

CLAUSE NOTES

Macquarie Point Development Corporation Amendment Bill 2018

- Clause 1 Short title
- Clause 2 This clause provides for the Bill to commence on the day it receives Royal Assent.
- Clause 3 This Bill is amending the *Macquarie Point Development Corporation Act 2012*. Clause 3 confirms this Act is the Principal Act.
- Clause 4 This clause defines certain terms for the purposes of the Bill.
- Of note, **site master plan** has been included and will replace references to 'site redevelopment plan' throughout the Act. This update aligns the language in the Bill with commonly used terms.
- Clause 5 This clause provides for new items to be prescribed as objectives for the Macquarie Point Development Corporation. These are in addition to those currently prescribed in the Principal Act.
- Specifically the clause amends the principal objectives of the Corporation to include to plan, facilitate and manage the redevelopment of the site so as to ensure that the site:
- encourages pedestrian and bicycle traffic;
 - allows for public transport; and
 - provides for public open spaces.
- The clause also adds that the Corporation is to plan, facilitate and manage temporary and longer-term uses of the site.
- Clause 6 This clause updates the functions of the Corporation to reflect a transition from remediation to redevelopment of the site. It also captures functions consistent with the revised objectives included in clause 5.
- New functions*
- In the Principal Act carrying out investigations, planning and undertaking remediation works to provide for the redevelopment of the site are listed as three separate items. The Bill removes the three separate elements and captures all three in a revised provision.

These actions are furthered by the inclusion of an additional sub-clause (b) to capture the investigation of options for redevelopment of the site and require the Corporation to prepare and implement strategies that provide for redevelopment of the site.

Consistent with the new objectives captured in clause 5, sub-clause (c) also includes that the Corporation is to redevelop and maintain public open spaces on the site, provide for appropriate transit corridors and encourage temporary and longer-term use of the site.

Amended functions

This clause also clarifies some of the Corporation's functions, as currently prescribed in the Principal Act.

These amendments:

- add key stakeholders to the Corporation's scope of consultation;
- expands the scope of the land the Corporation may advise the Minister on to beyond the Macquarie Point site; and
- revises a reference to 'site redevelopment plan' to site master plan.

Clause 7 As prescribed in section 8 of the Principal Act, the Corporation must not, without the written approval of the Minister, lease or licence land held by the Corporation for any term exceeding 2 years.

This clause updates the time period from 2 to 5 years to enable the Corporation to enter into timely arrangements in a commercial environment to support redevelopment.

Clause 8 As noted in clause 3, 'site master plan' will replace all references to 'site redevelopment plan' throughout the Act.

Clause 9 A mechanism was included in the Principal Act to provide for the transfer of relevant State Servants to the Corporation. Specifically the transfer mechanism in section 15(2) of the Principal Act prescribed that the person in the role of General Manager, Macquarie Point Development Project within the Department of Economic Development at that time was to transfer to the role of Chief Executive Officer of the Corporation.

This clause removes that transitional mechanism as it is no longer needed.

Clause 10 Insertion of section 35A – This inclusion gives the Minister the ability to provide the Board with a statement of expectations with regard to the Corporation's objectives and functions. If a statement is made, the Board is to make the statement publicly available.

- Clause 11 As prescribed in the Principal Act, the Minister has the power to direct the Board in connection with the functions and powers of the Corporation.
- This clause seeks to provide further clarity to that power, by including a new sub-clause noting that this includes the preparation of reports and the provision of information.
- Clause 12 As noted in clause 3, 'site master plan' will replace all references to 'site redevelopment plan' throughout the Act.
- Clause 13 To support a longer term and strategic view, the existing requirement for the Board to prepare a Corporate Plan will be extended from capturing a 12 months period to providing a 3 year outlook. The Corporate Plan is to, however, continue to be submitted to the Minister on an annual basis.
- Clause 14 As noted in clause 3, 'site master plan' will replace all references to 'site redevelopment plan' throughout the Act.
- Clause 15 To support consistency, the reference to 'development' in section 39B of the Principal Act has been replaced with 'redevelopment'.
- Clause 16 Insertion of Division 3 – Planning.
- This clause provides for the insertion of the following sections to allow the timely implementation of planning amendments to bring forward investment and development on the site.

Section 39G

The process commences with the Board submitting a request to the Minister seeking an amendment to the planning scheme. That request is to include a draft of the proposed amendment the Board is seeking. This power can only be used once for the land that is currently within the Macquarie Point site at the time the section comes into effect (1)(a), and once for each additional parcel of land that becomes part of the site after that time (1)(b).

Prior to requesting that the Minister make a planning amendment, the Board must notify the owners and/or occupiers of adjoining land that it intends to seek an amendment.

The request to the Minister must include:

- a summary of the consultation the Board has undertaken; and
- a statement setting out how the proposed planning amendment:
 - furthers the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*;
 - is consistent with any applicable State Policy within the meaning of the *State Policies and Projects Act 1993*; and

- is consistent, as far as practicable, with the Southern Regional Land Use Strategy.

Section 39H

After receiving a request the Minister may:

- prepare a planning amendment as per the proposal prepared by the Board;
- after consultation with the Board, amend the proposed amendments as the Minister sees fit;
- request the Board make amendments and resubmit its request; or
- refuse the request from the Board.

Before making a planning amendment, the Minister is to consult with the Minister for Planning.

The Minister must also provide a copy of the draft planning amendment to:

- the Board;
 - the relevant planning authority;
 - relevant statutory authorities; and
 - any agencies the Minister considers to have an interest,
- and invite representations within 21 days.

Section 39I

Following this consultation, the Minister may approve the proposed planning amendment in relation to land within the site on the day the section comes into effect (1)(a) or in relation to land that subsequently becomes part of the Macquarie Point site (1)(b).

The Minister may also resolve not to progress the proposed planning amendment.

The planning amendment is to be in a form consistent with the proposal the Minister consulted on; or after consultation with Board, the Minister may amend the proposed planning amendment as he/she sees fit.

After approving the planning amendment, the Minister is to provide the Tasmanian Planning Commission with:

- a copy of the approval;
- a copy of the proposed amendment;
- a statement setting out how the proposed planning amendment:
 - furthers the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*;

- is consistent with any applicable State Policy within the meaning of the *State Policies and Projects Act 1993*; and
- is consistent, as far as practicable, with the Southern Regional Land Use Strategy;
- a direction to make the proposed amendment and to publish the Minister's above mentioned statement.

Section 39J

The Commission is to then, within 14 days or a period otherwise approved by the Minister, update the relevant planning scheme. This section also provides the Commission with the power to make amendments as appropriate to correct any mistakes or anomalies it identifies while doing this.

The Commission is to notify the Minister when this update has been completed.

After receiving a notification from the Commission, the Minister is to:

- give notice of the amendment in the *Gazette* and in the newspaper; and
- notify the planning authority of the making of the amendment and the day it comes into effect.

The amendment will apply on the day stated in the notice, or otherwise on the day of *Gazettal*.

Section 39K

Amendments permitted through this Bill may only contain provisions to amend the relevant planning scheme in place at that time (i.e. *Sullivans Cove Planning Scheme 1997* or interim planning scheme) or relevant Local Provisions Schedule (LPS), to manage the uses related to redevelopment on the Macquarie Point site. It is to also include any consequential amendments required to make those amendments to the relevant scheme or LPS.

Schedule 6 of the *Land Use Planning and Approvals Act 1993* provides transitional arrangements for the implementation of the Tasmanian Planning Scheme. This clause clarifies that amendments made through this Bill are to be captured within the scope of provisions in Schedule 6.

Specifically that the amendments may contain 'site specific qualifications' in keeping with Schedule 6, which capture amendments made to the Macquarie Point Site Development Plan used in the current planning scheme – *Sullivans Cove Planning Scheme 1997*.

Sub-clause 4 – This sub-clause further clarifies that for an amendment containing site specific qualifications:

- made before the LPS comes into effect, the site specific qualifications is to be carried across into the LPS (as per clause 8 of Schedule 6);
- made after the LPS comes into effect, the site specific qualifications are still to be carried across into the LPS (as per clause 8A of Schedule 6); and
- that are consequential to integrate with the planning scheme in place at that time only, will not carry across to the LPS.

Sub-clause 5 – To avoid duplicate processes running in parallel, this sub-clause clarifies that if the Minister is progressing a planning amendment through the this Bill, a direction may not be issued under the *Land Use Planning and Approvals Act 1993* with regard to the Macquarie Point site.

If a direction has already been issued, but the LPS has not come into force, the draft LPS is taken to not apply to the Macquarie Point site.

Amendments made must:

- further the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993*;
- be consistent with any applicable State Policy within the meaning of the *State Policies and Projects Act 1993*; and
- be consistent, as far as practicable, with the Southern Regional Land Use Strategy.

If the amendment is made to the current planning scheme – *Sullivans Cove Planning Scheme 1997* – the Bill also requires consistency with the existing Strategic Framework and Conservation of Cultural Heritage Values of that planning scheme.

Section 39L

The Minister may make factual or clerical corrections to a planning amendment made through this Bill within 12 months of the amendment coming into effect.

These amendments are to be made in consultation with the Minister for Planning and are to be made to the relevant planning scheme by the Commission.

Section 39M

The Minister may amend (other than minor amendment) a planning amendment made through this Bill within 12 months of the amendment coming into effect. This 12 month period applies independently to the land that is within the Macquarie Point site at the time the section comes into effect; and separately for each additional parcel of land that becomes part of the site after that time.

The amendment may:

- amend the relevant planning scheme;
- revoke or amend amendments previously made through this Bill; and
- any other consequential amendments to give effect to the above.

The amendment is to be made in consultation with the Minister for Planning and is to include consultation as per the original amendment process, as set out in 39G.

Section 39N

This clause provides a 2 year protection from potentially unwinding the intent of the planning amendment made by the Minister. It is valid for 2 years from the date the original planning amendment (not subsequent amendments) takes effect for each parcel of land.

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| Clause 17 | This clause clarifies that the existing power to transfer land from the Crown to the Corporation can apply to part or all of the Macquarie Point site. |
| Clause 18 | This clause duplicates the above existing transfer notice process, however, it applies in reverse to provide a mechanism to return land, or other property rights, to the Crown from the Corporation in case it is required. |
| Clause 19 | As an existing Act is in place, the responsible Minister is determined through an order through the <i>Administrative Arrangements Act 1990</i> . The previous section providing interim clarity is no longer required and will be repealed. |
| Clause 20 | As an amendment Bill, this clause clarifies that the Bill will be repealed a year after it comes into effect. |