

## CLAUSE NOTES

### *Land Use Planning and Approvals Amendment (Major Projects) Bill 2020*

#### Key acronyms:

- Minister – Minister for Planning
- Commission – Tasmanian Planning Commission
- DPIPWE – Department of Primary Industry, Parks, Water and Environment
- LPS – Local Provisions Schedule
- LUPAA – *Land Use Planning and Approvals Act 1993*
- EMPCA – *Environmental Management and Pollution Control Act 1994*
- EPA – Environment Protection Authority Board
- PORS – Projects of Regional Significance

PART 1 – PRELIMINARY	
Clause 1	Cites the short title of the Act – the <i>Land Use Planning and Approvals Amendment (Major Projects) Act 2020</i>
Clause 2	Provides for the provisions of this Act to commence upon receiving Royal Assent.
PART 2 – LAND USE PLANNING AND APPROVALS ACT 1993 AMENDED	
Clause 3	Identifies the Principal Act for this part of the Bill as the <i>Land Use Planning and Approvals Act 1993</i> (LUPAA).
Clause 4	<p><b>Section 3 amended</b></p> <p>Inserts new definitions into Section 3 (Interpretation) and amends current definitions to provide references to recognise Major Project Permits.</p> <p>The new definitions are ‘<i>general manager</i>’ (of a Council), ‘<i>major project</i>’ and ‘<i>major project permit</i>’.</p> <p>The definition of ‘representation’ is amended to remove references to a ‘special permit’ which relates to the former PORS process and the definition of ‘special permit’ is deleted, as the reference to a ‘special permit’ is no longer required.</p>
Clause 5	<b>Section 8 amended</b> to the Commission has a responsibility to establish the panel to carry out the assessment.
Clause 6	<b>Section 12 amended</b> to provide references to Major Project Permits and omit the reference to a ‘special permit’ which is from the former PORS process and no longer required.

Clause 7	<b>Section 48AA amended</b> to provide references to Major Project Permits and omit the reference to a 'special permit' from the PORS process, as the reference to a 'special permit' is no longer required.
Clause 8	<b>Section 51 amended</b> to include Major Project Permits as the section currently only refers to ordinary planning permits that are issued by planning authorities, the Commission or the Tribunal.
Clause 9	<b>Section 52 amended</b> by omitting subsection 1C, which defines General Manager, as General Manager is now defined in the Interpretation section, section 3 of LUPAA.
Clause 10	<b>Section 54 amended</b> to update a cross reference in LUPAA from 43A to 40T to refer to amendments to Local Provisions Schedules instead of interim planning schemes.
Clause 11	<b>Clause 60A amended</b> to provide references to Major Project Permits and omit the reference to a 'special permit' from the former PORS process, as this is no longer required.
Clause 12	<p><b>Part 4, Division 2A – is repealed</b> as it details the former PORS process and is no longer required <b>and substituted</b> with 16 subdivisions containing provisions that</p> <ol style="list-style-type: none"> <li>1. Provide for major projects to be considered in 3 clear stages – <ol style="list-style-type: none"> <li>a. eligibility for consideration in the process,</li> <li>b. preliminary assessment with preparation of assessment guidelines and a major project impact statement, and</li> <li>c. final assessment involving public exhibition and public hearings into the proposed major project,</li> </ol> </li> <li>2. Establish a process for the amendment of major project permits</li> <li>3. Detail administrative matters relating to major project permits</li> </ol>
	<b>Specifically: Division 2A – Major Projects is set out below in each of the 16 subdivisions,</b>
	<p><b>Subdivision 1- Interpretation of Division 2A</b></p> <p>Provides definitions to enable the major projects process to occur as intended.</p> <p><b>60B – Interpretation of Division 2A</b></p> <p>Subsection (1) provides for relevant definitions appropriate to the operation of Division 2A in the major projects process.</p>

	<p>A key definition to the process is the definition of 'project-associated act', as this definition provides the mechanism to join together a range of normal permits or assessments into a single permit. The project associated acts are the –</p> <p><i>Aboriginal Heritage Act 1975, Environmental Management and Pollution Control Act 1994, Historic Cultural Heritage Act 1995, Nature Conservation Act 2002, Threatened Species Act 1995</i> and any relevant regulations to these acts.</p> <p>Another unique definition is 'bilateral agreement project'. This definition refers to Commonwealth assessments under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and applies if it is reasonably likely that the Commonwealth Government will require approval under their act.</p> <p>The definitions of 'particular purpose zone', 'site-specific qualification' and 'specific area plan' have been included to clarify that they are elements in planning schemes that the determination guidelines can refer to, and to ensure that any code in a planning scheme is not taken to be included as one of these elements for the purposes of the major projects process.</p> <p>Subsection (2) provides for a person to be nominated as the proponent when there are 2 or more persons proposing to undertake the major project.</p>
	<p><b>Subdivision 2 – Proposal for major project declarations and major project proposals</b></p> <p>Provides for a project to be proposed as a major project and sets the requirements for the contents of the proposal documents and also provides for the 'switching off' of normal development application processes, referrals and other permit processes, while the proposed major project is being considered so that they do not duplicate assessment.</p> <p>There is also early advice of the major project proposal provided to adjoining land owners, lessees on adjoining land, councils and State agencies to seek their views on whether the project should be declared as a major project. There is also the ability for the Minister to seek additional information from the proponent, council or State agency.</p> <p><b>60C – Proposal that project be declared major project</b></p> <p>Provides for a major project proposal to be nominated by a proponent, planning authority or the Minister. Requires a major project proposal to include a general description of the major project and identify the land to which the major project proposal relates. A proposal can be withdrawn by the Minister, the proponent or planning authority depending on who makes the major project proposal.</p> <p>Subsection (3) is provided to clarify that a major project must be about use and development of land, as opposed to applications that just involve amendments to planning schemes.</p>

***60D – Effect, of proposal for a declaration, on permit applications, referrals and project-associated Acts***

Subsection (1) contains definitions which only apply within this clause.

Provides that applications for ordinary permits or applications referred under project-associated acts are placed on hold whilst a major project proposal is being considered for declaration by the Minister, where these applications are located on the same land as a major project proposal. This also includes any referrals that planning authorities may have made to the EPA, TasWater, Gas Pipeline licensee or the Heritage Council. These agencies must cease to take any action while the major project proposal is being considered for declaration as a major project.

Provides that the assessment time clocks for ordinary planning permits or ordinary applications under project-associated acts do not run while a major project proposal is being considered as a major project.

Under subsection (6), where a planning authority nominates a major project proposal and that major project proposal is not declared a major project the planning authority's development application 'clock' is reset back to 0 days (the 're-start day') to give them proper time to complete their assessment.

Provides that any decisions or actions made in contravention of this clause are void, so as to avoid any duplicated assessments for major project proposals that are declared a major project.

***60E – Major project proposal required***

Provides for the proponent of a major project to submit to the Minister a major project proposal when a request is made to the Minister, or for the Minister to request a major project proposal from the proponent if a planning authority or the Minister has nominated a proposal.

Where a proponent fails to comply with the Ministers request to provide a major project proposal, a 2 year ban applies to any person from re-applying for a major project that is substantially the same and occurring on the same land. A request can be made to the Minister to waive the ban.

***60F – Contents of major project proposal***

Details information that is required to be included in a major project proposal. The requirements for plans and the major project proposal description are varied depending on whether the major project proposal is located on a specific piece of land or if the major project proposal is for infrastructure.

It is intended that the list of matters is comprehensive enough to enable the Minister to determine if the major project proposal is eligible to be declared as a major project and be further considered in the process. But not to the level that will be required later in the process where the Panel will complete a full merit assessment of the major project proposal.

	<p>There is also a requirement to report upon the anticipated effects of the proposed major project on the surrounding area. This is intended to require proponents to set out how their proposed major project is of interest to or benefits a wider sector of the public than resides in the municipal area of the proposed major project.</p> <p>There is also the ability to further specify project proposal information requirements through regulations.</p> <p><b><i>60G – Minister may request proponent to provide amended major project proposal</i></b></p> <p>Provides for the Minister to request additional information from the proponent, if the information is reasonably necessary to determine whether the proposed major project should be declared or not declared as a major project. The Minister cannot request additional information once a major project proposal has been declared to be a major project.</p> <p>If the proponent does not respond to the request for information within the time set out in the request, a penalty of automatic withdrawal of the major project proposal is applied. Where a proponent fails to comply with the Ministers request, a 2 year ban from re-applying for a major project proposal that is substantially the same and occurring on the same land applies to any person; this ban can only be waived by the Minister.</p> <p><b><i>60H – Minister may request information from planning authority or State Service agency</i></b></p> <p>Provides for the Minister to make a request to a council or a State Service Agency for any information in relation to the major project proposal or the land to which the major project proposal relates, if the information is reasonably necessary to determine whether the major project proposal should be declared or not declared as a major project.</p> <p>The information that may be obtained by the Minister can also be used to advise the proponent of any other permissions, licenses or authorities that would also be required to enable a major project to be lawfully implemented once a major project permit has been granted.</p> <p>The Minister cannot request this information once a major project proposal has been declared to be a major project.</p> <p><b><i>60I Persons to be notified of requests for declaration and given major project proposals</i></b></p> <p>Provides for a targeted consultation, with a range of persons or government agencies, to begin within 7 days of the Minister receiving the major project proposal. This includes providing a copy of the major project proposal document submitted with the major project proposal, or the amended major project proposal document.</p>
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	<p>The consulted persons/bodies have 28 days to provide their opinions as to whether the proposed major project should be declared as a major project or not declared. This consultation includes owners, occupiers and lessees on adjoining land, and the proponent, in the cases where the proponent did not make the direct request for the declaration of a major project.</p> <hr/> <p><b>Subdivision 3 - Determination guidelines</b></p> <p>Provides for the preparation of determination guidelines, which will be used by the Minister to help interpret the eligibility criteria. There is required content for the guidelines to address and also the ability to revoke them in the future.</p> <p><b>60J – Determination guidelines</b></p> <p>Provides for the Commission to issue determination guidelines. The determination guidelines must be issued by the Commission within 6 months of the Bill coming into effect. Once issued, a notice must be placed in the <i>Gazette</i> and a newspaper circulating generally in Tasmania.</p> <p><b>60K – Contents of Determination guidelines</b></p> <p>It is intended that determination guidelines will be applicable to all major project proposals and not specific to an individual major project proposal. The determination guidelines are intended to assist the Minister to interpret the eligibility criteria, set out in clause 60M, when considering whether to declare a proposed major project to be, or not to be, a major project.</p> <p>The content of the determination guidelines will require the Minister to consider the content of a particular purpose zone, specific area plan or site specific qualification that applies to the major project site, and whether the proposed major project is incompatible with those local planning provisions to such a degree that the proposed major project should not be declared.</p> <p><b>60L – Revocation of guidelines</b></p> <p>Provides for the Commission to revoke the determination guidelines and, if they do, requires the Commission to re-issue new determination guidelines as soon as possible. Revocation of the guidelines is to be published in the <i>Gazette</i>.</p> <hr/> <p><b>Subdivision 4 – Declaration of major projects</b></p> <p>Provides for the Minister to declare a proposed major project to be or not to be a major project and includes criteria by which the Ministers decision is to be made.</p> <p>Sets the requirements for the contents of the Ministers declaration and who should be notified of the declaration.</p>
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	<p>Clarifies the effect a declared major project has upon existing planning processes where they apply to the land, which is subject to a major project declaration.</p> <p><b>60M – When project is eligible to be declared to be a major project</b></p> <p>Provides the criteria to determine if a proposed major project has the attributes to enable it to be declared as a major project, where each proposal will need to satisfy at least 2 of the criteria.</p> <p>One of the criteria allows the Minister to examine if the project has a significant scale and complexity. In this case the matters for the Minister's consideration, if this provision is relied upon, are prescribed; these include whether the ultimate use of the land would impact or benefit a wider sector of the public that extend beyond a municipal area(s) where the project is located.</p> <p>Clarification is provided that a proposed major project may be eligible for declaration, even if the major project proposal is prohibited under the relevant planning scheme.</p> <p><b>60N – When project ineligible to be declared to be a major project</b></p> <p>Provides the criteria for determining that a proposed major project is unable to be declared as a major project, which are similar in effect to the requirements that an amendment to a planning scheme must meet under LUPAA.</p> <p>The reference to whether a major project proposal is inconsistent with a regional land use strategy is written with the intent to not preclude a major project from the process simply on the basis the strategy did not make mention of such a project, even though the major project meets with all of the relevant policies of the strategy.</p> <p>Matters that relate to a use or development listed in section 11(3) of LUPAA or an Environmental License under EMPCA are automatically excluded from being eligible to be declared.</p> <p><b>60O – Declaration of major project</b></p> <p>Provides the time period for when the Minister is to make, or not make, a declaration for a proposed major project to be, or not to be, a major project. A declaration of a major project is required to be notified in the <i>Gazette</i> and a newspaper circulating generally in Tasmania. When making a decision, the Minister is to have regard to the determination guidelines that have been issued by the Commission.</p> <p>Also provides for the Panel to be able to correct any errors, omissions or accidental slips that may exist in the Ministers declaration document.</p> <p><b>60P – Circumstances in which declaration of major project may be made</b></p>
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	<p>Provides for limitations around the Ministers decision as to whether to declare or not declare a proposed major project as a major project. The Minister may only declare a project to be a major project if:</p> <ul style="list-style-type: none"> <li>• the Minister is of the opinion that the major project proposal meets the eligibility criteria set out in clause 60M;</li> <li>• the relevant land owner consents set out in subsection (2) have been provided;</li> <li>• notifications set out in subsection (3) have been provided to the Minister by the proponent and considered; and the Crown, a Council or the Wellington Park Management Trust have given land owner consent, if a major project proposal is situated on any land owned or managed by these bodies.</li> </ul> <p><b>60Q – Contents of declaration of major project</b></p> <p>Provides for the matters that are to be listed in the document that sets out the Ministers declaration of a major project, which includes the attributes of the major project that make the major project eligible under clause 60M.</p> <p>Subsection (1) requires the declaration document to describe the major project and describe the area of land to which the major project relates; this information will be derived from the major project proposal document submitted by the proponent under clause 60E or clause 60G.</p> <p>The Minister may specify in the declaration any use or development that is necessary for the implementation of the major project.</p> <p>Where a major project is for transport infrastructure, water or sewerage infrastructure, energy infrastructure or communications infrastructure, the plans and description of the major project that are to be included in the declaration document can be more general than for other types of major projects. This is to allow the final composition of the major project to adapt to any findings that may occur during preparation of the major project impact statement.</p> <p>The Minister may specify in the declaration the particular qualifications or experience that one of the Panel members should have in relation to the major project.</p> <p>Where a major project, or part of a major project, is not located within any municipal area in Tasmania the declaration document may specify a planning authority for that part of the major project, if the planning authority is adjacent to the land where the major project is located.</p> <p><b>60R – Notice to be given of declaration of major project</b></p> <p>Provides a list of persons or agencies that the Minister must inform of the declaration of a major project and requires a notice of the declaration to be placed in the <i>Gazette</i> and a newspaper circulating generally in Tasmania; this</p>
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	<p>notice must include an electronic and a physical address where the declaration documents can be viewed.</p> <p>Also requires the Minister to give the Commission a copy of the documents relating to the major project proposal.</p> <p><b><i>60S – Effect on planning matters of declaration of major project</i></b></p> <p>Requires that use or development that forms part of a major project cannot be undertaken unless it is in accordance with a major project permit or an existing permit. There is an exception if a proponent needs to undertake exploratory survey work in order to prepare a major project impact statement.</p> <p>Also provides that an application for an ordinary permit that is with a planning authority is taken to be withdrawn once a major project has been declared if it is in relation to a use or development that forms part of a major project on the same land and the planning authority must refund 50% of the development application fees.</p> <p><b><i>60T – Effect on project-associated Acts, and relevant regulators, of declaration of major project</i></b></p> <p>Provides for agencies responsible for regulating the project-associated Acts to cease consideration of any applications for a project-related permit or of referrals from a planning authority that relate to the land for the major project proposal once a major project is declared. If those applications relate to the major project, then those applications are taken to be withdrawn from the relevant agencies process and the agency must refund 50% of the application fees.</p>
	<p><b>Subdivision 5 – Revocation of declaration</b></p> <p>Provides guidance for the Minister to be able to revoke the declaration of a major project.</p> <p><b><i>60U – Revocation of declaration</i></b></p> <p>Provides for the Minister to revoke the declaration of a major project under a limited range of scenarios, including:</p> <ul style="list-style-type: none"> <li>• in accordance with a request from the proponent;</li> <li>• if the proponent has failed to meet a set timeline in responding to a request for further information;</li> <li>• if the proponent has been found to submit false information;</li> <li>• if the Minister is satisfied that the major project is not going to proceed;</li> <li>or</li> <li>• if the Panel has given to the Minister a ‘no reasonable prospect’ notice.</li> </ul> <p>Provides direction for when the Minister must revoke the declaration of a major project under limited circumstances, including:</p>

	<ul style="list-style-type: none"> <li>• when the proponent requests the Panel to give a notice to the Minister to revoke the declaration of a major project;</li> <li>• when a proponent is required to submit an amended major project and the amended major project is still the same major project;</li> <li>• when the Panel has refused to grant a major project permit; or</li> <li>• if a major project permit has been cancelled.</li> </ul> <p>Requires notice of the revocation of the declaration to be placed in the <i>Gazette</i> and a newspaper circulating generally in Tasmania and notice to be provided to those persons/agencies listed in clause 60R.</p> <p>Provides that, once a major project declaration is revoked, the major projects provisions of LUPAA cease to apply to the land to which the project relates, with the exception of the enforcement provisions and the 2 year ban on lodging a new major project proposal. The ban only applies to a proposal that is substantially the same as the original major project proposal and located on the same land.</p>
	<p><b>Subdivision 6 – Establishment of Development Assessment Panel</b></p> <p>Provides direction on the assembly of the independent expert panel by the Commission.</p> <p><b><i>60V – Establishment of Development Assessment Panel</i></b></p> <p>Provides for the Commission to establish a development assessment panel (the Panel) within a set timeframe. Whilst the Panel is being established, the Executive Commissioner of the Commission can act on behalf of the Panel and undertake any actions the process requires up until the Panel is formed.</p> <p>As soon as the Panel is established, the Commission must give to the Panel any documents it may hold in relation to the major project.</p> <p><b><i>60W – Appointment of members of Panel</i></b></p> <p>Provides the criteria for the Commission to appoint the Panel members, including additional Panel members if required. The appointment of Panel members is conducted by the Commission and each member will be a person who the Commission considers has the appropriate qualifications and experience to undertake the assessment of the major project.</p> <p>Where the Ministers declaration of a major project includes details of experience or qualifications for a Panel member, the Commission must ensure that at least one of the Panel members has those qualifications or experience.</p> <p>Provides for panel members to declare any 'interests' (including pecuniary interests) that they may have in relation to the major project. Where this occurs, the Commission is to assess if a Panel member has a 'conflict of interest' with the major project and if so, revoke that person's Panel membership.</p>

	<p><b>60X – Powers, procedures and liability of Panel</b></p> <p>Provides a range of operational matters for the Panel to conduct its proceedings during the major project process, such as setting procedures, delegating its powers and the numbers for a quorum. Part 3 of the <i>Tasmanian Planning Commission Act 1997</i> applies to the Panel, to give the Panel direction in relation to how it conducts public hearings.</p> <hr/> <p><b>Subdivision 7 – Referral of major project proposal to relevant regulators</b></p> <p>Provides for agencies responsible for regulating the project-associated Acts (relevant regulators) to receive the major project proposal and provide to the Panel their views on the major project, with respect to the relevant regulators own legislation. A relevant regulator that wishes to continue in the process becomes a 'participating regulator'.</p> <p><b>60Y – Project to be referred to relevant regulators</b></p> <p>Provides for the Commission to refer the major project to each relevant regulator, including any information the Commission has in relation to the major project.</p> <p>Clarifies that the role of the relevant regulator is to perform any function in relation to the assessment of a major project in accordance with the requirements of their own respective legislation.</p> <p><b>60Z – Relevant regulators</b></p> <p>Clarifies who the relevant regulators are. These are the EPA and the agencies responsible for administering the project-associated acts, the <i>Gas Pipelines Act 2000</i>, <i>Historic Cultural Heritage Act 1995</i> and the <i>Water and Sewerage Industry Act 2008</i>.</p> <p>Subsection (5) refers to organisations who issue permits under the <i>Aboriginal Heritage Act 1975</i>, the <i>Nature Conservation Act 2002</i> and the <i>Threatened Species Protection Act 1995</i>. These are listed more broadly because under these acts there are multiple persons that can issue permits/authorisations, such as the Minister for Aboriginal Affairs, the Director of National Parks or the Secretary of DPIPWE.</p> <p><b>60ZA – Relevant regulator to give notice of assessment, no assessment, or recommending revocation</b></p> <p>Provides for the relevant regulators to give their initial advice to the Panel in relation to the proposed major project. The regulators advice can be in the form of:</p> <ul style="list-style-type: none"> <li>• a 'notice of no assessment requirements' indicating that the regulator does not wish to participate in the process;</li> <li>• an 'assessment requirement notice' indicating the matters that the relevant regulator considers ought to be taken into account during the</li> </ul>
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	<p>assessment of the major project , including matters that the proponent must respond to; or</p> <ul style="list-style-type: none"> <li>• a 'notice recommending revocation' if the relevant regulator is of the opinion that there is no prospect that the proposal can be approved under the relevant regulators own project-associated act, based on the information the regulator has available to them at the time of giving the notice.</li> </ul> <p>There is a time limit of 28 days for when a relevant regulator is to respond to the Panel.</p> <p><b><i>60ZB – When relevant regulator becomes participating regulator</i></b></p> <p>When a relevant regulator informs the Panel that they wish to continue further in the process, they become a participating regulator. They do this by giving to the panel an 'assessment requirement notice' or a 'notice recommending revocation'.</p> <p><b><i>60ZC – Special provisions relating to where EPA Board is relevant regulator</i></b></p> <p>Provides for the EPA to provide guidance for the environmental impact assessment aspect of the proposed major project.</p> <p>The EPA is required to carry out its assessment under Part 5 of EMPCA when they become a participating regulator. If parts of the major project process duplicate the steps set out in section 74 of Part 5 of EMPCA, those parts of EMPCA are 'switched off'.</p> <p>If the project is a bilateral-agreement project, the EPA is also given extra time to respond to the Panel later in the process, when giving the Panel preliminary advice just prior to public exhibition of the major project. This extra time later in the process can be up to 91 days, instead of 42 days.</p> <p><b><i>60ZD – Relevant regulator may seek information from Panel</i></b></p> <p>Provides for a relevant regulator to seek additional information from the proponent, which is referred through the Panel. The relevant regulator is given a set time to make this request. The proponent is given a set time in which to respond to the request for more information and the relevant regulator is given a set time to review the proponents' submission. A relevant regulator may make one additional request for more information, if not satisfied with the proponent's initial response to a request for more information.</p> <p>The time period set in clause 60ZA does not run during the time given for a proponent to respond to a request for further information.</p> <p><b>Subdivision 8 – No reasonable prospect notices</b></p> <p>Provides a process to follow when the Panel determines, or a relevant regulator advises the Panel to do so, that a notice of 'no reasonable prospect' is to be sent to the proponent. This process gives the proponent an opportunity to review the Panels notice and provide a further submission to</p>
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	<p>the Panel, amend their major project proposal or advise the Panel that the proposed major project status should be revoked.</p> <p>The 'clock' counting time on the main part of the major project process stops while this additional process occurs.</p> <p><b><i>60ZE – Notice of Panel's intention to give no reasonable prospect notice</i></b></p> <p>Provides for the Panel to consult with the proponent by issuing a 'warning notice' when the Panel intends to issue a 'no reasonable prospect notice' to the Minister. The Panel must give its reasons to the proponent for taking this action.</p> <p>The proponent is given an opportunity to provide the Panel with the proponent's opinion in relation to the reasons in the 'warning notice' from the Panel and any other information that the proponent thinks relevant. The proponent has 14 days to respond to the Panel's 'warning notice' if they choose to respond.</p> <p><b><i>60ZF – Where proponent makes submission about Panel's intention to give no reasonable prospect notice</i></b></p> <p>Provides for the Panel to refer the proponents submission given under clause 60ZE to each participating regulator and for each participating regulator to refine their notice given to the Panel previously given under clause 60ZA, if they so choose.</p> <p>The participating regulator has 28 days to respond to the Panel. Once a refined notice is provided by a regulator, the regulator does not have a further opportunity to refine the notice, which means that the proponent will not get 'stuck' in a process loop with no end.</p> <p><b><i>60ZG – Proponent may revoke or amend major project proposal in response to notice of intention</i></b></p> <p>Provides for the Panel to issue a final notice, which is a follow up from the 'warning notice'. This final notice gives the last warning to the proponent. The Panel cannot issue a final notice until no sooner than 14 days after a participating regulator has responded to the proponent's submission under clause 60ZF or 7 days after the time for when a proponent could have responded to the Panels original 'warning notice'.</p> <p>The options for a proponent who receives this final warning are:</p> <ul style="list-style-type: none"> <li>• to give to the Panel, within 14 days, a notice advising that, as a consequence of previous notices, the proponent will request the Minister to revoke the major project status; or</li> <li>• the proponent will give to the Minister an amended major project proposal which differs from the former project.</li> </ul> <p><b><i>60ZH – Where proponent proposes amendment of major project proposal in response to notice of intention</i></b></p>
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	<p>Provides for the Minister to issue a notice requiring the proponent to give to the Minister an amended major project proposal in relation to the major project, in response to the proponent's actions under clause 60ZG. The Minister has up to 14 days to issue this notice and the Minister can specify a time period which the proponent must respond within.</p> <p>Where this occurs the assessment process resumes at the point where the Minister has just declared a project to be a major project and notified the Commission accordingly.</p> <p>However, if the amended major project proposal submitted to the Minister is substantially the same as the original major project proposal then the Minister is required to revoke the major project status, and in this instance the major project assessment process would have to restart from the beginning.</p> <p><b>60ZI – Panel may give no reasonable prospect notice</b></p> <p>Provides the terms and conditions under which the Panel can give to the Minister a 'no reasonable prospect notice' in relation to the major project. The panel cannot issue a 'no reasonable prospect' notice without first issuing a warning notice under clause 60ZE and give the proponent time to respond to the warning notice.</p> <p>The Panel is required to include reasons for sending the notice. The Panel cannot issue this notice once the assessment guidelines have been issued and the notice must be issued within 21 days of the Panel giving a 'final notice' under clause 60ZG.</p> <p>Section (4) provides an important step in the whole process, as it is intended to provide an independent check and balance, or second opinion, on the Ministers declaration of the major project, made under clause 60M. This is because the test applied in section (4) is the same test as the Minister applies to the proposal under clause 60L when considering to declare or not declare a proposal as a major project. Essentially, the independent panel is required to re-assess the Ministers original declaration decision and confirm or advise otherwise.</p> <p>The panel can also issue a 'no prospect notice' if requested to do so by a regulator.</p> <p>Once the Panel gives the Minister the notice, the Minister has the discretion to revoke the major project declaration under section 60U and, if the Minister revokes the major project declaration, the whole process stops.</p> <p><b>Subdivision 9 – Assessment Criteria</b></p> <p>Provides for the preparation of assessment criteria which are used to inform the contents of the proponents' major project impact statement.</p> <p>The preparation of the assessment criteria involves consultation with a range of persons/bodies and includes a 14 day public exhibition period.</p>
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	<p><b><i>60ZJ – Comments to be sought in relation to draft assessment criteria</i></b></p> <p>Provides for the Commission to seek comments from various persons/bodies as to what should be included in the assessment criteria and to provide the feedback to the Panel (once assembled). These persons/bodies have 28 days to respond.</p> <p><b><i>60ZK – Draft assessment criteria</i></b></p> <p>Provides for the Panel to prepare draft assessment criteria. The draft assessment criteria are required to be prepared in accordance with the matters set out in clause 60ZM(3),(4),(5),(6) and (7).</p> <p>Section (5) allows for the preparation of the draft assessment criteria to wait, whilst the Panel and regulators work through any issues that may give rise to a 'no reasonable prospect' notice being issued.</p> <p><b><i>60ZL – Public exhibition of draft assessment criteria</i></b></p> <p>Provides for the Panel to place the assessment criteria on public exhibition for 14 days, which includes giving notice in a newspaper that circulates generally in Tasmania and calling for submissions in relation to the draft assessment criteria. Any person may make a representation into the draft assessment criteria.</p> <p>Where a representation relates to a matter relevant to a participating regulator, the Panel is required to forward that representation to the participating regulator. The participating regulator may respond to the Panel with an alteration to their original clause 60ZA notice to the Panel.</p> <p><b><i>60ZM – Panel to determine assessment guidelines</i></b></p> <p>Provides the matters that the Panel must consider when determining the final assessment criteria, which includes all representations received under clause 60ZL during public exhibition of the draft assessment criteria.</p> <p>The assessment criteria set out the matters that a proponent must address when the major project impact statement is prepared. The assessment criteria must contain the matters that the regulator specify to be contained in the assessment criteria.</p> <p>Section (6) provides for the Panel to consider a range of planning matters to be included in the assessment criteria, including any specialised local planning provisions.</p> <p>Section (7) sets the minimum requirements for the planning matters in the assessment criteria. These requirements further reinforce the Panels review of whether a proposed major project is eligible for consideration in the process, as the Panel should issue a 'no reasonable prospect' notice to the proponent if this section cannot be met.</p> <p><b><i>60ZN – Period in which assessment guidelines to be determined</i></b></p>
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	<p>Provides the time within which the Panel must prepare the assessment criteria.</p> <p>Section (3) allows for the preparation of the assessment criteria to wait, whilst the Panel and regulators work through any issues that may give rise to a 'no reasonable prospect' notice being issued.</p> <p><b><i>60ZO – Notice of assessment guidelines to be given</i></b></p> <p>Provides for notification of the making of the assessment criteria through publication of a notice in the <i>Gazette</i> and in a newspaper circulating generally in Tasmania.</p> <p>Also provides for a copy of the assessment criteria to be made available for public viewing during the remainder of the major project assessment process.</p> <p><b><i>60ZP – Notification to be given that assessment guidelines made</i></b></p> <p>Provides a list of persons and government bodies who the Panel must give a copy of the assessment criteria to once they have been finalised.</p>
	<p><b>Subdivision 10 – Major project impact statements</b></p> <p>Requires the proponent to prepare a major project impact statement that addresses the assessment criteria.</p> <p>Enables the granting of necessary permissions to undertake site surveys relevant to completing the major project impact statement.</p> <p><b><i>60ZQ – Proponent to be required to prepare major project impact statement</i></b></p> <p>Provides a 12 month period for the proponent to prepare a major project impact statement once the Panel has provided the proponent with the assessment criteria.</p> <p><b><i>60ZR – Contents of major project impact statement</i></b></p> <p>Provides that a major project impact statement is required to address the matters that are set out in the assessment criteria.</p> <p><b><i>60ZS – Major project impact statement to be provided by proponent</i></b></p> <p>Provides for the proponent to give the major project impact statement to the Panel within 12 months, and for the Panel to provide the major project impact statement to the participating regulators.</p> <p><b><i>60ZT – Project-related permit may be given to enable preparation of major project impact statement</i></b></p> <p>Provides for a participating regulator to issue a permit enabling the proponent to conduct any necessary exploratory surveys, in order to finalise the major project impact statement.</p>



	<p>The necessary approvals can only be issued once the assessment criteria have been determined and the approvals cease to have any effect if the major project proposal is revoked or a major project permit is approved or refused.</p> <p><b><i>60ZU – Certain permissions may be given to enable preparation of major project impact statement</i></b></p> <p>Provides for the Panel to issue a notice that provides the equivalent permission that would be required under a relevant planning scheme to conduct the necessary exploratory surveys. Where this permission is given, the Panel must give the relevant planning authority a copy of the permission. If the proponent acts in accordance with this permission, it is not taken to be a contravention of the relevant planning scheme under section 63 of the Act.</p> <p>The necessary approvals can only be issued once the assessment criteria have been determined and the approvals cease to have any effect if the major project proposal is revoked or a major project permit is approved or refused.</p> <p>Provides for the Minister to grant permission to enter land to conduct the exploratory surveys. Where the exploratory surveys are needed to be done on privately owned land, the survey cannot be done without the consent of the land owner.</p> <p><b><i>60ZV – Panel to seek amended major project impact statement</i></b></p> <p>Provides for the Panel to seek the additional information from the proponent that the participating regulator has requested and to then send that additional information to the participating regulator, or another participating regulator (if relevant).</p> <p>A participating regulator can only request the additional information within 21 days of receiving the major project impact statement.</p> <p><b><i>60ZW – Panel may request further information</i></b></p> <p>Provides for the Panel to request additional information from the proponent or agency separate to the requests from participating regulators. The Panel can only do this within 42 days of receiving the major project impact statement and only if the additional information will assist the Panel to finally determine the proposal.</p> <p><b><i>60ZX – Provision to Panel of further information</i></b></p> <p>Provides for a person or agency to respond to a request from the Panel under clause 60ZW and for the Panel to refer the additional information to a participating regulator, if the matters are relevant to that regulators role in the process.</p> <p><b>Subdivision 11 – Participating regulator's preliminary advice and draft assessment reports</b></p>
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	<p>Details the requirements for participating regulators to provide their preliminary advice once they have reviewed the major project impact statement.</p> <p>Provides for the preparation of the Panel's initial assessment report.</p> <p><b><i>60ZY – Participating regulator's preliminary advice to Panel</i></b></p> <p>Provides for the participating regulator to provide their preliminary advice to the Panel within a set time period. The 'clock' is 'stopped' during this period while requests for additional information are being answered by the proponent, a person or agency.</p> <p>In providing preliminary advice the participating regulator must consider the assessment criteria and the major project impact statement.</p> <p>If a major project is a 'bilateral agreement project', as indicated earlier in the process in accordance with clause 60ZC, the EPA has a longer time period in which to provide their preliminary advice.</p> <p><b><i>60ZZ – Contents of participating regulator's preliminary advice</i></b></p> <p>Provides for the participating regulators preliminary advice to be:</p> <ul style="list-style-type: none"> <li>• preliminary refusal advice;</li> <li>• preliminary condition advice; or</li> <li>• preliminary advice that the regulator does not wish to impose any conditions on a major project permit.</li> </ul> <p>Section (3) and (6) provides that any refusal or condition advice given by the regulator at this stage in the process must be consistent with advice that is able to given under the regulators own project-associated act in the regulators final advice given under clause 60ZZF.</p> <p><b><i>60ZZA – Initial assessment report</i></b></p> <p>Provides for the Panel to prepare an initial assessment report within a set time period after last receiving advice from the participating regulators. The report is to be based upon the information that the Panel has available to it at this point in the process.</p> <p>Details that the report must contain:</p> <ul style="list-style-type: none"> <li>• the Panel's opinions in relation to the criteria set out in 60ZM(4) regarding the proposal;</li> <li>• any other information provided to the Panel; and</li> <li>• any potential conditions that could be placed on a major project permit if it is granted.</li> </ul>
	<p><b>Subdivision 12 – Exhibition and hearings</b></p> <p>Sets out the requirements for the public exhibition, making representations and for public hearings into the proposed major project.</p>

	<p><b><i>60ZZB – Notification and exhibition of project</i></b></p> <p>Provides for a 28 day public exhibition of the major project, including inviting representations from the community through notification in a newspaper circulating generally in Tasmania.</p> <p>Provides a list of the documents that are required to be available to the public for viewing and that these documents must be available for viewing on the Commission's website.</p> <p>Any days that the offices of the Commission are closed during normal business hours are not counted in the public exhibition period.</p> <p><b><i>60ZZC – Notification in relation to project</i></b></p> <p>Provides a list of who the Panel must notify when the proposal is placed on public exhibition.</p> <p><b><i>60ZZD – Representations in relation to major project</i></b></p> <p>Provides for the public to make a representation to the Panel on a proposed major project and details the matters that can be included in a representation. Also provides for the Panel to forward the representations to the proponent and to the participating regulator, if issues are raised in regard to relevant matters of a particular regulator.</p> <p><b><i>60ZZE – Hearings</i></b></p> <p>Provides for the Panel to hold public hearings into the proposed major project and includes a list of who to notify of the intention to hold a public hearing.</p>
	<p><b>Subdivision 13 – Final advices from participating regulators</b></p> <p>Provides for all of the participating regulators to provide their final advice in relation to the proposed major project. Final advice can include their support with conditions or that the project ought to be refused (by the Panel).</p> <p><b><i>60ZZF – Participating regulator to provide final advice to Panel</i></b></p> <p>Provides for the participating regulators to provide their final advice to the Panel in relation to the proposed major project. Final advice can request the Panel to refuse to grant a major project permit or advise the Panel of the conditions that the participating regulator requests to be placed on the major project permit.</p> <p>Before giving their final advice the participating regulators must consider any matters raised in representations or the public hearings if those matters are relevant to the participating regulator.</p> <p><b><i>60ZZG – Contents of final advice of EPA Board</i></b></p> <p>Provides specific detail for how the EPA responds to the Panel with their final advice. This clause is based on requirements under section 25 of EMPCA for giving advice to planning authorities.</p>

	<p><b><i>60ZZH – Contents of final advice Heritage Council</i></b></p> <p>Provides specific detail for how the Heritage Council responds to the Panel with their final advice. This clause is based on requirements under the <i>Historic Cultural Heritage Act 1995</i> for giving advice to planning authorities.</p> <p><b><i>60ZZI – Contents of final advice of pipeline licensee</i></b></p> <p>Provides specific detail for how the gas pipeline licensee responds to the Panel with their final advice. This clause is based on requirements under the <i>Gas Pipelines Act 2000</i> for giving advice to planning authorities.</p> <p><b><i>60ZZJ – Contents of final advice relevant regulated entity</i></b></p> <p>Provides specific detail for how TasWater responds to the Panel with their final advice. This clause is based on requirements under the <i>Water and Sewerage Industry Act 2008</i> for giving advice to planning authorities.</p> <p><b><i>60ZZK – Contents of final advice of other participating regulators</i></b></p> <p>Provides clarification to participating regulators of Aboriginal Heritage and Threatened Species legislation about the advice that they can give to the Panel as their final advice. .</p> <p><b><i>60ZZL – Participating regulator must give reasons for requiring condition or restriction</i></b></p> <p>Provides for participating regulators to give reasons with their final advice to the Panel.</p>
	<p><b>Subdivision 14 – Major project permits</b></p> <p>Provides for the granting or refusing of a major project permit and details when a major project permit takes effect or lapses. This part is essentially about the Panel making its final decision in relation to the proposed major project permit.</p> <p><b><i>60ZZM – Grant of major project permit</i></b></p> <p>Provides for the Panel to grant a major project permit or refuse to grant a major project permit and includes a wide range of matters the Panel must take into account and how long the Panel have to make their decision.</p> <p>If the regulators of Aboriginal Heritage or Threatened Species request the Panel to refuse a permit, the Panel must refuse the permit. If the regulators of Aboriginal Heritage or Threatened Species request the Panel to include conditions on the permit, the Panel must include those conditions.</p> <p>Section 4 sets the minimum requirements for the planning matters in the approval of a major project permit. These requirements further reinforce the Panels review of whether a proposed major project is eligible for consideration in the process, as the Panel must refuse to grant the major project permit if this section cannot be met.</p>

	<p><b><i>60ZZN – Final assessment report to be prepared</i></b></p> <p>Provides that the Panel must prepare a final assessment report in relation to their decision under 60ZZM and requires the Panel to give reasons for their decision.</p> <p><b><i>60ZZO – Effect of refusal to grant permit</i></b></p> <p>Provides a 2 year exclusion period for making a new application for a use and development that is substantially the same as that which was refused under this process.</p> <p><b><i>60ZZP – Major project permit may be granted subject to conditions or restrictions</i></b></p> <p>Provides for the Panel to place conditions on the major project permit, including those requested by the participating regulators and details who is required to enforce those conditions. Also provides the matters that the Panel must consider in deciding whether to put conditions on the permit.</p> <p>If the regulators of Aboriginal Heritage or Threatened Species legislation request the Panel to include conditions on the permit, the Panel must include those conditions.</p> <p>Provides direction for when a condition on the major project permit requires an agreement to be entered into under Part V of LUPAA and what to do if the proponent is not the owner of the land where the major project is located.</p> <p><b><i>60ZZQ – Notice of grant of, or refusal to grant, major project permit to be given</i></b></p> <p>Provides for notice of the Panel granting a major project permit or the Panel refusing to grant a major project permit to be placed in the <i>Gazette</i> and a newspaper circulating generally in Tasmania.</p> <p>In either case, the giving of the notice also includes directly notifying all those persons or agencies that have participated in the process and giving the proponent a copy of the Panel's final assessment report.</p> <p>Also provides for the Panel's final assessment report to be placed on the Commissions website for public viewing.</p> <p><b><i>60ZZR – Fees in relation to major projects</i></b></p> <p>Provides for the proponent to pay the relevant assessment fees that are required by the regulators under their own legislation. The fees are required to be paid whether a major project permit is granted or refused. There is also specific guidance for the payment of fees in relation to the EPA and the Heritage Council.</p> <p><b><i>60ZZS – When major project permit takes effect</i></b></p> <p>Details the matters that need to be addressed or resolved before a major project permit can take effect after a decision is made by the Panel.</p>
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	<p><b>60ZZT – When permit lapses</b></p> <p>Provides a 5 year time limit within which a major project must be substantially commenced, otherwise the permit will cease, unless it has been extended. The Commission can grant a 3 year time extension and then a further 2 year extension to the period for substantial commencement.</p>
	<p><b>Subdivision 15 – Amendment and cancellation of major project permits</b></p> <p>This part enables a major project permit to be altered or cancelled subject to various limitations.</p> <p><b>60ZZU – Interpretation of Subdivision</b></p> <p>Provides a definition of ‘relevant decision maker’ to assist the operation of this part. This is to enable modifications to the major project permit to be made by the Panel before the major project permit takes effect. After the major project permit takes effect, the Commission is responsible for considering alterations to the major project permit.</p> <p><b>60ZZV – Amendment of major project permit to correct mistake, error or miscalculation</b></p> <p>Provides for the correction of any errors or mistakes in the major project permit and notification of the decision to be placed in the <i>Gazette</i> and a newspaper circulating generally in Tasmania.</p> <p><b>60ZZW – Minor amendment of major project permit</b></p> <p>Provides for a minor amendment to be made to a major project permit and includes limited consultation with affected parties before a decision can be made. Notification of the decision is to be placed in the <i>Gazette</i> and a newspaper circulating generally in Tasmania.</p> <p><b>60ZZX – Limitation on ability to make minor amendments to permits</b></p> <p>Provides for the consultation process and the matters that the relevant decision maker must consider before making a decision on a proposed minor amendment to a major project permit.</p> <p>Section (4) sets the minimum requirements for the planning matters in the amendment of a major project permit. These requirements further reinforce the initial review of whether a proposed major project was eligible for consideration in the process and a major project permit granted in the first place, as the Panel should refuse the amendment to the major project permit if these requirements cannot be met.</p> <p><b>60ZZY – Amendment of permits to ensure consistency with EPN</b></p> <p>Provides for a major project permit to be amended for it to become consistent with an environmental protection notice or an environmental licence. Notification of the decision is to be placed in the <i>Gazette</i> and a newspaper circulating generally in Tasmania.</p>

	<p><b><i>60ZZZ – Significant amendment of major project permits</i></b></p> <p>Provides for amendments to a major project permit that are beyond the scope of a minor amendment. A significant amendment to a major project permit is still required to be substantially the same as the major project set out in the major project permit, but the significant amendment can allow for different uses or developments to be included in the major project, to those specified in the major project permit.</p> <p>Provides for consultation with relevant regulators to determine if the amended major project should be refused or further considered. If the amended major project can be further considered, the process recommences under this division from the point where the major project had just been declared a major project under clause 60M.</p> <p>A regulator of Aboriginal Heritage or Threatened Species legislation can refuse to grant permission for the consideration of a significant amendment to a major project permit.</p> <p><b><i>60ZZZA – Cancellation of major project permit</i></b></p> <p>Provides for the cancellation of the major project permit, but only on the request of the proponent, owner, occupier or lessee of land to which the project relates. Consultation with the proponent, owner, occupier or lessee of the land is required before a decision is made.</p> <p>Notice of the cancellation of a major project permit is to be given to a range of persons or government bodies and also placed in the <i>Gazette</i> and a newspaper circulating generally in Tasmania.</p>
	<p><b>Subdivision 16 – Miscellaneous</b></p> <p>Includes a variety of provisions that are necessary to enable the major projects process to operate as intended.</p> <p><b><i>60ZZZB – Fees payable for the purposes of this Division</i></b></p> <p>Provides for regulations to be made that will set the required fees for the assessment of the major project, including when the fees are required to be paid in the process and a maximum or minimum fee. To enable the staging of the payment of fees, the fees are to link to events occurring during the process and are required to be paid within 30 days of the event occurring.</p> <p><b><i>60ZZZC – Amendment of planning scheme</i></b></p> <p>Provides for the Commission to make any amendments to a relevant planning scheme to remove any inconsistency between the relevant planning scheme and a major project permit or an amended major project permit.</p> <p>The amendment to a relevant planning scheme is limited to only what is necessary for the major project permit and only to the land to which the project relates. Once an amendment to a relevant planning scheme is made,</p>

	<p>the Commission is to place a notice in the <i>Gazette</i> and in a newspaper circulating generally in Tasmania.</p> <p><b>60ZZZD – Enforcement of compliance with conditions</b></p> <p>Provides clarification that an activity approved by a major project permit is also authorised to occur under any relevant project-associated act and prevents the permit from being cancelled under a project-associated act.</p> <p><b>60ZZZE – Restriction on certain applications for permits or amendments to LPS</b></p> <p>Provides a 2 year exclusion for a new application for a project that is substantially the same as a proposed major project that has been revoked under clause 60U or refused under clause 60ZZM.</p> <p><b>60ZZZF – Application of certain provisions in relation to enforcement</b></p> <p>Provides the authority for the Commission to cancel a major project permit if enforcement action has been taken against the proponent.</p> <p><b>60ZZZG – False information</b></p> <p>Provides a penalty for a proponent who submits false information to the Minister, the Panel or a relevant regulator.</p> <p><b>60ZZZH – Notice or document under Division may be given electronically</b></p> <p>Provides for a notice or document to be given by electronic means instead of through the post.</p>
Clause 13	<b>Section 63 amended</b> to provide appropriate references to a major project permit and conditions on a major project permit and remove references to the PORS process.
Clause 14	<b>Section 65D amended</b> to provide appropriate references to a major project permit and remove references to the PORS process.
Clause 15	<b>Section 65E amended</b> to provide appropriate references to a major project permit and remove references to the PORS process
Clause 16	<b>Section 65I amended</b> to delete subsection (I) as this definition has been inserted into section 3 of LUPAA.
Clause 17	<b>Section 77 amended</b> to provide appropriate references to a major project permit and remove references to the PORS process.
Clause 18	<b>Section 82 amended</b> to provide appropriate references to a major project permit and remove references to the PORS process.
Clause 19	<b>Section 83 amended</b> to provide appropriate references to a major project permit and remove references to the PORS process.



Clause 20	<b>Section 87E inserted</b> to give effect to the savings and transitional provisions set out in the new schedule 8.
Clause 21	<b>Schedule 5 amended</b> to provide the correct reference to an application for a combined planning scheme amendment and planning permit, which is 40T instead of 43A.
Clause 22	<p><b>Schedule 8 inserted</b> to clarify that a reference to an LPS is also a reference to the current planning scheme until the LPS comes into force in a municipal area.</p> <p>Provides savings and transitional provisions for any Project of Regional Significance process that is underway and has reached the stage where a Project of Regional Significance has been declared under clause 60G of the former provisions prior to this Bill coming into operation.</p> <p>If a Project of Regional Significance has been declared and the assessment guidelines have also been determined under clause 60N of the former provisions, then the process is saved and the project is assessed as a Project of Regional Significance.</p> <p>If a Project of Regional Significance has been declared and the assessment guidelines have not been determined under clause 60N of the former provisions, then the project is taken to be a declared major project under clause 60M of the new provisions and then assessed as a Major Project from that point onwards.</p>
<b>PART 3 – ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994 AMENDED</b>	
Clause 23	Specifies that for this part of the Bill the principle act is the <i>Environmental Management and Pollution Control Act 1994</i>
Clause 24	<b>Section 25 amended</b> to provide for a proposed major project to be assessed under the major project provisions in Division 2A of Part 4 of the LUPAA, instead of under section 57 of LUPAA, in the case where the major project proposal was originally proposed to a planning authority.
Clause 25	<b>Section 25A amended</b> to insert a provision that will prevent a duplicated assessment of major projects, as they are assessed under the provisions in Division 2A of Part 4 of the LUPAA.
Clause 26	<b>Section 27AB</b> is deleted; the provision is no longer required as, under the amendments to LUPAA, a major project cannot be declared if it is an EL activity.
Clause 27	<b>Section 27AC amended</b> to delete definitions that relate to the former PORS process and any references to that process, namely 'Panel' and 'special permit'.

	This also clarifies that a major project is not subject to this provision, because EL activities will no longer be eligible to be declared a major project.
Clause 28	<b>Section 35 amended</b> to provide appropriate references to a major project permit and allow the EPA to require a bond for certain conditions on a major project permit.
Clause 29	<b>Section 42B amended</b> to delete a definition and reference to the former PORS process, namely 'special permit', because EL activities will no longer be eligible to be declared a major project.
Clause 30	<b>Section 42C amended</b> to delete a reference to the former PORS process, namely 'special permit', because EL activities will no longer be eligible to be declared a major project.
Clause 31	<b>Section 42D amended</b> to delete references to the former PORS process, namely 'special permit', because EL activities will no longer be eligible to be declared a major project.
Clause 32	<b>Section 42G amended</b> to delete references to the former PORS process, because EL activities will no longer be eligible to be declared a major project.
Clause 33	<b>Section 42I amended</b> to delete references to the former PORS process, because EL activities will no longer be eligible to be declared a major project.
Clause 34	<b>Section 42K amended</b> to delete references to the former PORS process, because EL activities will no longer be eligible to be declared a major project.
Clause 35	<b>Section 42M amended</b> to delete references to the former PORS process, because EL activities will no longer be eligible to be declared a major project.
Clause 36	<b>Section 42N amended</b> to delete references to the former PORS process, namely 'special permit', because EL activities will no longer be eligible to be declared a major project.
Clause 37	<b>Section 42Q amended</b> to delete references to the former PORS process, because EL activities will no longer be eligible to be declared a major project.
Clause 38	<b>Section 42ZB amended</b> to delete references to the former PORS process, namely 'special permit', because EL activities will no longer be eligible to be declared a major project.
Clause 39	<b>Section 42ZJ amended</b> to delete references to the former PORS process, because EL activities will no longer be eligible to be declared a major project.
Clause 40	<b>Section 44 amended</b> to insert references to a major project permit.

Clause 41	<b>Section 55A amended</b> to delete references to 'special permits' from the former PORS process and replace those references with a reference to a major project permit.
Clause 42	<b>Section 92 amended</b> to delete references to 'special permits' from the former PORS process and replace those references with a reference to a major project permit.
Clause 43	<b>Section 98AA amended</b> to delete references to the former PORS process. A reference to major project assessments is not required here because the major projects process provides direction for the payment of fees by the proponent at clause 60ZZR and clause 60ZZZB.
Clause 44	<b>Schedule 5 amended</b> to delete references to the former PORS process. A reference to major project assessments is not required here because the major projects process provides direction for the assessment of different types of projects by the EPA.
<b>PART 4 – HISTORIC CULTURAL HERITAGE ACT 1995 AMENDED</b>	
Clause 45	Specifies that for this part of the Bill the principle act is the <i>Historic Cultural Heritage Act 1995</i> .
Clause 46	<b>Section 35 amended</b> to include references to a major project permit to recognise that approval for heritage works is granted if a major project permit is in place so as to prevent a duplicated assessment.
<b>PART 5 – CONCLUDING PROVISION</b>	
Clause 47	<b>Repeal of Act</b> Provides for the repeal of the Bill.