

CLAUSE NOTES

Hobart Cenotaph Bill 2024

PART 1 - PRELIMINARY

Clause 1: Short Title

The Short title will be the *Hobart Cenotaph Act 2024*.

Clause 2: Commencement

The Act will commence on the day on which it receives Royal Assent.

Clause 3: Interpretation

Provides definitions for terms used in the bill.

Clause 4: Inconsistency

Sets out that the provisions of the bill supersede provisions in relevant planning legislation (related to major projects, major infrastructure projects, and projects of State significance) if there is any inconsistency between those Acts and this bill.

Clause 5: Act Binds the Crown

This clause ensures the Bill binds the Crown.

PART 2 – PROTECTION OF CENOTAPH VALUES

Clause 6: Major project not to adversely impact Cenotaph values

Provides that a Development Assessment Panel cannot grant a major project permit if they consider that the proposed development would

- (a) adversely impact on the cultural heritage and reverential ambience of the Hobart Cenotaph and its surrounds; or
- (b) unreasonably impact on Hobart Cenotaph sightlines.

The clause also ensures that consultation must take place with RSL Tasmania, and such other persons a Development Assessment Panel decides to, if they consider these matters may be relevant to a proposed development.

Clause 7: Major infrastructure project not to adversely impact Cenotaph values

Provides that a combined planning authority or the Planning Commission cannot approve a major infrastructure project if they consider that the proposed development would:

- (a) adversely impact on the cultural heritage and reverential ambience of the Hobart Cenotaph and its surrounds; or
- (b) unreasonably impact on Hobart Cenotaph sightlines.

The clause also ensures that consultation must take place with RSL Tasmania, and such other persons a combined planning authority or the Planning Commission decides to, if they consider these matters may be relevant to a proposed development.

Clause 8: Project of State significance not to adversely impact Cenotaph values

Provides that the Planning Commission must issue a notice of cancellation for a project of State significance if they consider that the proposed development would:

- (a) adversely impact on the cultural heritage and reverential ambience of the Hobart Cenotaph and its surrounds; or
- (b) unreasonably impact on Hobart Cenotaph sightlines.

The clause requires the Commission to notify the Minister and the proponent of a project of State significance they the Commission intends to issue a notice of cancellation.

A notice of cancellation for a project of State significance causes an integrated assessment to cease.

The clause also ensures that consultation must take place with RSL Tasmania, and such other persons the Planning Commission decides to, if they consider these matters may be relevant to a proposed development.

PART 3 – TRANSITIONAL PROVISIONS

Clause 9: When approvals taken to be valid

Sets out that the provisions of the bill do not apply to any development that was approved through the major infrastructure development approvals process, the major project process, and the project of State significance process before the bill comes into effect, but does apply to any such process that is underway, but not concluded, before the bill comes into effect.

Schedule 1: Meaning Of Hobart Cenotaph Sightlines

Sets out the Hobart Cenotaph sightlines covered by this bill.

Schedule 2: Hobart Cenotaph Sightlines

Provides a map of the Hobart Cenotaph sightlines covered by this bill.