

TASMANIA

MACQUARIE POINT DEVELOPMENT CORPORATION AMENDMENT BILL 2015

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MACQUARIE POINT DEVELOPMENT CORPORATION AMENDMENT BILL 2015

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
29 October 2015

*(Brought in by the Minister for State Growth, the Honourable
Matthew Guy Groom)*

A BILL FOR

An Act to amend the *Macquarie Point Development Corporation Act 2012*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Macquarie Point Development Corporation Amendment Act 2015*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Macquarie Point Development Corporation Act 2012** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting after the definition of *partner* the following definition:

Register means the register of title to land referred to in section 33 of the *Land Titles Act 1980*;

5. Part 5: Heading amended

Part 5 of the Principal Act is amended by omitting “**DIRECTIONS AND PLANS**” from the heading to that Part and substituting “**DIRECTIONS, PLANS, PROPERTY INSTRUMENTS AND REMEDIATION**”.

6. Part 5, Division 1: Heading inserted

Part 5 of the Principal Act is amended by inserting the following heading before section 36:

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Division 1 – Directions and plans

7. Part 5, Division 2 inserted

After section 39 of the Principal Act, the following Division is inserted in Part 5:

Division 2 – Property instruments and remediation

39A. Corporation is public authority for certain purposes

For the avoidance of doubt, the Corporation is a public authority for the purposes of section 90A and 90AB of the *Conveyancing and Law of Property Act 1884*.

39B. Corporation or Minister may enter into covenants and agreements affecting site

- (1) The Corporation or the Minister may enter into, with the purchaser or registered proprietor of land that is a part of the site, a positive or negative covenant, or both, relating to the land.
- (2) The Corporation or the Minister may enter into with the purchaser or registered proprietor of land that is a part of the site, an agreement concerning the use or development, or both, of the land.
- (3) The Corporation or the Minister, in writing, may direct the Recorder of Titles

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to record, on the folio of the Register for the land that is the subject of the covenant or agreement, a covenant or agreement entered into under this section by the Corporation, or the Minister, respectively.

- (4) On receiving a direction under subsection (3) that relates to a covenant or agreement, the Recorder of Titles is to record, as he or she considers appropriate, the covenant or agreement on the relevant folio of the Register for the land which is the subject of the covenant or agreement.
- (5) The benefits and burdens of a covenant or agreement entered into under this section run with the land which is the subject of the covenant or agreement, and the covenant or agreement is enforceable between the parties to it and any person deriving title to the land under any such party.

39C. Amendment or extinguishment of covenant or agreement

- (1) The Corporation or the Minister may enter into, with the registered proprietor of land that is the subject of a covenant (*the earlier covenant*) entered into under section 39B(1) by the Corporation or the

Minister, respectively, a covenant to amend or extinguish the earlier covenant.

- (2) The Corporation or the Minister may enter into, with the registered proprietor of land that is the subject of an agreement (*the earlier agreement*) entered into under section 39B(2) by the Corporation or the Minister, respectively, an agreement to amend or extinguish the earlier agreement.
- (3) If a covenant or agreement is –
 - (a) recorded, under section 39B, on a folio of the Register for the land that is the subject of the covenant or agreement; and
 - (b) amended or extinguished in accordance with a covenant or agreement entered into under this section by the Corporation or the Minister –

the Corporation or the Minister, respectively, is to direct, in writing, the Recorder of Titles to alter the folio of the Register for the land, so as to reflect the amendment or extinguishment.

- (4) On receiving a direction under subsection (3) in relation to an amendment of a covenant or agreement, the Recorder of Titles is to alter, as he or she considers appropriate so as to reflect the amendment, the folio of the Register

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for the land that is the subject of the covenant or agreement.

- (5) On receiving a direction under subsection (3) in relation to an extinguishment of a covenant or agreement, the Recorder of Titles is to alter, as he or she considers appropriate so as to reflect the extinguishment, the folio of the Register for the land that is the subject of the covenant or agreement.

39D. Compensation

No compensation is payable by the Corporation or the Crown in respect of any action taken under section 39B or 39C.

39E. Powers under this Act additional to other powers

The powers given by section 39B or 39C in relation to any dealing with land, or in relation to altering or otherwise dealing with the Register, are in addition to any other powers under another Act or any other law of Tasmania to deal with land, or to alter or otherwise deal with the Register.

39F. Remediation of site

- (1) Redevelopment of a part of the site may not occur until an accredited environmental auditor has certified that the remediation of the part of the site has occurred to a standard that is satisfactory for the purposes of the proposed redevelopment.
- (2) For the purposes of subsection (1), an accredited environmental auditor is a person who is accredited under subsection (3).
- (3) The Director, within the meaning of the *Environmental Management and Pollution Control Act 1994*, may accredit a person as an environmental auditor for the purposes of this section.
- (4) The Director may only accredit a person as an environmental auditor for the purposes of this section if the Director is satisfied that the person has the necessary qualifications and experience to determine whether the remediation of all or part of the site has occurred to a standard that is satisfactory for the purposes of the proposed redevelopment.
- (5) The Director may accredit a person under subsection (3) on the conditions the Director thinks fit and specifies on the instrument of accreditation in relation to the person.

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- (6) The Director may revoke the accreditation of a person as an environmental auditor under subsection (3) if the person has failed to comply with a condition of his or her accreditation.

8. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.