area of land is situated in Wellington Park – with the consent of the Wellington Park Management Trust.
- (8) The Minister must not amend a declaration of a major project under subsection (2) so that the declaration also

relates to an additional area of land unless –

- (a) where all or part of the additional area of land is land of which the proponent is not the owner – the owner, or owners, of the land; and
- (b) where all or part of the additional area of land is land that is not owned by a council but is occupied or administered by a council – the council –

have been given notice in writing of the proposal to amend a declaration of a major project under subsection (2) so that the declaration also relates to the additional area of land.

(9) If –

- (a) the Minister has amended a declaration of a major project under subsection (2) so that the declaration also relates to an additional area of land; and
- (b) the Minister is satisfied that the additional area of land is no longer required for the purposes for which the amendment of the declaration of a major project was sought –

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

the Minister may amend the declaration of a major project so that the declaration of a major project no longer relates to the additional area of land.

60TH. Notice of amendment of declaration of a major project to be given

(1) The Minister must ensure that a notice specifying –

- (a) that a declaration of a major project has been amended under section 60TG; and
- (b) an electronic address, and an address of the Commission, where a copy of the declaration, as so amended, may be viewed –

is published in a newspaper that is published, and circulates generally, in Tasmania.

(2) The Minister, within 7 days after amending under section 60TG a declaration of a major project, is to notify in writing –

- (a) the proponent of the major project; and
- (b) if the proponent is not the owner of all the land to which the declaration, as so amended, relates – the owners of the parts

- of the land that the proponent does not own; and
- (c) the owners of, the occupiers of, and the lessees of, any part of land adjoining the land to which the declaration relates or that adjoins that land after the amendment; and
 - (d) the council that is a relevant planning authority in relation to the project; and
 - (e) each council that is not a relevant planning authority in relation to the project but that is the council for a municipal area that is in the regional area, or regional areas, in which the major project is, or is to be, situated; and
 - (f) if the project is to be situated on an area of land that is not within any municipal area – all councils for an area of land in a regional area that is adjacent to the area of land in which the project is to be situated; and
 - (g) the Commission; and
 - (h) each relevant regulator; and
 - (i) each State Service Agency, or Tasmanian Government Business, that the Minister

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

considers may have an interest in relation to a matter to which the project relates; and

- (j) if the land to which the declaration relates is situated in Wellington Park – the Wellington Park Management Trust; and
- (k) any other person, or class of persons, that is prescribed for the purposes of section 60R(1)(j).

60TI. Effect of certain advices under section 60TE(3) if declaration of a major project is amended

(1) If –

- (a) a declaration of a major project in relation to a major project is amended so that the declaration also relates to an additional area of land; and
- (b) the notice of request under section 60TE(1) specifies that the pre-assessment criteria circumstances apply in relation to the additional area of land; and
- (c) a relevant regulator has provided under section 60TE(3) the relevant regulator's advice stating that, if the declaration of a major project were to be amended so that the declaration also relates to

the additional area of land, the relevant regulator would have given, in relation to the major project –

- (i) an assessment requirement notice rather than a notice of no assessment requirements; or
- (ii) an assessment requirement notice containing different requirements to those given, in relation to the major project, in the previous assessment requirement notice given by the relevant regulator; or
- (iii) a notice recommending revocation –

Subdivision 7 applies in relation to the relevant regulator, on and from the day on which the notice of the amendment of the declaration of a major project is given to the relevant regulator under section 60TH(2), as if the major project had just been referred to the relevant regulator under section 60Y.

- (2) If –

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

- (a) a declaration of a major project in relation to a major project is amended so that the declaration also relates to an additional area of land; and
- (b) the pre-MPIS circumstances applied in relation to the additional area of land; and
- (c) a relevant regulator has provided under section 60TE(3) the relevant regulator's advice stating that, if the declaration of a major project were to be amended so that the declaration also relates to the additional area of land, the relevant regulator –
 - (i) would require the assessment criteria in relation to the major project to be amended; or
 - (ii) would wish to become a participating regulator in relation to the major project –

Subdivisions 7, 8 and 9 apply in relation to the relevant regulator, on and from the day on which the notice of the amendment of the declaration of a major project is given to the relevant regulator under section 60TH(2), as if the major

project had just been referred to the relevant regulator under section 60Y.

(3) If –

- (a) a declaration of a major project in relation to a major project is amended so that the declaration also relates to an additional area of land; and
- (b) the post-MPIS circumstances applied in relation to the additional area of land; and
- (c) a relevant regulator has not provided under section 60TE(3) the relevant regulator's advice that, if the declaration of a major project were to be amended so that the declaration also relates to the additional area of land, the relevant regulator –
 - (i) would require the assessment criteria in relation to the major project to be amended; or
 - (ii) would wish to become a participating regulator in relation to the major project; and
- (d) a relevant regulator that is a participating regulator has provided under section 60TE(3)

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 14

the relevant regulator's advice stating that, if the declaration of a major project were to be amended so that the declaration also relates to the additional area of land, the relevant regulator would require the major project impact statement, in relation to the major project, to be amended –

Subdivisions 10, 11, 12 and 13 apply in relation to the additional area of land and the major project as if the major project impact statement had just been provided to the participating regulator.

(4) If –

- (a) a declaration of a major project in relation to a major project is amended so that the declaration also relates to an additional area of land; and
- (b) the post-exhibition circumstances applied in relation to the additional area of land; and
- (c) a relevant regulator that is a participating regulator has provided under section 60TE(3) the relevant regulator's advice stating that, if the declaration of a major project were to be amended so that the declaration also relates to the additional area of land, the

relevant regulator would require the major project impact statement, in relation to the major project, to be amended –

Subdivisions 10, 11, 12 and 13 apply in relation to the additional area of land and the major project as if the major project impact statement had just been provided to the participating regulator.

(5) If –

- (a) a declaration of a major project in relation to a major project is amended so that the declaration also relates to an additional area of land; and
- (b) the post-exhibition circumstances applied in relation to the additional area of land; and
- (c) a relevant regulator has provided under section 60TE(3) the relevant regulator's advice stating that, if the declaration of a major project were to be amended so that the declaration also relates to the additional area of land –
 - (i) the relevant regulator would not require the major project impact statement, in relation to the major project, to be amended; but

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 15

- (ii) the relevant regulator would provide under section 60ZY preliminary advice that is different from the preliminary advice already provided by the relevant regulator in relation to the major project –

Subdivisions 11, 12 and 13 apply in relation to the additional area of land and the major project as if the major project impact statement had just been provided to the participating regulator.

15. Section 60Z amended (Relevant regulators)

Section 60Z(2) of the Principal Act is amended by omitting “pipeline planning corridor, as defined in section 70A of the *Gas Pipelines Act 2000*” and substituting “gas infrastructure planning corridor within the meaning of the *Gas Industry Act 2019*”.

16. Section 60ZA amended (Relevant regulator to give notice of assessment, no assessment, or recommending revocation)

Section 60ZA of the Principal Act is amended by inserting after subsection (8) the following subsections:

- (9) If a relevant regulator, other than the EPA Board, fails to give a notice under

subsection (1) in relation to a major project within the period in which such a notice is required under that subsection to be given to the Panel, the relevant regulator is to be taken to have given a notice of no assessment requirements in relation to the major project.

- (10) The Commission may, after 21 days and before 25 days, after the major project is referred to a relevant regulator under section 60Y(1)(a), send a notice to the relevant regulator advising the relevant regulator of the requirements of this section.

17. Section 60ZL amended (Public exhibition, submissions and alteration notices)

Section 60ZL(1) of the Principal Act is amended as follows:

- (a) by inserting the following subparagraph after subparagraph (i) in paragraph (a):
- (ia) an electronic address at which a copy of the draft assessment criteria in relation to the major project will be available for viewing or downloading during the period of 14 days specified in the notice; and
- (b) by inserting the following paragraph after paragraph (b):

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 18

- (ba) make the draft assessment criteria, together with a copy of the major project proposal in relation to the major project, available for viewing and downloading, at the electronic address specified in accordance with subparagraph (ia), for a period of 14 days beginning after the notice is given under paragraph (a); and

18. Section 60ZN amended (Period in which assessment criteria to be determined)

Section 60ZN(2) of the Principal Act is amended by inserting “or, if the Panel considers it necessary to obtain further information from a regulator in relation to the regulator’s notice of assessment requirements or alteration notice, within the period of 42 days after the period begins” after “the major project”.

19. Section 60ZR amended

Section 60ZR of the Principal Act is amended as follows:

- (a) by renumbering the section as subsection (1);
- (b) by inserting the following subsection after subsection (1):

(2) If the Minister, under section 60TG(2), amends a declaration of a major project so that the declaration also relates to an additional area of land, the major project impact statement in relation to the project that is subsequently provided under section 60ZS(1) may relate to the additional area of land, but if it does so, the major project impact statement is to include a statement –

- (a) identifying the additional area of land; and
- (b) stating that the area of additional land was not included in the declaration of a major project as originally made.

20. Section 60ZT amended (Project-related permit may be given to enable preparation of major project impact statement)

Section 60ZT(4)(b) of the Principal Act is amended by inserting “or, if the project-related permit relates to a matter that is required to be addressed in a major project impact statement that relates to a proposed amendment to a major project permit, after the amendment has been granted or refused” after “the major project”.

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 21

21. Section 60ZU amended (Certain permissions may be given to enable preparation of major project impact statement)

Section 60ZU(8)(b) of the Principal Act is amended by inserting “or, if the notice or authority relates to a matter that is required to be addressed in a major project impact statement that relates to a proposed amendment to a major project permit, after the amendment has been granted or refused” after “the major project”.

22. Section 60ZW amended (Panel may request further information)

Section 60ZW of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) The Panel may only make a request under subsection (1) within the period of 42 days after the Panel has received from the proponent under section 60ZS(1) a major project impact statement in relation to the major project.

23. Section 60ZZA amended (Initial assessment report)

Section 60ZZA of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) The Panel must prepare an initial assessment report in relation to a major project within 28 days, or a longer period

allowed by the Minister, after whichever is the later of the following:

- (a) the day by which a participating regulator must give to the Panel a notice under section 60ZV(1);
- (b) the day on which the Panel received from a person or body information that the Panel requested under section 60ZW;
- (c) the day on which the Panel last received under section 60ZY(1) a preliminary advice in relation to the major project from a participating regulator.

24. Section 60ZZB amended (Notification and exhibition of major project)

Section 60ZZB(4)(c) of the Principal Act is amended by inserting “or downloading” after “viewing”.

25. Section 60ZZI amended (Contents of final advice of pipeline licensee)

Section 60ZZI of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “section 70D of the *Gas Pipelines Act 2000*” and substituting “section 51 of the *Gas Industry Act 2019*”;

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 26

- (b) by omitting from subsection (2)(a) “section 70D of the *Gas Pipelines Act 2000*” and substituting “section 51 of the *Gas Industry Act 2019*”;
- (c) by omitting from subsection (2)(b)(i) “section 70D of the *Gas Pipelines Act 2000*” and substituting “section 51 of the *Gas Industry Act 2019*”;
- (d) by omitting from subsection (2)(b)(ii) “section 70D of the *Gas Pipelines Act 2000*” and substituting “section 51 of the *Gas Industry Act 2019*”.

26. Sections 60ZZMA and 60ZZMB inserted

After section 60ZZM of the Principal Act, the following sections are inserted in Subdivision 14:

60ZZMA. Major project permit may relate to additional area of land included by amendment to declaration of a major project

A major project permit may be granted under section 60ZZM(1) in relation to a major project, even though the permit relates to an area of land that was not specified in the declaration of a major project in relation to the major project when it was made under section 60O, if the declaration of a major project was amended under section 60TG(2) so that the declaration also relates to the area of land.

60ZZMB. Power of Panel to correct certain failures of procedure under this Division

(1) In this section –

notice does not include a notice required under this Division to be given in the *Gazette*.

(2) The performance or exercise by a person or body of a function or power under this Division is not invalid by reason only that a notice required under a provision of this Division to be given or provided to a person or body other than the Minister, a relevant regulator or the Panel –

(a) was not given or provided to the person or body; or

(b) was not given or provided to the person or body within the period in which, under this Division, the notice was required to be given or provided.

(3) If –

(a) a major project permit has not been issued in relation to a major project; and

(b) it appears to the Panel that a person or body (other than the Minister, a relevant regulator or the Panel) to whom a notice, in

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 26

relation to the major project, is required to be given or provided under a provision of this Division –

- (i) has not been given or provided with the notice under the provision; or
- (ii) has not been given or provided with the notice within the period in which, under this Division, the notice was required to be given or provided to the person –

the Panel may, under subsection (4), issue a notice to the person.

- (4) The Panel may issue a notice to a person inviting the person to make, within the period of not less than 21 days specified in the notice, a representation to the Panel in relation to either or both of the following:
 - (a) whether a major project permit ought to be granted in relation to the major project;
 - (b) as to any conditions or restrictions that the person considers ought to be imposed on such a permit if granted.

- (5) If the Panel issues a notice under subsection (4) to a person, the person may, within the period of not less than 21 days specified in the notice, make a representation to the Panel in relation to either or both of the following:
 - (a) whether a major project permit ought to be granted in relation to the major project;
 - (b) as to any conditions or restrictions that the person considers ought to be imposed on such a permit if granted.
- (6) A representation made to the Panel by a person under subsection (5) is to be taken to be a representation made under section 60ZZD.

27. Section 60ZZP amended (Major project permit may be granted subject to conditions or restrictions)

Section 60ZZP of the Principal Act is amended by omitting subsection (9) and substituting the following subsections:

- (9) If a condition or restriction is imposed under subsection (1) on a major project permit in accordance with subsection (4), the Panel must designate on the permit the relevant regulator, or relevant regulators, if any, that has or have the responsibility under section 60ZZD(4)

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 28

for the enforcement of the condition or restriction.

- (10) Without limiting the conditions or restrictions that may be imposed under subsection (1) on a major project permit otherwise than in accordance with subsection (4), such a condition or restriction may specify that –

- (a) plans, information, designs, or other documents, are required, under the condition or restriction, to be prepared and provided to the Panel or a planning authority; and
- (b) particular actions or works are to be carried out to the satisfaction of the Panel or a planning authority –

and, if such a condition or restriction refers to the Panel, then, after the major project permit has taken effect, the reference in the condition or restriction to the Panel is taken to be a reference to the Commission.

28. Section 60ZZS amended (When major project permit takes effect)

Section 60ZZS(4)(b) of the Principal Act is amended by omitting “Panel” and substituting “Commission”.

29. Section 60ZZU amended (Interpretation of Subdivision 15)

Section 60ZZU of the Principal Act is amended by omitting “section” and substituting “Subdivision”.

30. Section 60ZZX amended (Limitations on ability to make minor amendments to major project permits)

Section 60ZZX of the Principal Act is amended by inserting after subsection (3) the following subsection:

(3A) The relevant decision-maker may, subject to subsection (3), amend under section 60ZZW(1) or (2) a major project permit in relation to an additional area of land that is specified in an amendment to a declaration of a major project made under section 60TG(2).

31. Section 60ZZZ substituted

Section 60ZZZ of the Principal Act is repealed and the following sections are substituted:

60ZZZ. Application for significant amendment of major project permits

(1) In this section –

altered use or development, in relation to a major project permit, means a use or development that –

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 31

- (a) is in addition to, or in substitution of, the uses and developments to which the major project permit relates; or
- (b) is of a scale or character that is different from the uses and developments to which the major project permit relates; or
- (c) may result in an increase in detriment to a person other than the proponent of the major project;

application means an application under subsection (2);

proposed significant amendment means a significant amendment that a person wishes to be made to a major project permit in accordance with section 60ZZZAA;

significant amendment, in relation to a major project permit, means an amendment of the permit, in accordance with section 60ZZZAA, that, if the amendment were made –

- (a) would have the effect that the permit would authorise an altered use or

development under the
permit as so amended; but

- (b) would not have the effect
that the major project to
which the permit relates
was no longer
substantially the same
major project as the major
project to which the
permit related before the
amendment was made –

and may relate to an additional
area of land that is specified in an
amendment to a declaration of a
major project made under
section 60TG(2).

- (2) A person who –

- (a) is a proponent of a major project
to which a major project permit
relates; or
- (b) is an owner, occupier or lessee of
land to which a major project
permit relates –

may make, to the relevant decision-
maker, an application for a proposed
significant amendment of a major project
permit in relation to a major project.

- (3) An application for a proposed significant
amendment of a major project permit in
relation to a major project must –

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 31

- (a) specify the proposed significant amendment; and
 - (b) contain, in relation to each altered use or development to which the proposed significant amendment relates, the information specified in section 60F as required to be included in a major project proposal; and
 - (c) be accompanied by the information, if any, that the relevant decision-maker requires.
- (4) A relevant decision-maker that receives an application must, within 7 days or a longer period allowed by the Minister, give to each relevant regulator –
 - (a) a copy of the application; and
 - (b) a notice requesting the relevant regulator to give to the relevant decision-maker an amendment advice notice under subsection (5) in relation to the application.
- (5) A relevant regulator that receives a notice under subsection (4) in relation to an application must, within 14 days or a longer period allowed by the Minister, give to the relevant decision-maker an amendment advice notice in relation to the application.

- (6) An amendment advice notice, given by a relevant regulator under subsection (5) in relation to an application for a proposed significant amendment of a major project permit in relation to a major project, is a notice that contains –
 - (a) if the relevant regulator is not a participating regulator in relation to the major project – advice as to whether or not the relevant regulator wishes to become a participating regulator in relation to the project if the relevant decision-maker were to determine under section 60ZZZAA(2)(a)(ii) that section 60ZZZAA(7) applies in relation to the application; and
 - (b) if the relevant regulator –
 - (i) is a participating regulator in relation to the major project; or
 - (ii) gives advice under paragraph (a) that the relevant regulator wishes to become a participating regulator in relation to the project if the relevant decision-maker were to determine under section 60ZZZAA(2)(a)(ii) that section 60ZZZAA(7)

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 31

applies in relation to the application –

advice as to whether the relevant regulator considers that the assessment criteria in relation to the major project require amendment in order for the relevant regulator to be able to appropriately assess, in accordance with this Division, the proposed significant amendment; and

(c) if the relevant regulator gives advice under paragraph (b) – advice as to the opinion of the relevant regulator in relation to the application, including whether the regulator requests the relevant decision-maker –

(i) to refuse under section 60ZZZAA(2) the application; or

(ii) to refuse under section 60ZZZAA(2) the application, unless the proposed significant amendment, if any, referred to in the application is modified in accordance with the requirements of the

regulator that are set out
in the advice.

- (7) If a relevant regulator has given to the relevant decision-maker, in relation to an application (the *first application*), an amendment advice notice under subsection (5) containing advice referred to in subsection (6)(c)(ii) –

(a) the relevant decision-maker must –

- (i) notify the person who made the first application of the relevant regulator's request; and
- (ii) advise the person that the person may withdraw the first application; and
- (iii) request the person to provide to the relevant decision-maker an application under subsection (2) that contains the proposed significant amendment, referred to in the first application, modified in accordance with the requirements of the regulator that are set out in the advice; and

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 31

- (b) the person may withdraw the first application and, in accordance with the request under paragraph (a)(iii), make an application under subsection (2) that contains the proposed significant amendment, referred to in the first application, modified in accordance with the requirements of the regulator that are set out in the advice; and
- (c) where an application is made in accordance with paragraph (b), the amendment advice notice under subsection (5) in relation to the first application is to be taken to be an amendment advice notice under subsection (5) in relation to the application made in accordance with paragraph (b), in so far as the amendment advice notice contains advice referred to in subsection (6)(b).

60ZZZAA. Determination as to whether, and the manner in which, proposed significant amendment may be assessed

- (1) In this section –

altered use or development has the same meaning as in section 60ZZZ;

amendment advice notice means an amendment advice notice received under section 60ZZZ(5) by the relevant decision-maker;

application has the same meaning as in section 60ZZZ;

proposed significant amendment has the same meaning as in section 60ZZZ;

significant amendment has the same meaning as in section 60ZZZ.

- (2) The relevant decision-maker, within 14 days after the day on which the period specified in section 60ZZZ(5) ends or a longer period allowed by the Minister, must, after considering each amendment advice notice in relation to an application –
- (a) determine that –
 - (i) subsection (6) applies in relation to the application;
or
 - (ii) subsection (7) applies in relation to the application;
or
 - (b) determine that the application does not relate to a significant amendment and refuse the application accordingly; or

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 31

- (c) refuse the application.
- (3) The relevant decision-maker must not determine under subsection (2) that subsection (7) applies in relation to an application unless each amendment advice notice given to the relevant decision-maker by a relevant regulator advises that, in the opinion of the relevant regulator, the assessment criteria do not require amendment in order for the relevant regulator to be able to appropriately assess in accordance with this Division the proposed significant amendment contained in the application.
- (4) The relevant decision-maker must, under subsection (2), refuse an application, if –
 - (a) a relevant regulator has, in an amendment advice notice in relation to the application, requested, in accordance with section 60ZZZ(6)(c)(i), the relevant decision-maker to do so; or
 - (b) where a relevant regulator has, in an amendment advice notice in relation to the application, made a request in accordance with section 60ZZZ(6)(c)(ii) – the application is not an application made in accordance with section 60ZZZ(7)(b).

- (5) The relevant decision-maker must, within 7 days after making a determination under subsection (2) in relation to an application that relates to a major project permit, give to the following persons a notice setting out the terms and effect of the determination:
 - (a) the person who made the application;
 - (b) the proponent of the major project to which the determination relates, if the proponent was not the person who made the application;
 - (c) each owner, occupier or lessee of land to which the major project permit relates;
 - (d) the council that is a relevant planning authority in relation to the project to which the major project permit relates.
- (6) If the relevant decision-maker determines under subsection (2) that this subsection applies in relation to an application, this Division applies in relation to each altered use or development to which the application relates as if –
 - (a) that altered use or development contained in the application constituted the major project for the purposes of this Division; and

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 31

- (b) so much of the application for the proposed significant amendment as contains the information referred to in section 60ZZZ(3)(b) were a major project proposal in relation to the major project; and
 - (c) the major project had just been declared under section 60O to be a major project; and
 - (d) references in this Division to a major project permit were a reference to a significant amendment that authorises the altered use or development.
- (7) If the relevant decision-maker determines under subsection (2) that this subsection applies in relation to an application –
 - (a) the proponent of the major project is to provide to the Panel the major project impact statement previously provided under section 60ZS(1) in relation to the major project to which the application relates, together with an addendum to the statement that addresses the matters that are set out in the assessment criteria in relation to the major project as matters that are required to be addressed in the major project impact statement; and

- (b) this Division applies in relation to each altered use or development to which the application relates as if –
 - (i) the altered use or development contained in the application constituted the major project for the purposes of this Division; and
 - (ii) so much of the application for the proposed significant amendment as contains the information referred to in section 60ZZZ(3)(b) were a major project proposal in relation to the major project; and
 - (iii) references in this Division to a major project permit were a reference to a significant amendment that authorises the altered use or development; and
 - (iv) the major project impact statement provided under paragraph (a) had been provided under section 60ZS(1) in relation to the major project as constituted, in

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 31

accordance with this subsection, by the altered use or development; and

- (v) so much of the procedure set out in this Division as applies in relation to a major project after a major project impact statement is provided in relation to the major project under section 60ZS(1) applies in relation to the major project as constituted, in accordance with this subsection, by the altered use or development; and

- (c) if a relevant regulator has, in accordance with section 60ZZZ(6)(a), in a relevant amendment advice, specified that the relevant regulator wishes to become a participating regulator in relation to the project if the relevant decision-maker were to make a decision that this subsection applies – the relevant regulator becomes a participating regulator in relation to the major project.

- (8) If the relevant decision-maker determines under subsection (2) that subsection (7) applies in relation to an application in

relation to an altered use or development, the provisions of this Division are, subject to subsection (9), taken to be modified in relation to the altered use or development as if –

- (a) the reference in section 60ZV(1) to 21 days were a reference to 14 days; and
 - (b) the reference in section 60ZW(2) to 42 days were a reference to 21 days; and
 - (c) the reference in section 60ZY(3)(b) to 42 days were a reference to 28 days; and
 - (d) the reference in section 60ZZB(5)(b) to 28 days were a reference to 14 days; and
 - (e) the reference in section 60ZZF(1) to a 42-day period were a reference to a 14-day period; and
 - (f) the reference in section 60ZZM(1) to 90 days were a reference to 49 days.
- (9) A paragraph of subsection (8) does not apply in relation to an application if the paragraph is specified in advice given by a relevant regulator in accordance with section 60TE(8).

32. Section 60ZZZAB inserted

After section 60ZZZA of the Principal Act, the following section is inserted in Subdivision 15:

60ZZZAB. Enforcement certificates

- (1) The Commission may issue an enforcement certificate in relation to all or part of the land to which a major project permit relates.
- (2) The Commission must not issue an enforcement certificate in relation to all or part of the land to which a major project permit relates that applies to a condition or restriction, of the major project permit in relation to the land, that was included in the final advice of a relevant regulator who is a person who has functions under –
 - (a) the *Aboriginal Heritage Act 1975*; or
 - (b) the *Threatened Species Protection Act 1995*; or
 - (c) the *Nature Conservation Act 2002*.
- (3) If the Commission issues an enforcement certificate in relation to all or part of the land to which a major project permit relates, the Commission must give a copy of the enforcement certificate to –

- (a) each landowner of the land to which the enforcement certificate relates; and
 - (b) the planning authority in relation to the land to which the major project permit relates; and
 - (c) each relevant regulator.
- (4) An enforcement certificate in relation to land to which a major project permit relates is to specify one or more of the following:
 - (a) that the planning authority is to be responsible for the enforcement of this Act in respect of each condition or restriction of the major project permit in relation to the land;
 - (b) that the planning authority is to be responsible for the enforcement of this Act, in relation to a part of the land that is specified in the certificate, in respect of each condition or restriction of the major project permit in relation to the land;
 - (c) that the planning authority is to be responsible for the enforcement of this Act in respect of each condition or restriction, of the major project permit in relation to the land, that relates to

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 32

a use, of the land, that is specified in the certificate;

- (d) that the planning authority is to be responsible for the enforcement of this Act, in relation to a part of the land that is specified in the certificate, in respect of each condition or restriction, of the major project permit in relation to the land, that relates to a use, of the land, that is specified in the certificate.
- (5) The Commission may only issue an enforcement certificate in relation to land, or a part of land, to which a major project permit relates if the Commission is satisfied that –
- (a) where the certificate specifies a matter referred to in subsection (4)(a) – all development under the permit has been completed or no further such development is intended to occur under a major project permit; or
 - (b) where the certificate specifies a matter referred to in subsection (4)(b) in relation to a part of land – all development, under the permit, in relation to the part of the land has been completed or no further such

development is intended to occur,
on the part of the land, under a
major project permit; or

- (c) where the certificate specifies a matter referred to in subsection (4)(c) in relation to a use – all development, under the permit, that was necessary for the use to be carried out has been completed or no further such development is intended to occur under a major project permit; or
 - (d) where the certificate specifies a matter referred to in subsection (4)(d) in relation to a part of land and a use – all development, under the permit, that has been carried out on the part of the land and that was necessary for the use to which the certificate relates to be carried out has been completed or no further such development is intended to occur under a major project permit in relation to the part of the land.
- (6) If an enforcement certificate in relation to land to which a major project permit relates –
- (a) specifies a matter referred to in subsection (4)(a) –
sections 60ZZZD and 60ZZZF

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 32

- cease to apply in relation to the land; or
- (b) specifies a matter referred to in subsection (4)(b) in relation to a part of the land – sections 60ZZZD and 60ZZZF cease to apply in relation to the part of the land; or
 - (c) specifies a matter referred to in subsection (4)(c) in relation to a use that is specified in the certificate – sections 60ZZZD and 60ZZZF cease to apply in relation to the use on that land; or
 - (d) specifies a matter referred to in subsection (4)(d) in relation to a part of the land, and to a use, that are specified in the certificate – sections 60ZZZD and 60ZZZF cease to apply in relation to the use on that part of the land.
- (7) The Commission may only issue an enforcement certificate, in relation to land to which the major project permit relates, that –
- (a) specifies a matter referred to in subsection (4)(a) – if each relevant regulator, who included in the final advice of the relevant regulator a condition or restriction of the major project

permit, has agreed to the issue of the enforcement certificate; or

- (b) specifies a matter referred to in subsection (4)(b) in relation to a part of the land – if each relevant regulator, who included in the final advice of the relevant regulator a condition or restriction, of the major project permit, that applies in relation to the part of the land, has agreed to the issue of the enforcement certificate; or
- (c) specifies a matter referred to in subsection (4)(c) in relation to a use – if each relevant regulator, who included in the final advice of the relevant regulator a condition or restriction, of the major project permit, that applies in relation to the use, has agreed to the issue of the enforcement certificate; or
- (d) specifies a matter referred to in subsection (4)(d) in relation to a part of land and a use – if each relevant regulator, who included in the final advice of the relevant regulator a condition or restriction, of the major project permit, that applies in relation to the part of the land and to the use,

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 33

has agreed to the issue of the
enforcement certificate.

33. Section 60ZZZD amended (Enforcement of compliance with conditions)

Section 60ZZZD(5)(d) of the Principal Act is amended by omitting “*Gas Pipelines Act 2000*” and substituting “*Gas Industry Act 2019*”.

34. Section 60ZZZH amended

Section 60ZZZH of the Principal Act is amended as follows:

- (a) by renumbering the section as subsection (1);
- (b) by inserting the following subsection after subsection (1):
 - (2) If a provision of this Act requires a notice to be given to a person or body (*the receiver*) by a person or body (*the sender*) and a document or information to be provided to the person together with the notice, the document or information is, unless the person requests the sender to provide the receiver with a hard copy of the document or information, taken to have been provided to the person if –

- (a) the notice specifies a means by which the person may view, or download a copy of, the document or information at a website specified in the notice, using a means specified in the notice; and
- (b) the person may view, or download a copy of, the document or information at the website specified in the notice, using the means specified in the notice.

35. Section 63B amended (Notice of suspected contravention, &c., may be given)

Section 63B(1) of the Principal Act is amended by omitting “section 60ZB(1) or”.

36. Section 64 amended (Civil enforcement proceedings)

Section 64(1A) of the Principal Act is amended by omitting “section 60ZB(1) or” twice occurring.

37. Section 65C amended (Enforcement notices)

Section 65C(1) of the Principal Act is amended by omitting “section 60ZB(1),”.

Land Use Planning and Approvals Amendment Act 2022
Act No. of 2022

s. 38

38. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.