CLAUSE NOTES
MACQUARIE POINT PLANNING PERMIT BILL 2025

PART 1 - PRELIMINARY

Clause 1 Short title

This clause provides that the short title of the Act will be the *Macquarie Point Planning Permit Act 2025.*

Clause 2 Commencement

This clause provides that the Act will commence on the day or days on which it is proclaimed. This means that if necessary different parts of the Bill can commence at different times.

Clause 3 Interpretation

This clause introduces definitions for key terms relevant to the Act, including 'access network', 'draft project permit', 'project land' and 'proponent'.

Clause 4 Meaning of *proposed development*

This clause defines the proposed development as:

- The multipurpose stadium;
- The relocation of the Hobart Railway Goods Shed;
- The concourse and plaza surrounding the stadium;
- Facilities that are intended for practices and demonstrations (this is referring to the practice cricket wickets noting that this area will be used more broadly by stadium users as an area for warm-up, practice and/or demonstration purposes);
- Parking facilities.

It also includes:

- The access network (as defined in clause 3);
- Any other use or development referred to in the draft project permit or prescribed under the Act.

Clause 5 Meaning of *relevant advisory body*

This clause introduces the meaning of 'relevant entities' with subsection (1) specifying that relevant entities include:

- The Aboriginal Heritage Council, and the Director (this is the Secretary of the Department of Natural Resources and Environment Tasmania), within the meaning of the *Aboriginal Heritage Act 1975*;
- The Environment Protection Authority Board, within the meaning of the *Environmental Management and Pollution Control Act 1994*;
- A licensee, within the meaning of the *Gas Industry Act 2019*;
- The Heritage Council, within the meaning of the *Historic Cultural Heritage Act 1995*;
- A regulated entity, within the meaning of the *Water and Sewerage Industry Act 2008;* and
- Any person or entity who is required, under the draft project permit, to issue a permit or other authorisation in respect of the proposed development.

Subsection (2) provides that a relevant entity referred to in subsection (1) is a relevant advisory body in respect of all, or any part, of a relevant permit if:

- The permit relates to a matter that is regulated, monitored and reviewed by the relevant entity under another Act or where the permit is the subject of advice or recommendations under another Act; or
- The relevant entity would be involved in specified matters under the *Land Use Planning and Approvals Act 1993.*

Clause 6 **Act binds Crown**

Requires the Crown to comply with the Act in the same way as any other person.

Clause 7 **Inconsistency**

This clause provides that to the extent that one or more of the provisions of the Act are inconsistent with any other Act, planning scheme, special planning order, or any other instrument, the provisions of this Act are to prevail over, and to the extent of any inconsistency, with that Act.

The purpose of this section is to ensure that provisions within the Act are not rendered ineffective or inoperative due to an inconsistency in another Act, planning scheme, special planning order, or any other instrument.

PART 2 – PERMITS FOR PROPOSED DEVELOPMENT

Division 1 - Permits

Clause 8 **Permit taken to be issued, etc**

The purpose of this section is to issue the draft project permit as tabled with the Bill, a copy of which is provided in Schedule 1. The permit covers the uses and developments outlined in clause 4 (a).

The permit does not cover the access network (clause 4(b)). This aspect of the proposed development requires an additional permit, which can be issued in accordance with the process set out in clause 11.

Subsection (1) provides that at the commencement of this section, the permit is taken to be issued as contained in the draft project permit. Despite any other Act or planning instrument the proposed development can proceed according to the project permit.

Subsection (2) provides that further approvals are not required under the *Aboriginal Heritage Act 1975,* the *Environmental Management and Pollution Control Act 1994,* the *Historic Cultural Heritage Act 1995* or the *Land Use Planning and Approvals Act 1993*, in relation to the draft project permit. However, unless otherwise specified in the permit, enforcement provisions under these Acts are still applicable.

Subsection (3) provides that unless stated otherwise in the Act, the project permit is not a permit within the meaning of the *Land Use Planning and Approvals Act 1993.*

Subsection (4) provides that if part of the proposed development cannot be completed in accordance the project permit, the project permit is taken not to include this development. This to ensure that the broad definition of proposed development is constrained to the specific contents of the draft project permit and its terms and conditions.

Subsection (5) provides a timeframe for the permit stating that the project permit will lapse if the proposed development is not substantially commenced, within the meaning of the *Land Use Planning and Approvals Act 1993,* within four years of the day on which this section commences. This ensures that approval is not being provided for an indefinite period of time.

Clause 9 **Minister may issue subsequent project permits**

This section allows the Minster to issue subsequent project permits, that may have not been included in, or captured by, the draft project permit.

Subsection (1) authorises the Minister to issue subsequent permits under this section in respect to the proposed development.

Subsection (2)(a) - (c) provides the requirements that the Minister must comply with before issuing a subsequent permit for the proposed development under this section, including:

- Subsection 2(a)(i) – (iii) provides that the Minister must consult with the Premier, the Hobart City Council, and each relevant advisory body that the Minister, or Premier, considers may have an interest, or regulatory role, in respect of the permit; and
- Subsection 2(b) allows the Minister to consult with any other person, including a State Service Agency, that the Minister considers appropriate; and
- Subsection (2)(c) requires that the Minister must consider any representations made as a result of consultation under paragraphs (a) or (b).

Subsection (3) provides that a permit issued under this section allows a person to act in accordance with that permit.

Subsection (4) specifies that further approvals are not required under the *Aboriginal Heritage Act 1975,* the *Environmental Management and Pollution Control Act 1994,* the *Historic Cultural Heritage Act 1995* or the *Land Use Planning and Approvals Act 1993* in relation to the subsequent project permit. However, unless otherwise specified in the permit, enforcement provisions under these Acts are still applicable.

Subsection (5) provides that unless stated otherwise in the Act, the project permit is not a permit within the meaning of the *Land Use Planning and Approvals Act 1993.*

Subsection (6) provides that if part of the proposed development cannot be completed in accordance with the subsequent project permit, the project permit is taken not to include this development. This to ensure that the broad definition of proposed development (noting that future uses and developments may be prescribed) is constrained to the specific contents of a subsequent permit and its terms and conditions.

Subsection (7) provides a timeframe for the subsequent permit. Pursuant to subsection (7)(a), the subsequent project permit will take effect on the day it is issued by the Minister unless a later day is specified in the permit.

Subsection (7)(b) provides that the subsequent project permit is in effect for the period that the permit specifies, unless it is disallowed under section 10 of the Act or revoked by the Minister. This section provides that the period specified on the permit must not exceed 8 years. This ensures that approval is not being provided for an indefinite period of time.

Section 8 allows regulations to prescribe matters that are to be considered, or approvals that are required, before a permit is issued under subsection (1).

Clause 10 Subsequent project permits subject to disallowance

This clause sets out the process for subsequent project permits to be disallowed by Parliament.

Subsection (1) provides that the Minister must, within 10 sitting days after issuing the subsequent project permit, table it in each House of Parliament. Subsection (2) causes a subsequent project to be void if it is not tabled as required.

Subsection (3) specifies that either House of Parliament can, within 5 sitting days of a subsequent permit being tabled give notice of a disallowance motion. If the disallowance motion is agreed to that does not affect the affect the validity of anything done under the permit before the disallowance.

Subsections (4) requires that where a subsequent permit is disallowed, the Clerk of the relevant House of Parliament must publish a notice in the Gazette and is to notify the Minster of the passing of the resolution.

Subsection (5) requires that the Minister is to notify the proponent of the disallowance of the subsequent permit.

Clause 11 Minister may issue permits in respect of access network

The purpose of this section is to allow the Minister to issue a permit or permits for the development of the access network. A permit issued under this section can only relate to the access network, as defined in section 3.

Subsection (3)(a) - (c) inclusive lists the requirements that the Minister must comply with before issuing a permit for the access network under this section, including:

- Subsection 3(a)(i) – (iii) requires that the Minister must consult with the Premier, the Hobart City Council, and each relevant advisory body that the Minister, or Premier, considers may have an interest, or regulatory role, in respect of the permit; and

- Subsection 3(b) provides that the Minister may consult with any other person, including a State Service Agency, that the Minister considers appropriate; and

- Subsection (3)(c) requires that the Minister must consider any representations made to the Minister as a result of consultation under paragraphs (a) or (b).

Subsection (4) provides that a permit issued under this section allows a person to act in accordance with that permit.

Subsection (5) specifies that further approvals are not required under the *Aboriginal Heritage Act 1975,* the *Environmental Management and Pollution Control Act 1994,* the *Historic Cultural Heritage Act 1995* or the *Land Use Planning and Approvals Act 1993* in relation to an access network permit. However, unless otherwise specified in the access network permit, enforcement provisions under these Acts are still applicable.

Subsection (6) provides that unless stated otherwise in the Act, the project permit is not a permit within the meaning of the *Land Use Planning and Approvals Act 1993.*

Subsection (7) provides that if any part of the access work cannot be completed in accordance the permit, the permit is taken not to include this development. This to ensure that the broad definition of access network is constrained to the specific contents of the permit for the access network and its terms and conditions.

Subsection (8) provides a timeframe for the access network permit. Pursuant to subsection (8)(a), a permit in relation to the road access network will take effect on the day it is issued by the Minister unless a later day is specified in the permit.

Subsection (8)(b) provides that the permit is in effect for the period that the permit specifies, not exceeding 8 years, unless sooner revoked by the Minister. This ensures that approval is not being provided for an indefinite period of time.

Subsection (9) allows regulations to prescribe matters that are to be taken into account, or approvals that are required, before a permit is issued under subsection (1).

Subsection (10) provides that the Minister is to provide a copy of the permit before each House of Parliament, but that failure to do so will not render the permit void. As distinct from subsequent project permits under section 9, a permit in respect of the access network is not subject to disallowance.

Clause 12 Amendments of relevant permits

The purpose of this section is to allow the Minister to make amendments (that are not considered minor – noting that minor amendments are covered under clause 13) to relevant permits as may be required from time to time.

Subsection (1) enables the Minister to make an order to amend a relevant permit including, but not limited to, an amendment relating to terms or conditions of the permit.

Subsection (2)(a) - (c) inclusive lists the requirements that the Minister must comply with before amending a relevant permit under this section. These requirements are intended to provide transparency in relation to the Minister's decision. The requirements that the Minister must satisfy before amending a relevant permit under this section are:

- Subsection 2(a)(i) – (iii) requires that the Minister must consult with the Premier, the Hobart City Council and each relevant advisory body that would be consulted on an amendment to the permit, under the *Land Use Planning and Approvals Act 1993,* if the relevant permit were a permit made under that Act;
- Subsection 3(b) allows the Minister to consult with any other person, including a State Service Agency, that the Minister considers appropriate; and
- Subsection (3)(c) requires that the Minister must consider any representations made to the Minister as a result of consultation under paragraphs (a) or (b).

Subsection (3)(a) provides the requirements that a Minister must comply with after making an order to amend a relevant permit, including the Minister to publish, accordance with clause 32, a copy of the order, a copy of the permit as amended by the order, a notice that includes the Minister's reasons for the order, the persons the Minister consulted and a summary of the representations received during consultation.

Clause 13 Minor amendment of relevant permit

Section 13 allows the Minister to make minor amendments to relevant permits as may be required from time to time.

Subsection (1) defines the meaning of a minor amendment as an amendment that:

- Changes the proponent for the permit;
- Does not change the effect of a condition or restriction within the permit;
- Does not change the use or development for which the permit was issued (other than a minor change in the description of the use or development);
- Is unlikely to have a negative impact on any person;
- Does not, or is unlikely to, cause serious environment harm, or material environmental harm, within the meaning of section 5 of the *Environmental Management and Pollution Control Act 1994.*

Subsection (2) enables the Minister to make an amendment to the relevant permit on the Minister's own initiative or at the request of the

proponent for the permit or from a relevant advisory body (this means that for example, the Environment Protection Authority, could request an amendment to the permit).

Subsection (3) provides that if the Minister makes a minor amendment to a relevant permit, the Minister is to give written notice of the amendment to:

- The proponent for the permit;
- Each relevant advisory body that the Minister considers may have an interest, or regulatory role, in respect of the amendment; and
- If the amendment is made at the request of a relevant advisory body, the relevant advisory body who made the request.

Subsection (4) confirms that the requirements under section 12 do not apply to minor amendments made to a relevant permit under subsection (1).

Division 2 – Effect of permits

Clause 14 Amendment of planning schemes, etc

This section allows the Minister to direct the Tasmanian Planning Commission (the Commission) to amend any relevant planning scheme or special planning order for the purpose of removing any inconsistencies between a relevant permit (including amended relevant permits) and the scheme or order.

Subsection (2) requires that the Commission must comply with the direction from the Minister as soon as practicable.

Subsection (3)(a) - (c) lists the requirements that the Minister must comply with before directing the Commission amend a planning scheme or special planning order under subsection (1):

- Subsection 3(a)(i) – (iii) inclusive: requires that the Minister must consult with the Premier, the Hobart City Council, and each relevant advisory body that the Minister, or Premier, considers may have an interest, or regulatory role, in respect of the permit; and
- Subsection 3(b) allows the Minister to consult with any other person, including a State Service Agency, that the Minister considers appropriate; and

Subsection (4) specifies that where the Minister gives a direction to amend a planning scheme or special planning order:

- the Commission is to give notice in the Gazette as soon as practicable after the amendment is made;

The amendment is taken to have come into effect on the day on which the permit is issued, or another date specified in the notice.

Subsection (5) provides that amendments to a planning scheme or special planning order that are in effect pursuant to subsection (4)(b) are, despite any provision of any Act, to be taken to have been made to that scheme or order.

Subsection (6) provides that where an amendment to the planning scheme or special planning order under subsection (1) relates to a subsequent project permit that is disallowed (pursuant to section 10), the amendment ceases to come into effect. The disallowance does not affect anything done prior to the disallowance.

Clause 15 Approvals for purposes of permits

This section enables the Minister to give any approval, consent, or permission required under the following Acts for relevant permits:

- The A*boriginal Heritage Act 1975*;
- The *Environmental Management and Pollution Control Act 1994*;
- The *Historic Cultural Heritage Act 1995*;
- The *Land Use Planning and Approvals Act 1993*;
- The *Macquarie Point Development Corporation Act 2012*; and
- Any other Act prescribed for the purposes of this section.

Subsection (2) provides that approvals given by the Minister have the same effect as if given by the required person or body under those Acts.

Subsection (3) provides that the person or body who would ordinarily give the approval does not incur any liability because of anything done prior the Minister giving approval under this section.

Clause 16 Minister responsible for compliance with permits

Compliance is intended to be captured by relevant Acts under which approvals by the Minister have been granted (under clause 26) and the terms and conditions of the permit.

In the event that no person is specified in the permit or if the relevant Acts are not applicable, then compliance responsibility reverts to the Minister.

Clause 17 Enforcement of compliance with permit conditions

Under this section, relevant Act means one of the following:

- The *Aboriginal Heritage Act 1975*;
- The *Environmental Management and Pollution Control Act 1994*;
- The *Historic Cultural Heritage Act 1995*;
- The *Land Use Planning and Approvals Act 1993*.

This section provides that where a relevant permit contains a term and condition that either specifies that the permit has approval under a relevant Act, or there is a requirement under a relevant Act, the relevant permit is taken to comply with these Acts.

These relevant Acts apply as if the approval or requirements were issued under the provisions of these Acts.

PART 3 – ACCESS NETWORK

Clause 18 Interpretation of Part

This section provides that in Part 3 of the Act, the meaning of 'relevant land' in relation to the access network, includes:

- Land in which an order has been made for its acquisition under section 19(1) of the Act; and
- Land that is taken to be acquired on the commencement of this Act, which is specified in section 31(1)(a) - (b) inclusive.

Clause 19 Minister may declare land to form part of access network

This section enables the Minister to make an order under subsection (1) acquiring land (in accordance with section 20) for the purpose of the access network.

Subsection (2) provides that prior to the Minister making an order under subsection (1), the Minister must consult the Premier.

Subsection 3(a) provides than an order under subsection (1) must clearly specify the area of land to which the order applies.

Pursuant to subsection (3)(b) an order can only be made for land that is either Crown land, or owned by the council of a municipal area, or owned by an entity within the meaning of the *Financial Management Act 2016.* The intention of this clause is to make it clear than no privately owned land can be acquired.

Subsection (4) specifies that an order under subsection (1) is a statutory rule under the *Rules Publication Act 1953* and is not an instrument of legislative character for the purpose of the *Subordinate Legislation Act 1992*.

Clause 20 Relevant land acquired

This section specifies the procedure and implications following an order made under section 19(1) acquiring land to form part of the access network.

Subsection (1) provides that on the day an order under section 19(1) commences, the land is taken to be Crown land acquired for the purpose of the access network.

Subsection (2) provides that the owner of the land is entitled to compensation under the *Land Acquisition Act 1993* in respect of the land acquired.

Subsection (2) provides that there are no rights to appeal or rights in respect of injunctions under this Act or any other Act, other than matters relating to compensation.

Subsection (3) provides that following the acquisition of the relevant land, the Minister must lodge information with the Recorder of Titles to make an appropriate entry on the folios of the Register. This subsection further provides that, prior to such an entry being made, title to the relevant land is not indefeasible. This provides for the brief period when the land has become Crown land but this has not been registered.

Subsection (4) confirms that there is no right of appeal in respect to the sale, exchange or disposal of the relevant land to the Crown under this section. This includes the right to appeal to a court or tribunal.

Clause 21 Declaration of certain roads as State highway

This section provides that on the commencement of this section, the following areas of road will be declared to be subsidiary roads for the purposes of the *Roads and Jetties Act 1935*:

- McVilly Drive
- Evans Street; and
- The semi-circular section of the road off the Tasman Highway (close to the Royal Engineers Building).

This section transfers ownership of the parts of these roads that are declared subsidiary roads to the Crown. The purpose of this section, and the transfer of ownership, is to make event day controls easier to manage.

Clause 22 Application of certain acts

This section confirms how the *Local Government (Highways) Act 1982* and the *Rail Infrastructure Act 2007* interact with this Act.

Subsection (1) provides that for the purposes of Part 7 of the *Local Government (Highways) Act 1982,* a road declared to be a subsidiary road will remain a local highway for the purposes of:

- Collecting money in respect to controlled parking;
- Enforcing controlled parking;
- The maintenance of parking meters and voucher machines.

The purpose of subsection (1) is to enable the Hobart City Council to continue to raise parking revenue in these areas outside of event times.

Subsection (2) refers to the *Rail Infrastructure Act 2007* and provides that any relevant land that forms part of the rail network, as defined in that Act, now ceases to form part of the rail network, and ownership of the infrastructure on that land is transferred to the Crown.

The *Rail Infrastructure Act 2007* provides that the Tasmanian rail network's "south line" terminates at McVilly drive. This means that pursuant to this section, the land is no longer part of the rail network or designated for rail infrastructure planning purposes and that the site can be used for the proposed development.

PART 4: APPLICATION OF OTHERT ACTS TO PROPOSED DEVELOPMENT AND ACCESS NETWORK

Clause 23 Effect of Act on certain Acts

Under this section, relevant planning Act refers to:

- *The Land Use Planning and Approvals Act 1993*; and
- The *Macquarie Point Development Corporation Act 2012*; and
- The *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The effect of subsection (2) is that the owner of project land or the proponent for a relevant permit may still take an action under one or more of the relevant planning acts in respect of the project land, or the proposed development or the relevant permit.

The effect of subsection (3) is that despite an action taken under a relevant planning act, the validity of the following is not affected:

- The issue of permit under section 11 or a subsequent project permit under section 9; or
- Any amendment of a relevant permit, in accordance with section 12 or 13; or
- Any approval, consent or permission that has been given by the Minister under section 15; or

- An order of the Minister under section 19.

Subsection (4) provides that nothing in this Act or in a provision of a relevant permit prevents the following from occurring:

- The making of an application under the *Land Use Planning and Approvals Act 1993* for a permit under that Act in respect of the proposed development;
- The issue of a permit, under the *Land Use Planning and Approvals Act 1993*, in respect of the proposed development;
- The carrying out of any use or development in accordance with, and subject to, a relevant permit;
- The application of a relevant planning Act in respect of a use or development that substantially relates to the proposed development.

Subsection (5) confirms that subsection (4) applies to activities regardless of whether they occur before or after the commencement of this Act and whether the proposed development has commenced or been carried out.

Clause 24 Effect of Conveyancing and Law of Property Act 1884 on certain land

Part XI Division 2 of the *Conveyancing and Law of Property Act 1884* deals with buildings erected over or partly over the Hobart rivulet. This clause notes that these provisions will not apply to the project land (as defined in clause 3) or relevant land acquired for the Access Network (under Part 3 of this Bill).

The Hobart City Council will still own the rivulet tunnel and be responsible for its maintenance, as the land titles over the rivulet have vertical dimensions, and this is not proposed to change.

Clause 25 Subdivision plans

The purpose of subsection (1) is to authorise the Minister to take actions under Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* as if the Minister were a council.

Subsection (2) provides that that if the Minister takes an action under Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993,* references to the council in Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* are taken to be references to the Minister. Additionally, the council may not take action under Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* in respect of project land or land subject to an order under section 19(1) or acquired under this Act.

Subsection (3) confirms that where the Minister takes an action under the *Local Government (Building and Miscellaneous Provisions) Act 1993* and any other Act, an action taken by the Minister in accordance with subsection (1) is taken to be an action taken by the council. These subsections grant the Minister the authority to manage subdivision plans for the proposed development.

Subsection (4) confirms that the Minister's power to take actions under subsection (1) includes the power to make access orders under section 107 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Clause 26 Adhesion Orders

The purpose of this section is to allow the Minister to join two or more blocks of land together as a single parcel to ensure that construction on the site can commence and to avoid the need for additional processes and associated time.

Subsection (1) authorises the Minister to make an adhesion order, if required, for the proposed development.

Subsection (2)(a) provides that if the Minister makes an adhesion order under subsection (1), the Minister is to notify the Hobart City Council.

Subsection (2)(b) provides that where the Minster makes an adhesion order under subsection (1), references to a council in section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* are taken to be references to the Minister. Subsection (3) confirms that an adhesion order made under subsection (1) is taken to be an order made under section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Subsection (4) provides that a word or phrase used in section 26 of the Act is taken to have the same meaning as it has in Part 3 of the *Local Government (Building and Miscellaneous) Act 1993.*

Clause 27 Amalgamation of titles as required

This section allows the Minister to resolve matters relating to titles, such as easements, covenants and caveats. The purpose of this section is to ensure that the proposed development can commence and that the need for additional processes (and associated time) are avoided.

Subsection (1) authorises the Minister to direct the Recorder of Titles to create, amend, rearrange, or extinguish a folio of the Register in relation to land required for the proposed development or a relevant permit.

Subsection (2) provides that a direction under subsection (1) may relate, but is not required to relate, to:

- Adding or removing an easement;
- Adding or removing a notice in respect of the proposed development or permit;
- Adding or removing a covenant or caveat.

Subsection (3) provides that prior to the Minister making an order under subsection (1), the Minister must consult the following about the direction:

- The Premier; and
- The Minister administering the *Crown Lands Act 1976.*

Subsection (4) provides that prior to the Minister making an order under subsection (1), where that order relates to private land, the Minister must comply with subsection (3) and, in addition, must:

- Only make the direction if the direction solely relates to one or more of the matters specified in subsection (2); or
- Only make the direction if the owner of the private land has consented to the direction.

Subsection (5) provides that where the Recorder of Titles receives a direction under subsection (1), the Recorder of Titles is to comply with that direction by creating, amending, rearranging or extinguishing a folio of the Register as the Recorder considers appropriate.

Clause 28 Disposal of Crown land in certain circumstances

This section provides a streamlined mechanism to offer land acquired under this Act back to the Hobart City Council, in the event that land acquired by the Crown for the access network is no longer required for that purpose.

Subsection (2) provides the procedure to be followed in circumstances where the Hobart City Council accepts an offer of land under subsection (1):

- The Minister must cause ownership of the land to be transferred to the Hobart City Council; and
- The land ceases to be owned by the Crown; and
- The Minister must publish a notice in the *Gazette* that identifies the land that has been transferred to the Hobart City Council and specifies the date on which the transfer has taken place.

Subsection (3) provides that the *Land Acquisition Act 1993* and the *Crown Lands Act 1976* do not apply in respect to the transfer of land under section 28.

Clause 29 Non-application of *Public Works Committee Act 1914*

This clause withdraws the proposed development from the operation of the *Public Works Committee Act 1914.* This means that the Committee would not need to hear and provide a report on the proposed development.

The Macquarie Point Development Corporation is not a general government sector body within the meaning *Public Works Committee Act 1914,* which means that it is already exempt from oversight by the Public Works Committee.

The intent of this clause is to exempt the access network from the Public Works Committee. Given the essential nature of this infrastructure, the intent is to ensure that development and construction is not delayed. Other mechanisms for scrutiny remain.

Clause 30 Exemption from certain fees and charges

Subsection (1) defines key terms used in this section as:

- Relevant Act: An Act under which an action is taken in respect of a relevant permit, the proposed development, or any other matter authorized under this Act;
- Relevant fees and charges: Any tax, duty, charge, application fee, registration fee, or other fee imposed by the State under an Act or another law of Tasmania.

Subsection (2) provides that unless otherwise specified in a relevant permit, all relevant fees and charges are not payable in relation to an action taken under this Act, or a relevant Act, in respect of a relevant permit or the proposed development or a matter authorised under this Act, whether that action is taken under this Act or another Act.

The effect of this section is that the Crown is not required to pay itself relevant fees and charges that may be ordinarily associated with a relevant permit, or the proposed development or a matter authorised under this Act. This intent of this provision is to simplify administrative matters associated with the Act, which are otherwise complex.

PART 5 – MISCELLANEOUS

Clause 31 Certain land acquired on commencement of Act

Subsection (1) provides that on the day of the commencement of this section, the land referred to in subsections (1)(a) – (b) inclusive are taken to be Crown land that is acquired by the State for the proposed development. The effect of this section is that on the commencement of the section, the State has ownership of the land referred to in subsections (1)(a) – (b) inclusive.

Subsection (2) provides that the owner of the land is entitled to compensation under the *Land Acquisition Act 1993* in respect of the land but provides that there are no rights to appeal or rights in respect of injunctions under this Act or any other act, other than matters relating to compensation. This includes the right to appeal to a court or tribunal. Subsection (4) simply confirms that there is no right of appeal in respect of the sale, exchange or disposal of the relevant land to the Crown under this section.

Subsection (3) provides the procedural requirements the Minister must comply with if the land is acquired under subsection (1). This subsection further provides that, prior to such an entry being made, title to the relevant land is not indefeasible. This provides for the brief period when the land has become Crown land but this has not been registered.

Clause 32 Publication of permits and other documents

This section provides that the Minister is responsible for ensuring that the documents listed in subsection (1)(a) – (d) inclusive are published on a website that is maintained by or on behalf of the Department, or that a link to the relevant document is provided on that website.

The documents referred to in subsection (1)(a) – (d) inclusive that must be published on the website are:

- The project permit (including any amendments) while the project permit is in force;
- All other relevant permits under this Act (including any amendments) while the relevant permit is in force;
- Each resolution of disallowance passed in respect of a subsequent project permit under section 10;
- Each order made under section 19 in respect of the access network.

Pursuant to subsection (3), the documents must be freely available to the public whilst published on the website.

The purpose of this section is to promote, and ensure, transparency within community in relation to the proposed development.

Clause 33 Consultation requirements

The purpose of this section is to ensure that the consultation period operates effectively by providing the person or entity under this Act an adequate amount of time to respond to the Minister.

In circumstances where the Minister is required to consult with a person or entity under this Act, this subsection (1) provides that the Minister is to give the person or entity at least 28 calendar days to respond, or a shorter period if the Minister and the person or entity agree to a shorter period.

Subsection (2) confirms that the Minister may agree to a longer period of consultation and may also extend a period of consultation if a person or entity requires further information before providing the Minster with a response.

Clause 34 Limitation of rights of appeal

Subsection (1) has the effect that all rights of appeal in relation to a permit issued, or any thing done in good faith, under this Act or in accordance with this Act, are extinguished. This includes the right to appeal to a court or tribunal, review under the *Judicial Review Act 2000* or any other proceeding, and rights under any Act or at common law for the seeking of, granting, or enforcement of injunctions.

Subsection (2) clarifies that the term "any thing done under this Act or in accordance with this Act" includes:

- Complying with a term or condition of a relevant permit requiring that a person apply for other permits, licences or other approvals as may be necessary for the proposed development;
- Anything done as a result of any amendment to a planning scheme or special planning order;
- Actions, decisions, processes, matters or things made or refused to be made.

Subsection (3) confirms that subsection (1) does not apply to any thing which involves criminal conduct.

Subsection (4) provide that in the event of criminal conduct, any action taken under subsection (1) is taken not to delay the operation of any relevant permit. This means that criminal conduct does not prevent anyone from carrying out the proposed development in accordance with the terms of the permit.

Subsection (5) confirms that the limitation of the rights of appeal under subsection (1) do not apply to the owner of any project land.

Overall, this section is intended to provide certainty to the proposed development and to ensure the Parliament's approval of the initial project permit, and the framework for additional and subsequent permits, is conclusive.

Clause 35 Delegation

This section provides that the Minister may delegate functions and powers under this Act, other than the power of delegation itself, to other Ministers or a Head of Agency within the meaning of the *State Service Act 2000*. This clause excludes the Chief Executive Officer of the Macquarie Point Development Corporation (MPDC) from being someone who the Minister can delegate powers to under the Act, given that MDPC is the proponent.

Clause 36 Regulations

This clause allows the Governor to make regulations for the purpose of this Act. While this is a general regulation making power, regulations may be used to;

- Expand the meaning of proposed development (see clause 4 (d)) - noting that any other uses or developments brought into the operation of this Act via regulations would then also need to have subsequent permits issued under clause 10;
- Prescribe further details around the processes associated with the Minister's approval of a subsequent permit (see clause 9 (8)) or permit for the access network (see clause 11 (9)).

Clause 37 Administration of Act

This clause provides that the Administration of the Act is to be under the Minister for Business, Industry and Resources and the Department of State Growth until such time as the Administrative Arrangements provide for the Act.

Clause 38 Consequential amendments

This section provides that the legislation specified in Schedule 3 is amended in accordance with Schedule 3.

That is, Schedule 1 of the *Rail Infrastructure Act 2007* is amended by removing "McVilly Drive" from clause 5 of Part 1 and substituting "the northern boundary of Areas 1 and 2 on Plan 11581 in the Central Plan Register".

Clause 39 Legislation Revoked

This section provides that the legislation specified in Schedule 4, being the *State Policies and Projects (Project of State Significance) Order 2023 (No. 66 of 2023)* is revoked.

This terminates the Project of State Significance process under the *State Policies and Projects Act 1993* underway in respect of the Macquarie Point Stadium.

Schedule 1 Schedule 1 is a copy of the draft project permit, and its terms and conditions, as per the information tabled by the Minister in connection with this Act.

Schedule 2 Schedule 2 defines areas of land for the purposes of section 31.

Schedule 3 Section 38 provides that the legislation specified in Schedule 3 is amended in accordance with Schedule 3.

That is, Schedule 1 of the *Rail Infrastructure Act 2007* is amended by removing "McVilly Drive" from clause 5 of Part 1 and substituting "the

northern boundary of Areas 1 and 2 on Plan 11581 in the Central Plan Register".

Schedule 4 Schedule 4 revokes the *State Policies and Projects (Project of State Significance) Order 2023.*

This terminates the Project of State Significance process under the *State Policies and Projects Act 1993* underway in respect of the Macquarie Point Stadium.