

Major Projects

LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2017

CONSULTATION PAPER & DRAFT EXPOSURE BILL

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Purpose

The purpose of this paper is to facilitate consultation on the draft Land Use Planning and Approvals Amendment (Major Projects) Bill 2017, which is designed to implement the Government's major projects reform commitments. The draft Bill and paper have been prepared by the Department of Justice following consultation with the Planning Reform Taskforce and relevant State Government agencies.

The paper provides an overview of the Government's reform commitments and surrounding policy context. It outlines the key features of the draft Bill before providing a detailed description of the proposed major projects assessment process. The paper includes a number of appendices and is intended to be read in conjunction with the draft Bill.

Submissions on the draft Bill are invited by close of business on **2 October 2017**. Submissions should be headed 'Major Projects Reform' and emailed to Planning.unit@justice.tas.gov.au or posted to the following address:

Planning Policy Unit
Department of Justice
PO Box 825
Hobart TAS 7001

Introduction

Government's reform agenda

As part of its 2014 election agenda to make Tasmania attractive for investment and create jobs the Tasmanian Government committed to introduce a number of reforms to the major projects assessment and approval process in Tasmania. These include:

- Introducing an in-principle approval system for major projects;
- Expanding Ministerial call-in powers to include where a project has been unreasonably delayed in the planning assessment process; and
- Ensuring that major project proponents are provided with support and advice through the Office of the Coordinator-General.

The Government has committed to introduce legislation to implement these reforms during the term of the current Parliament.

What are major projects and why are they important?

Major projects are typically larger, more complex and have broader economic, environmental and social impacts beyond a single municipal area, than other development proposals. They frequently require multiple approvals connected with the use and development of the land, including land use planning, environmental and other approvals.

Major projects can have significant economic and social benefits. They contribute to local, state and national income, create employment opportunities during their construction and operation and they can raise productivity and generate revenue through royalties and taxation, thereby helping to fund government programs that benefit the broader community.

Major projects can be initiated by private or public sector proponents, across a range of industries and sectors, including for example tourism, infrastructure, mining and processing.

Why are major projects assessed differently to other development applications?

Given their broad potential impacts and the fact that they often require multiple approvals, all State and Territory governments have established dedicated development assessment and approval pathways for major projects that elevate them above normal planning assessment processes.

Major projects can also require Commonwealth Government approval where they involve activities that are likely to impact significantly on matters of national environmental significance under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*. In order to reduce duplication and overlap between Commonwealth and State environmental assessment and approval processes, bilateral agreements have been entered into between the Commonwealth Government and each State and Territory government to accredit particular State and Territory assessment and approval processes. Tasmania's current major projects assessment process was accredited in 2014 under these arrangements.

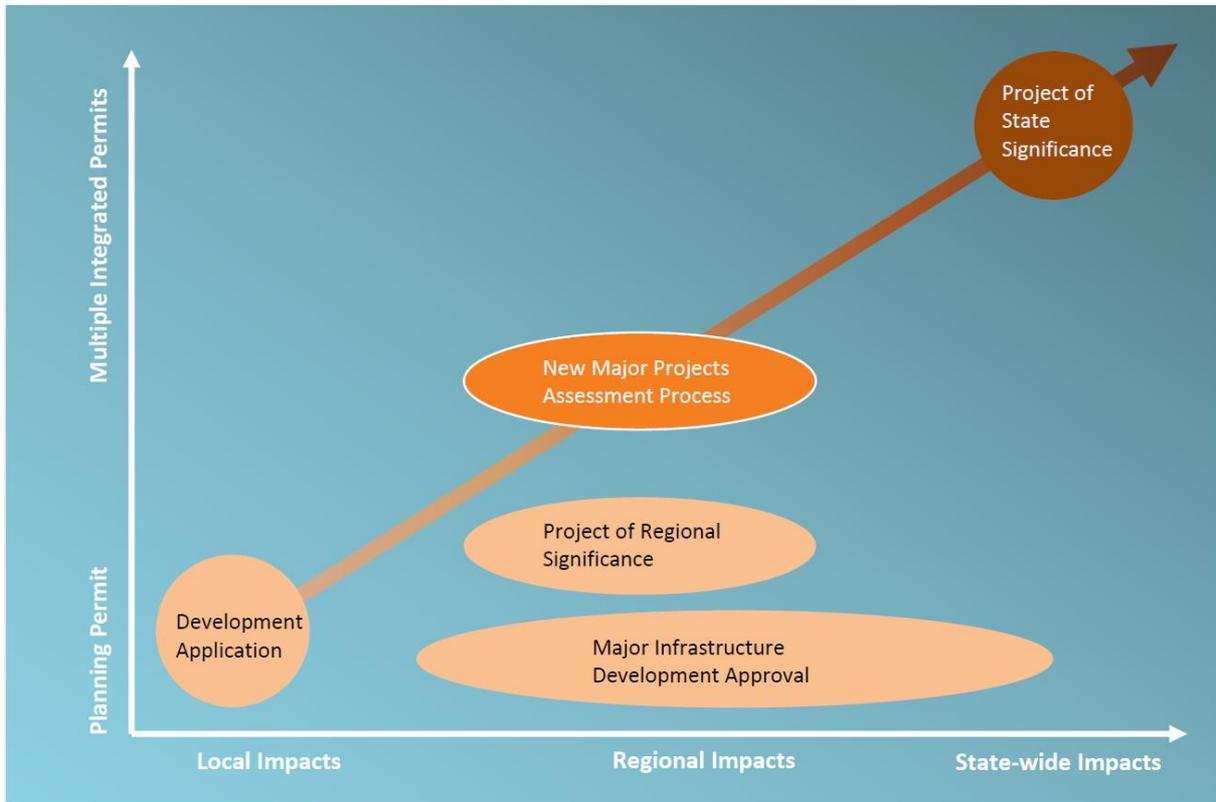
How are major projects currently assessed in Tasmania?

Depending on the nature of the project, the scale and complexity of impacts and the level of capital investment involved, there are potentially three dedicated assessment pathways available for a major project in Tasmania:

- Projects of State Significance (POSS) process under the *State Policies and Projects Act 1993*. This is for projects involving significant capital investment, statewide impacts or complex technical design.
- Projects of Regional Significance (PORS) process under the *Land Use Planning and Approvals Act 1993* (the Act). This option was introduced in 2009 to bridge the gap between an ordinary development application and a POSS by providing an independent, robust and equitable process for dealing with larger and more complex projects that do not qualify as a POSS but have impacts across council boundaries and wider regional areas.
- Major Infrastructure Development Approval process under the *Major Infrastructure Development Approvals Act 1999*. This is for major linear infrastructure proposals comprising a road, railway, pipeline, power-line, telecommunications cable or other prescribed linear infrastructure.

The relationship between these processes and an ordinary development application is illustrated in the [Diagram 1](#).

Diagram I – Continuum of development application processes



Further information about the characteristics of each assessment process is contained in the table at [Appendix I](#).

The focus of the Government’s reforms is on projects that are covered by the current PORS process. That is, projects that are complex, have significant economic, social or environmental impact, impact across and beyond council boundaries and/or that require multiple approvals (including planning, environmental and other approvals), but do not qualify as a POSS.

No changes are proposed to the POSS process.

Why are changes needed?

Since its introduction, the PORS process has not been used, with proponents continuing to use other development assessment pathways that are not designed for, or well suited to, assessing complex projects that require multiple approvals. This is leading to community concerns that such projects are not being properly managed and assessed. It also results in frustration, inefficiency and unnecessary costs and delays for proponents and acts as a disincentive for developers looking to invest in the State.

In consultation with key stakeholders, the Government has identified a number of factors that may be contributing to the reluctance to utilise the PORS process.

Under the PORS process, proponents are required to spend large amounts of time and money preparing detailed reports and studies to satisfy technical requirements for land use planning and environmental issues before they even know whether their proposal meets the basic criteria for approval. This has been identified as a significant disincentive to proponents entering the process and is not conducive to attracting and encouraging investment in this State.

The lack of certainty is also reflected in other aspects of the PORS process, including the amount and timing of assessment fees and the timeframes (many of which are unspecified) for the assessment process.

In addition, the PORS process is limited to assessing land use planning and environmental issues only. This means that where other approvals are required before the project can proceed, the proponent is required to seek separate approval for each of these. For many projects, these are likely to include approvals under Aboriginal cultural heritage, historic cultural heritage, threatened species and/or nature conservation legislation. This compares unfavourably to the process for assessing a regular development application, which includes assessment of local and State heritage issues.

This means that despite the criteria for attaining PORS status being similar to the criteria for attaining POSS status, the scope of permits delivered under PORS is closer to the normal development application process.

The Government has also identified Ministerial 'call-in' powers under PORS as an area of concern. Currently under PORS, the 'call-in' power relates only to the scale or complexity of the project and the relevant Minister has no ability to call-in a project for independent assessment where there are unreasonable delays by the local planning authority in conducting the land use planning assessment.

What changes is the Government proposing?

The Government is committed to introducing a number of important changes to the major projects assessment process contained in the Act. These include:

- Expanding the suite of approvals included in a permit
- Providing for 'in-principle' approval of a major project
- Expanding Ministerial call-in powers
- Introducing a 'no reasonable prospect' test
- Staging the recovery of assessment fees and providing more certain timeframes

The Government intends to retain and build on a number of the key features of the PORS process, including retaining the role of an independent Assessment Panel and strengthening community input and engagement in the process. These reforms will address the concerns with the PORS process.

The proposed changes will result in an efficient and effective assessment process that is more attractive to proponents. The reforms will also result in a rigorous assessment process that maintains existing high levels of protection for the environment, cultural and heritage assets and local amenity.

These proposed changes have been developed by the relevant state government agencies and in consultation with the Planning Reform Taskforce.

The key features of the proposed model are described below.

New features

Expanded suite of approvals

The proposed model expands the range of approvals provided through the major projects assessment process to include approvals under land use planning, environmental, Aboriginal cultural heritage, historic cultural heritage, threatened species and nature conservation legislation. This will result in a coordinated assessment process for approvals connected with use and development of the land and maximise certainty for proponents on whether their project is suitable for the proposed location.

In-principle approval

An 'in-principle approval' system for major projects has been included in the proposed model to provide proponents with greater certainty before they invest in preparing potentially costly surveys, studies and other technical information. This will involve regulators identifying the key issues that need to be assessed in order to grant 'in-principle approval', with other issues of a routine or

technical nature to be dealt with through the provision of further documentation to be assessed after the grant of 'in-principle approval'. Under this system, the permit will be issued with the grant of 'in-principle approval' but will only commence once the further documentation has been assessed and approved by the relevant regulators.

This will give proponents greater confidence that their project has met the key issues that are required to be addressed in order to obtain approval before they invest in preparing detailed documentation for technical issues that they would be reasonably expected to satisfy. These issues may vary between projects however, it is anticipated that they are likely to include, for example, the preparation of management or technical works plans where established guidelines, practices and/or standards apply. To assist regulators, statutory guidelines will be developed to provide guidance to regulators on the types of matters that can be assessed after in-principle approval.

Greater Ministerial call-in powers

Under the proposed model, the eligibility criteria for the Minister to call-in a major project for assessment by an independent Panel appointed by the Tasmanian Planning Commission have been expanded to include situations where there are unreasonable delays in the assessment of the project by the relevant planning authority. This can include where, for example, there are delays due to a lack of appropriate resources or expertise on the part of the relevant planning authority or where the assessment is held up due to requests by the planning authority for information that is not reasonably required in order to determine whether to grant a permit. This will ensure that eligible projects can be elevated to an independent, expert Panel for assessment.

No reasonable prospect test

The proposed model introduces a 'no reasonable prospect' test early in the process to filter out projects that are obviously unsuitable, before the proponent and regulators invest significant time and resources in preparing and assessing substantive project documentation.

Under the 'no reasonable prospect' test, the Minister will be able to revoke the declaration of a major project where, based on the advice of relevant regulators and the Assessment Panel, it is clear from preliminary documentation that the project has 'no reasonable prospect' of being approved. This has been specifically designed to ensure that projects that are fundamentally flawed are identified early and the proponent given an opportunity to either revise the project or withdraw from the process.

Staged fees and clearer timeframes

The proposed model provides for the making of regulations to allow the recovery of fees in stages. Fees will also be reviewed prior to commencement of the model to reflect a cost-recovery approach. The model also includes statutory timeframes for key assessment steps. These changes will

provide greater certainty and predictability for proponents with regard to assessment fees and timeframes.

Features to be retained

Importantly, the proposed model will also retain and build on a number of the key features of the current PORS process. These include:

Coordinated assessment and combined permit

The proposed model provides for a coordinated assessment and combined permit approval process under the Act. Under this process, an independent Assessment Panel appointed by the Commission will coordinate the assessment, including input from the proponent and advice and approvals from relevant regulators consistent with requirements under their legislation. The Panel will also conduct the land use planning assessment. Based on its land use planning assessment and the direction of relevant regulators, the Panel determines whether a permit should be granted and the conditions that attach to it.

Enhanced public engagement and transparency

The proposed model recognises and strengthens the role of public engagement and input in the decision-making process. The model not only retains public exhibition, representations and hearings on the project but increases transparency around statutory decision-making by expanding the existing requirement under PORS to publicly exhibit the Assessment Guidelines for the project and the proponent's project impact statement to include a requirement to exhibit the proponent's Major Project Proposal¹ and the Panel's draft Assessment Report. The process also introduces a new requirement to invite public comment on the draft Assessment Guidelines for the project.

Accreditation under the Bilateral Agreement on Environmental Assessments

The PORS process is an accredited process under the Commonwealth-State Bilateral Agreement on Environmental Assessments made under the Commonwealth *Environmental Protection and Biodiversity Act 1999* (the EPBC Act)². This means that where a project involves activities that are likely to have a significant impact on matters of national environmental significance,³ the proponent can opt to have the Commonwealth assessment integrated into and coordinated through the State assessment

¹ Submitted to the Minister when the proponent seeks to enter the major projects assessment process.

² The Bilateral Agreement commenced in October 2014.

³ Referred to under the EPBC Act as a 'controlled action'.

process. This is intended to avoid duplication and provide a more streamlined and efficient assessment process.

It is intended to ensure that the major projects process is accredited under the Bilateral Agreement. This will be formalised once the Tasmanian Parliament passes the final legislation.

Under the current PORS process, the Commonwealth assessment of controlled actions is dealt with administratively. The Commonwealth Minister's requirements in relation to a major project are incorporated into the Assessment Guidelines (discussed further below) and met through the assessment process. The proposed model retains this approach. Timeframes and consultation requirements contained in the draft Bill are intended to be consistent with the requirements that currently apply to PORS under the Bilateral Agreement.

Appeal rights

No changes to existing appeal rights under the Act are proposed. Consistent with the current PORS process, where an independent assessment involving public representation and hearings has been carried out, there would be no review of the merit of the Assessment Panel's decision to grant or refuse a permit, however judicial review rights would continue to apply with respect to the decision-making process.

Other changes

Other changes proposed to the current PORS process include:

- Revised eligibility criteria to better capture and clarify what constitutes a major project. The changes are intended to ensure that only complex projects with broader regional implications are eligible to be elevated for assessment through the major projects process. In particular, the changes clarify that the fact that a project includes a proposal for a building that exceeds the acceptable solution under the relevant planning scheme for building height is not a relevant consideration for the purposes of determining whether the project is a major project. All planning schemes contain provisions that provide a decision-making framework for determining appropriate building height and as such it is not a complex planning issue beyond the capacity of a planning authority to consider. For this reason, it has been excluded from consideration in determining whether a project is a major project. However, an exception has been included for public infrastructure projects or projects that are for a public purpose (for example, electricity infrastructure, communication facilities, observation towers, major bridges or hospital developments) to ensure that these projects are not inadvertently excluded from eligibility.
- Replacing the current PORS provisions in the Act with a new 'Major Projects' Division.

- Introducing a process for a proponent to apply to make a significant amendment to a major project permit. Currently under the PORS process, the Commission can approve a minor amendment to a permit that does not cause any increase in detriment to a person other than the proponent and which does not change the use or development approved under the permit. However, there is currently no capacity for a proponent to apply to amend an existing permit to authorise a change to the nature or scale of the use or development that has been approved. This might occur where, for example, a proponent of a wind farm project has been granted approval to install five turbines but later proposes to add an additional turbine. In these circumstances, the proponent would be required to make a new application notwithstanding that the application relates to a change to an existing project previously declared eligible for assessment.

In addition to retaining the ability to approve minor amendments to a major project permit, it is proposed to introduce a process to enable a proponent to apply to the Assessment Panel⁴ or the Commission⁵ to make a significant amendment to the permit. This would include authorising a use or development that is in addition to, in substitution for, or of a different scale or nature to, the use or development authorised by the permit. This will be subject to the limitation that the amended project must be substantially the same as the original project. Under the proposed model, a significant amendment application would not require a separate Ministerial declaration, but would commence with the provision of a Major Project Proposal to the Panel or the Commission and be subject to the same assessment requirements as the original application, including public exhibition, representations and hearings.

- Clarifying the roles and responsibilities of the Commission, planning authorities and relevant regulators in permit compliance and enforcement.

A high-level flowchart of the proposed process⁶ is at [Appendix 2](#).

⁴ Where the permit is yet to commence. The Panel will remain in place until the permit commences.

⁵ Where the permit has commenced. The Commission will become the custodian of the permit once it commences.

⁶ The flowchart includes some indicative steps (shaded orange) that depict requirements to consult with the Commonwealth Government. These steps are indicative only and subject to confirmation by the Commonwealth Government. They only apply where the project involves activities that have a significant impact on matters of national environmental significance under the Commonwealth EPBC Act and where the proponent opts to have the assessment of those matters integrated into and coordinated through the environmental assessment conducted under the major projects process.

Role of the Office of the Coordinator-General

The Office of the Coordinator-General (OCG) will play an important role in assisting proponents to enter and navigate the major projects assessment process. This includes coordinating and facilitating early advice to proponents on:

- Options for seeking development approval, including the most appropriate assessment pathway (for example POSS, Major Projects or Major Infrastructure Development Approvals process) and key issues such as assessment costs and timeframes.
- Any significant issues that may require reconsideration or redesign of the project so that the proponent can address these at an early stage before the project enters the formal assessment process. This advice would be coordinated by the OCG in consultation with relevant regulators.

It is envisaged that the OCG will provide case management support to proponents once the major project enters the formal assessment process.

The OCG is a non-statutory office and its role sits outside of the proposed statutory process, depicted in the flowchart at [Appendix 2](#).

Implementation of the proposed changes

To give effect to the proposed changes, the Department of Justice has prepared the draft Land Use Planning and Approvals Amendment (Major Projects) Bill 2017, which is intended to accompany this paper.

The draft Bill introduces a four-stage assessment process to implement the reforms:

Stage 1 - Eligibility determination

Stage 2 - No reasonable prospect test and preparation of guidance material

Stage 3 - Assessment and determination of whether to grant in-principle approval

Stage 4 - Satisfaction of in-principle conditions and permit commencement

This process is intended to be preceded and accompanied by project management advice and support provided by the OCG.

An overview of each stage follows, including cross-references to the relevant provisions in the draft Bill. Further details of the process are contained in the draft Bill.

Stage I: Eligibility determination

Lodgement of major project proposal (60C, 60D & 60F)

Under the draft Bill, the statutory process commences when a proponent requests the Minister to declare a project to be a Major Project or when the Minister ‘calls-in’ a project under section 60F(3). Where the proponent requests the Minister to declare the project, the request must be accompanied by a Major Project Proposal (MPP). Where the Minister is considering declaring a project under section 60F, the Minister may require the proponent to provide a MPP.

The MPP must contain sufficient information to address the eligibility criteria contained in section 60H of the Bill. These expand the existing eligibility criteria under PORS to include the situation where a project has been unreasonably delayed by a planning authority in the development assessment process.

The requirements for a MPP are set out in the Bill. The Bill makes some minor changes to achieve greater consistency with the requirements for a Notice of Intent under EMPCA in order to ensure that the proponent provides relevant information required by the EPA Board.

Assessment against eligibility criteria (60F, 60G, 60H & 60I)

The Minister assesses the proposal contained in the MPP against the eligibility criteria prescribed in section 60H and determines whether to declare the proposal a Major Project under section 60F. To be eligible for declaration, the Minister must consider that the project has one or more of the attributes set out in section 60H. Under section 60F(4), this includes where the Minister proposes to declare the project of his or her own motion.

The Minister must notify the planning authority for the land on which the project is proposed to be situated of the request for declaration and provide a copy of the MPP. The planning authority may notify the Minister whether it considers that the project should be declared. The Minister may request further information from the proponent, or information from the relevant planning authority, that is relevant to the decision whether to declare the project.

The Minister may consult with or seek advice from State Government agencies or other State authorities before making a decision on whether to declare a major project. Section 60I provides for the Commission to issue determination guidelines approved by the Minister to assist in applying the eligibility criteria.

Ministerial Determination (60F & 60J)

The Minister may, by notice in the Gazette, declare a proposal to be a major project under LUPAA. The Minister’s decision is to be published in a newspaper generally circulating in the area in which

the project is proposed to be situated. The Minister must consider any advice from the relevant planning authority prior to deciding whether to declare the project a major project.

The Minister is also required to notify the proponent, all planning authorities in the region in which the project is located, the Commission, each relevant agency that the Minister considers may have an interest in the project and (where the project is located on land in Wellington Park) the Wellington Park Management Trust, of the Minister's decision (including a decision not to declare the project).

Under the Bill, the Minister must obtain the consent of the relevant consent authority to declare a major project where all or part of the land on which the project is situated is Crown land, council owned land or is in Wellington Park⁷.

The Minister then forwards the MPP and any other information provided by the proponent or the relevant planning authority to the Commission.

⁷ These are respectively: The Minister responsible for Crown land, the General Manager of the relevant council and/or the Wellington Park Management Trust.

Stage 2: No reasonable prospect test and preparation of guidance material

Establishment of Assessment Panel (60N, 60O, 60P & 60Q)

Once a major project is declared, the draft Bill requires the Commission to establish an Assessment Panel (the Panel). The provisions in relation to composition of the Panel remain unchanged from those that apply to the current PORS process, with a minimum of three and a maximum of five Panel members selected from a pool of appropriately qualified members.

The Panel will be chaired by a member or nominee of the Commission and will include local government representation and a member with expertise in land use planning, urban and regional development, commerce or industry or practical knowledge and experience in the provision of buildings and other infrastructure.

These provisions will be supported by administrative arrangements to ensure that a pool of diverse and suitably qualified experts is available to assess individual projects.

Referral of Major Project Proposal to regulators and review against 'no reasonable prospect' test (60M, 60R, 60S, 60U, 60X & 60XA)

Once established, the Panel and relevant regulators will have the opportunity to review the MPP and identify whether, for any reason, there is no reasonable prospect that the project can be approved, in its current form. It is likely that concerns of this magnitude would be identified and where possible resolved at the pre-application stage through consultation with the OCG, informed by advice from relevant state agencies and regulators.

However, should this occur, the draft Bill requires the Panel to notify the proponent, providing the reasons for this view, and invite them to respond. The proponent may wish to submit an amended MPP or recommend that the Minister revoke the project's major projects status. The Panel must consider any comments from the proponent and consult with participating regulators prior to recommending that the Minister revoke the project's major projects status. The Minister may revoke the project's status following receipt of the Panel's advice.

Preparation of Assessment Guidelines (60T, 60V, 60XB, 60XC & 60XD)

Following the establishment of the Panel, the draft Bill requires each of the relevant regulators to advise the Panel on the following:

- I. Whether the regulator intends to conduct an assessment of the project. A regulator that indicates it intends to assess the project becomes a 'participating regulator' for the purposes of the draft Bill; and

2. The matters that the regulator requires to be included in the proponent's Major Project Impact Statement (MPIS) for the project and any conditions or restrictions that the regulator requires to be included in the Assessment Guidelines for the project.

Any conditions proposed at this stage are draft only and subject to consideration of the proponent's MPIS, public exhibition and hearings. Proposed conditions may include an 'in-principle permit commencement condition', which is a condition that can be placed on a permit requiring the proponent to provide further documentation for approval prior to the permit commencing (refer section 60XY). The bulk of proposed conditions to be complied with after commencement of the permit are expected to be identified following assessment of the proponent's MPIS and consideration of representations provided during public exhibition and hearings on the project. However, the ability to propose conditions at this early stage enables regulators to flag any obvious conditions that they intend to require on the permit, subject to review of the MPIS and public representations. This is designed to give proponents early notice of proposed conditions where possible.

Prior to preparing the Assessment Guidelines, the Panel is required to consult with the Commission, the relevant planning authority or authorities for the region in which the project is proposed to be located, any State Service agencies that the Commission considers have an interest, the Minister responsible for the *Crown Lands Act 1976*, TasWater and (where the project is proposed to be located in Wellington Park) the Wellington Park Management Trust.

The Panel prepares the land use planning considerations for inclusion in the Assessment Guidelines. These will include matters such as the proposal's consistency or otherwise with the relevant planning scheme/s and regional land use strategy and whether an amendment to the planning scheme (or relevant Local Provisions Schedule, once the Tasmanian Planning Scheme is in place) is required.

The Panel consolidates the advice from the participating regulators into the draft Assessment Guidelines that are released for public consultation for a period of 14 days. Comments on the Guidelines are provided to relevant regulators and they may amend their advice notice to the Panel setting out what should be included in the MPIS and Guidelines.

Stage 3: Assessment and determination of whether to grant in-principle approval

Preparation of Major Project Impact Statement & determination of suitability for public exhibition (60XF - 60XJ)

Once finalised, the Assessment Guidelines are provided to the proponent. The proponent is required to provide the Panel with an MPIS addressing the matters in the Assessment Guidelines within 12 months of the request.

An MPIS is a statement that addresses the matters set out in the Assessment Guidelines, including any surveys, studies and other reports that may be required under the Guidelines. It must include a statement whether the proponent considers that an amendment would be required to a Local Provision Schedule⁸ in order for the project to comply with the relevant planning scheme for the area in which it is proposed to be sited. If the proponent considers that such an amendment is required, the MPIS must include sufficient information to identify the nature and scope of the amendment required. The MPIS can also include a statement from the proponent on any conditions or restrictions proposed in the Assessment Guidelines and how the proponent proposes to address those conditions if a permit were granted.

In some cases, the proponent may require a permit from a participating regulator to undertake the studies or surveys required to address the Assessment Guidelines and the draft Bill provides that the participating regulator must issue the required permit (subject to any conditions that the regulator would impose under its relevant legislation) to allow the studies to be undertaken. This is intended to avoid the need for the proponent to apply for a separate permit to comply with the Guidelines.

The Panel, following advice from participating regulators on whether the MPIS complies with the Assessment Guidelines, determines whether the MPIS is suitable for public exhibition. Where further information is required from the proponent by either the Panel or a regulator, the Panel may request this information and (where applicable) provide it to the relevant regulator.

Preliminary advice from regulators (60XK)

Under the draft Bill, each participating regulator assesses the MPIS against the relevant Assessment Guidelines and advises the Panel whether it intends to direct the Panel to refuse to grant a major project permit (including the reasons for this) or grant the permit with or without conditions, including specifying any relevant conditions.

⁸ Under the transitional provisions in the draft Bill, where the relevant LPS has not commenced the reference to an LPS is taken to be a reference to a planning scheme.

Participating regulators are required to provide this advice within 60 days or 90 days⁹ of receiving the MPIS. Where a participating regulator requires further information from the proponent in order to satisfy the Assessment Guidelines, the clock stops while the information is provided.¹⁰

Preparation of Draft Assessment Report (60XL)

The Panel has 14 days from receiving advice from the last regulator to prepare a draft Assessment Report for the project.

The report must include the Panel's opinion on whether the MPIS meets the matters set out in the Assessment Guidelines, a statement of each regulator's opinion on the extent to which the MPIS meets the requirements of that regulator contained in the Assessment Guidelines, a statement of any other information provided to the Panel by the proponent, any conditions or restrictions that the Panel proposes to place on the major project permit if it were granted and any draft planning scheme amendment¹¹ that would be required for the project to proceed.

Public exhibition of project (60XM-60XO, 60XQ)

Within 14 days of preparing the draft assessment report, the Panel must give notice of the public exhibition of the project. This includes notification of the period (a minimum of 42 days) during which the Assessment Guidelines, MPIS, draft conditions and draft Assessment Report (including any draft planning scheme amendment) will be exhibited.

The Panel also notifies all planning authorities in the region in which the project is located, all state service agencies consulted in developing the Assessment Guidelines for the project, TasWater and (if applicable) the Wellington Park Management Trust of the public exhibition of the project.

The draft Bill provides for representations on the project, including on the conditions included in the Assessment Report, any conditions that a representor considers ought to be specified on a major project permit that may be granted for the project and any draft planning scheme amendment.

Once received by the Panel, representations are referred to relevant participating regulators for consideration.

⁹ Where the EPA Board determines that the relevant activity constitutes a level 2C matter under EMPCA.

¹⁰ Requests for further information are coordinated through the Assessment Panel and must be made within 28 days of receipt of the MPIS.

¹¹ Under the transitional provisions in the draft Bill, once the relevant LPS has commenced, the reference to 'draft planning scheme amendment' becomes a reference to a draft amendment to the relevant LPS. There is no mechanism to amend the State Planning Provisions under the draft Bill. Such an amendment would need to follow the process in Part 3, Division 2 of LUPAA.

The draft Bill allows regulators to require further information from the proponent following the end of the public exhibition period if required in order to determine whether to grant the permit and the conditions to be included. Requests for further information are made through the Panel and must be made within 28 days of the end of the public exhibition period.¹²

Hearings (60XP)

As soon as practicable after public exhibition of the project, the Panel holds hearings on representations made on the project. Under the draft Bill, the Panel is required to notify participating regulators of the intention to hold each hearing.

Regulator advice on whether to grant a permit (60XQ - 60XT)

Under the draft Bill, each participating regulator must advise the Panel within 28 days of the end of the public exhibition period whether it directs the Panel to grant or refuse to grant the major project permit and any conditions or restrictions to be placed on the permit.

The conditions which a regulator can require on the permit are set out in section 60XS and include an in-principle permit commencement condition.

The effect of section 60XS(2)-(4) is that a participating regulator can only direct the Panel to grant or refuse to grant a major project permit if the regulator would make the same determination under its own legislation if the project were not assessed as a major project under LUPAA. The same limitation applies under the draft Bill to the conditions that a regulator can require on the permit.

A participating regulator must consider any relevant matters that were raised in hearings prior to providing its advice to the Panel and must give reasons for requiring a condition or restriction or directing the Panel to refuse to grant the permit.

Grant or refusal of major project permit (60XU-60XX, 60YB)

The draft Bill requires the Panel to determine whether to grant (with or without conditions) or refuse to grant the major project permit within 60 days of the end of the public exhibition period or within such longer period as may be allowed by the Minister.

In deciding whether to grant the permit, the Panel must consider representations made during the public exhibition period.

The Panel may only grant the major project permit where:

- It is satisfied that the grant of the permit will further the objectives of LUPAA;¹³

¹² The Panel may also require further information within 35 days of the end of the public exhibition period.

¹³ These are contained in Schedule I of LUPAA.

- Grant of the permit will not contravene a State Policy or Planning Directive;
- The Assessment Guidelines have been satisfied;
- The proponent has paid the relevant fee; and
- It has received advice from each participating regulator on whether a permit should be granted and no regulator has advised that a permit should be refused.

The Panel can grant a major project permit for a use or development that would not be permitted under the relevant planning scheme/s provided that grant of the permit is not inconsistent with the Tasmanian Planning Policies (once in place) or the regional land use strategy that applies to the land.

Where there are inconsistencies between the conditions required by different regulators, the draft Bill provides that Panel is responsible for resolving the inconsistencies, in consultation with the relevant participating regulators, in the manner that best achieves the purpose of the conditions.

Where the Panel intends to grant a permit with conditions, at least 28 days before granting the permit it must provide a copy of the proposed conditions to the proponent, the relevant planning authority, each participating regulator, TasWater and (if applicable) the Wellington Park Management Trust.

Under the draft Bill, each party notified has 14 days to object to the proposed conditions or propose any other conditions for inclusion on the permit. The Panel is required to forward any objections to the participating regulator responsible for the relevant condition and the regulator may, within 14 days of receiving the objection, revise its advice to the Panel

The draft Bill provides that the Panel must give the proponent a statement of reasons for granting or refusing to grant a major project permit. The Panel must also provide this to any person on request. The Panel must also notify the relevant planning authority, each participating regulator, TasWater and (if applicable) the Wellington Park Management Trust of the final conditions, if any, placed on the permit.

If the Panel grants a major project permit, it must give notice of the grant of the permit in the Tasmanian Government Gazette and the Commission is required to place a copy of the permit on its website.

Stage 4: Satisfaction of in-principle conditions and permit commencement

In-principle permit commencement condition (60XY - 60XZ)

A permit may include an in-principle permit commencement condition (IPPCC). As explained above under Stage 2 (Preparation of Assessment Guidelines), this is a condition that can be placed on a permit requiring the proponent to provide further documentation for approval by the participating regulator that imposed the condition on the permit prior to the permit commencing. This is intended to enable regulators to defer the assessment of technical issues that they consider do not need to be resolved in order to recommend that a major project permit be granted. The inclusion of an IPPCC on a major project permit has the effect of making the permit an 'in-principle' approval as the permit cannot commence until the IPPCC has been satisfied. These provisions have been included in the draft Bill to avoid proponents investing time and money in preparing complex technical documentation not required for 'in-principle' approval until after that approval has been provided.

Where an IPPCC is placed on a permit, the proponent must provide the required documentation to the relevant participating regulator within the time period specified in the condition.

Approval of documentation provided under IPPCC (60Y, 60YJ & 60M)

Under the draft Bill, the relevant participating regulator has 28 days from receipt of a document provided under an IPPCC to determine whether to approve it and advise the Panel accordingly. Based on advice from the participating regulator, the Panel notifies the proponent whether the document has been approved and the reasons for the regulators decision. Where a document is not approved, the proponent may submit another document or a revised document to the participating regulator.

If the proponent fails to comply with an IPPCC within two years of the grant of the permit, the major project permit may be revoked.

Permit commencement (60XZ, 60YA & 60YD)

Where a major project permit does not contain an IPPCC, it takes effect on the day on which it was granted or such other day specified on the permit.

Where an IPPCC is included on the permit, the IPPCC takes effect on the day on which the permit was granted. The remainder of the permit takes effect on the day on which a permit commencement notice is published in the Tasmanian Government Gazette. The Panel can only issue a permit commencement notice where it has approved all of the documents required under the IPPCCs on the permit.

A major project permit does not take effect until all relevant fees have been paid.

Post-permit process

Permit compliance and enforcement (60YM)

Once the permit has taken effect, administration of the major project permit is transferred to the Commission, which is responsible for maintaining the permit. Responsibility for monitoring and enforcing planning related conditions on the permit transfers to the relevant planning authority. Responsibility for other conditions resides with the individual regulators that required those conditions on the permit.

Minor permit amendments (60YG - 60YH)

It is proposed to retain the existing provisions in LUPAA which enable the Commission or the Panel (where the permit has not taken effect) to make minor amendments to the major project permit. Minor amendments are limited to amendments that will not cause an increase in detriment to any person other than the proponent and do not change the use or development for which the permit was issued.

Significant permit amendments (60YK)

There is currently no provision in the PORS process that enables a proponent to make a significant amendment to a permit once issued. This means that a permit cannot be amended to accommodate a changed use or development that is more than a minor change to the use or development as defined in sections 60YG and 60YH. Such a change would require a new permit application, including a separate Ministerial declaration. This is an unnecessary step where the proposed change forms part of an existing project that is already the subject of a permit.

In order to address this gap, the draft Bill includes a process to enable a proponent to apply to the relevant decision-maker¹⁴ to amend a major project permit to authorise a use or development that is in addition to, in substitution for, or of a different scale or nature to, the use or development authorised by the permit. This is subject to the limitation that the amended project must be substantially the same as the original project to which the permit relates.

To ensure that this is the case, the process includes a step for the relevant decision-maker to consult with participating regulators to ensure that the proposed change is not a new project altogether.

Where the relevant decision-maker considers that the application represents a significant amendment to an existing permit, the application process recognises the existing Ministerial declaration and begins with the submission of a revised MPP to the Commission.

¹⁴ The Panel is the relevant decision-maker where the permit is yet to take effect. Where the permit has taken effect, the Commission is the relevant decision-maker.

This would be referred to relevant regulators and the assessment process would then follow the same process that applied to the original proposal, including preparation of Assessment Guidelines, provision of a MPIS, public exhibition and hearings.

At the conclusion of this process, should all relevant regulators approve the amendment, the Panel would issue an amended permit and follow the same notification requirements that apply to the original permit.

Correction and revocation of permit (60Y)

The draft Bill allows the Commission or the Panel (where the permit has not taken effect) to revoke the major project permit on application of the proponent or the owner of the land to which the permit relates. The Commission or the Panel may also revoke the permit where the proponent has failed to satisfy an IPPCC within two years of the permit being granted.

Fees

Fees under PORS

Under the current PORS process in LUPAA, the Assessment Panel's fee is determined based on a percentage of the estimated construction cost of a project and is payable within 30 days of declaration of the project. The relevant fee scale is set out in regulation 19 of the *Land Use Planning and Approvals Regulations 2009*. Following the completion of the assessment, the proponent can apply for a review of the fee charged against the costs incurred by the Panel. Where the proponent exercises this option, they are entitled to be reimbursed the difference where the fee charged exceeds the costs incurred.

The PORS process also enables the EPA Board to recover an assessment fee equivalent to the fee it would be entitled to had the proponent made an ordinary application under LUPAA.

Fees under the draft Bill (60L, 60W, 60YC)

Rather than charging the entire assessment fee for the Panel up-front, it is considered more appropriate to stage the recovery of the fee in line with the work undertaken. It is also considered more equitable to calculate the fee on a cost-recovery basis rather than linking it to the estimated construction costs of the project. In order to achieve this, the draft Bill provides for the making of regulations specifying the relevant fees and when they are due and payable. The method of calculating the relevant fees and the timing of their recovery will be determined in developing the regulations. Points in the process at which fees could potentially be recovered include:

- On declaration
- On finalising the Assessment Guidelines and/or the draft Assessment Report

- On the grant of a major project permit
- On commencement of the permit

The draft Bill clarifies that where the permit is granted and the EPA Board or Heritage Council is a participating regulator, the proponent is liable to pay the relevant fee that would have been payable had the proponent made an ordinary application under LUPAA or the fee that would apply under the Historic Cultural Heritage Act if the permit were issued under that Act.

Timeframes

Timeframes under the major projects process are intended to be as clear and predictable as possible to provide certainty to proponents while allowing sufficient flexibility for the Panel and participating regulators to conduct their assessments in accordance with their responsibilities under their relevant project-associated Acts.

Specific timeframes have been included for key assessment steps including:

- No reasonable prospect test: Advice from participating regulators to the Panel must be provided within 60 days of regulators receiving the proponent's Major Project Proposal.
- Preliminary advice from participating regulators: Must be provided to the Panel within 60 days or 90 days¹⁵ of receipt of the proponent's MPIS.
- Final advice from participating regulators: Must be provided to the Panel within 28 days of the end of the public exhibition period.
- Determination by the Panel of whether to grant a permit: The Panel must make a determination within 60 days of receiving final advice from participating regulators. Within this period, the Panel must provide the draft conditions (where the Panel intends to grant a permit) to the proponent and other parties at least 28 days prior to determining whether to grant a permit.¹⁶ This effectively means that Panel must make its decision within approximately 30 days of receiving final advice from regulators.
- Approval of information provided by the proponent under an in-principle permit commencement condition: Participating regulators must determine whether the information is sufficient within 28 days of receiving it from the proponent.

¹⁵ Where the project involves an activity that is classified as a level 2C activity under EMPCA.

¹⁶ Within the 28 day period, the proponent and other relevant parties may object to the draft conditions within 14 days of receiving them. The Panel then forwards any objections to relevant regulators who have 14 days to amend their final advice to the Panel should they so determine.

There is no specific timeframe for the conclusion of hearings following public exhibition as the duration of hearings will depend on the level of interest and complexity of issues raised in relation to the project and this may vary between projects.

The draft Bill allows the Panel to seek further information from the proponent, either of its own motion or at the request of a participating regulator, following receipt of the proponent's MPIS. Specific timeframes apply to requests for further information, although the Bill enables the Minister to extend the relevant time period on application by the Panel. This has been included to ensure that further information can be obtained where unforeseen issues or new circumstances arise following receipt of the proponent's MPIS. It is anticipated that these provisions would only be exercised in exceptional circumstances.

The Bill also includes timeframes for Ministerial declaration, determining the Assessment Guidelines and public exhibition.

Indicative assessment timeframe

Based on the maximum statutory timeframes under the draft Bill, the indicative assessment timeframe for a major project is between approximately 13 months for a project that does not involve a level 2C activity under EMPCA and approximately 14 months for a project that does.

This represents the period from submission of a request for declaration to the Minister to approval by the Panel of information required under an in-principle permit commencement condition. It excludes the time taken by the proponent to prepare its MPIS and any requests by the Panel for further information from the proponent. This is the maximum statutory timeframe and in practice may be shorter for some projects. The actual assessment phase¹⁷ is around one month shorter.

Comparison with existing PORS process

The equivalent indicative timeframe under the PORS process is approximately nine and a half months. While indicative timeframes are longer under the major projects process, the major projects process provides some significant benefits that are not available under the PORS process:

- The major projects process provides a staged assessment process including a 'no reasonable prospect' test within the first three months. This enables projects to be concurrently assessed for fatal flaws across the suite of legislation covered by the draft Bill and enables projects that are fatally flawed to be either redesigned or rejected at that point on the basis of preliminary documentation only (ie the proponent's Major Project Proposal) without the need for further documentation or assessment. This provides significant certainty and efficiency for both the proponent and regulators. There is no 'early no' under PORS and,

¹⁷ ie excluding the declaration phase.

unless the proponent withdraws from the process, the Panel cannot formally reject a project until it makes a final determination on whether to grant a permit. This does not occur until after a minimum nine and a half month assessment process, including preparation of a Project Impact Statement by the proponent and a public representation and hearing process.

- The major projects process provides a suite of approvals under planning, environmental, Aboriginal cultural heritage, historic cultural heritage, threatened species and nature conservation legislation through a single, coordinated assessment process resulting in a single combined permit. This provides significant certainty and efficiencies for the proponent. Under PORS, approvals are limited to planning and environmental approvals and the proponent would still be required to obtain separate approvals under Aboriginal cultural heritage, historic cultural heritage, threatened species and nature conservation legislation.

A detailed comparison of indicative timeframes under the draft Bill and under the current PORS process is at [Appendix 3](#).

Appendices

Appendix 1 - Development assessment pathways in Tasmania

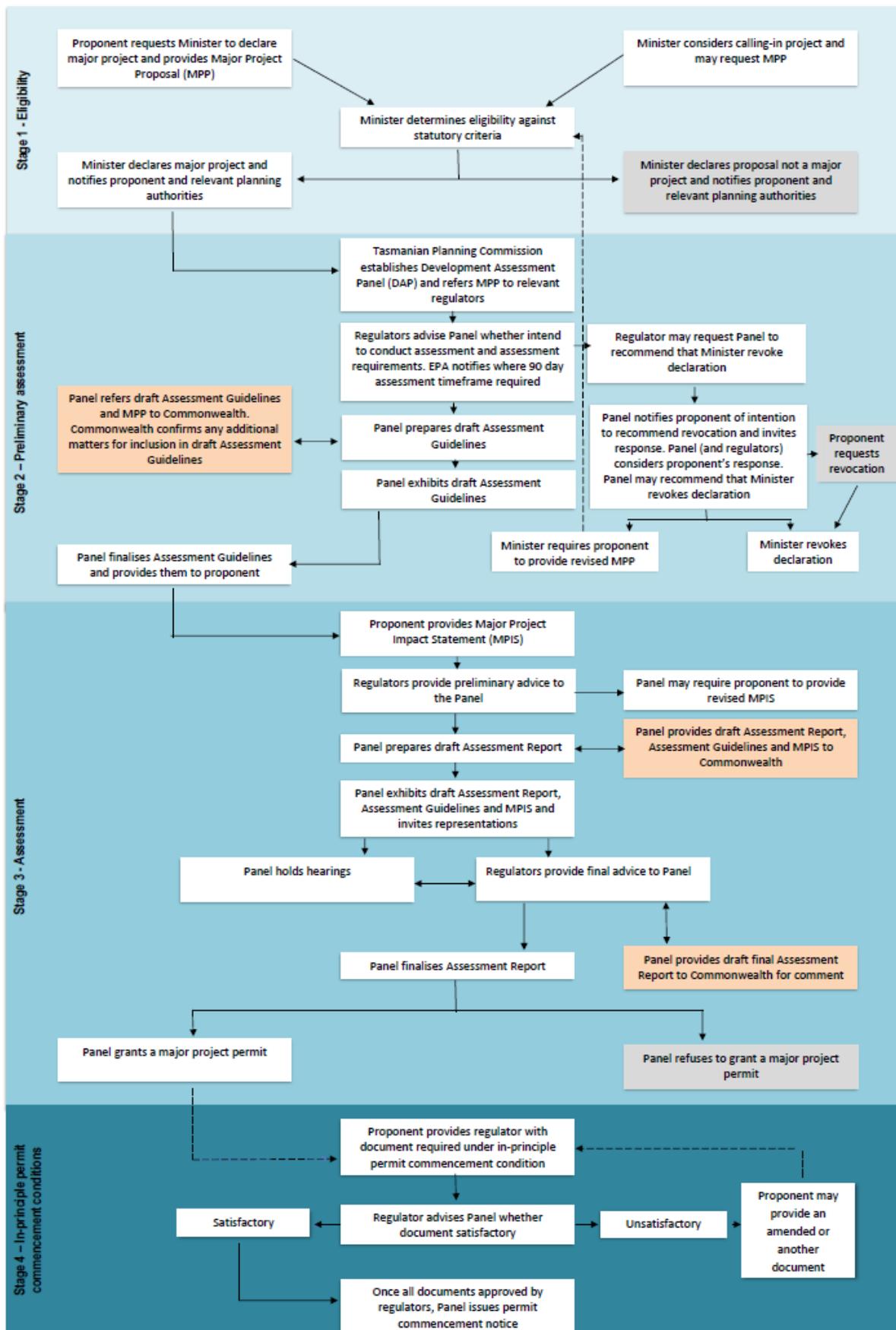
Appendix 2 - Flowchart of proposed major projects assessment process

Appendix 3 - Comparison of indicative timeframes: PORS and new Major Projects process

Appendix I – Development assessment pathways in Tasmania

Pathway	Scope	Decision maker	Approvals provided
Standard development application (DA) process	Residential, commercial and industrial development proposals affecting a single municipal area	Assessed under the <i>Land Use Planning and Approvals Act 1993</i> (LUPAA) against the planning scheme by the relevant planning authority.	<ul style="list-style-type: none"> - Land use planning - Environment and heritage (local and State)
Combined development application and planning scheme amendment process	As for standard DA but caters for where the proposed development is prohibited under the relevant planning scheme and an amendment consistent with the relevant Regional Land Use Strategy can be made to the scheme to allow the development.	Assessed under LUPAA by the relevant planning authority as if the planning scheme has been amended with the draft amendment assessed by the Tasmanian Planning Commission (TPC).	<ul style="list-style-type: none"> - As above
Projects of Regional Significance (PORS) process	Development proposals with broader regional impacts for one or more planning authorities.	Declared by the Minister for Planning and Local Government and assessed by an independent panel in accordance with the PORS process prescribed in LUPAA.	<ul style="list-style-type: none"> - Land use planning - State and Commonwealth environment
Major Infrastructure Development Approval (MIDA) process	Major linear infrastructure proposals comprising a road, railway, pipeline, power-line, telecommunications cable or other prescribed linear infrastructure.	Declared by the Minister for Planning and Local Government and assessed by the relevant planning authority, a combined planning authority or the TPC in accordance with the <i>Major Infrastructure Development Approvals Act 1999</i> .	<ul style="list-style-type: none"> - Land use planning
Projects of State Significance (POSS) process	Projects involving at least two of either: <ul style="list-style-type: none"> - Significant capital investment, economic contribution to the State, environmental impacts or infrastructure requirements - Complex technical design. 	Declared by the Governor, assessed by the TPC and approved by the Premier or the Tasmanian Parliament in accordance with the <i>State Policies and Projects Act 1993</i> .	<ul style="list-style-type: none"> - All State land use and development permits (including State & Commonwealth environment)

Appendix 2 – Flowchart of major projects assessment process



Appendix 3 – Comparison of indicative timeframes

Step	Description	Current PORS process Planning & environmental approvals	Running total (based on maximum statutory timeframe)	New Major Projects process Planning, environmental, Aboriginal & historic cultural heritage, nature conservation & threatened species approvals	Running total (based on maximum statutory timeframe)
1.	Declaration	Within 14 days of receiving a request to declare the project or within 14 days of receiving further information requested under s60F(6) (60G(2))	14 days	Within 14 days of receiving a request to declare the project or within 14 days of receiving further information requested under s60D(6) (60F(2))	14 days
2.	Referral of project to regulators	Within 7 days of declaration 60K(1)	21 days	<ul style="list-style-type: none"> - Minister must notify the Commission within 7 days of making declaration (60J(1)(d)) - Commission must refer project to regulators within 7 days of being notified by Commission (60R) 	28 days
3.	Determination of whether an assessment is required	Within 14 days of referral under step 2 (60K(3))	35 days	Within 14 days of referral under step 2 (60T)	42 days
4.	Notification of 'no reasonable prospect'	N/A	N/A	Within 60 days of referral under step 2 (60U(1))	88 days
5.	Notification by EPA of class of assessment	Within 21 days of referral of the project to the EPA Director under step 2 (60L(4))	42 days	Within 30 days of referral under step 2 (60U(3))	88 days
6.	Determination of Assessment Guidelines	<p>Within:</p> <ul style="list-style-type: none"> - 35 days of declaration; - 5 days after the EPA Board provides to the Panel the guidance required to be provided to the proponent under 74(4) of EMPCA; or - the end of a period approved by the Minister whichever is later (60N(2)) <p>The Panel must give a copy of the guidelines to the proponent within 7 days of determining them (60O(1))</p>	105 days*	Regulators must notify the Panel of the matters that they require to be included in the draft assessment guidelines within 60 days of referral under step 2 (60V(1))	88 days
				Panel must publicly exhibit draft guidelines for a period of 14 days (60XB(5))	102 days
				Panel must determine assessment guidelines within 28 days of the end of public exhibition period or the end of a period approved by the Minister (60XD(5))	130 days
				Panel must provide Assessment Guidelines to proponent as soon as practicable but within 7 days of determination under 60XD(5) (60XF(1))	137 days

Step	Description	Current PORS process Planning & environmental approvals	Running total (based on maximum statutory timeframe)	New Major Projects process Planning, environmental, Aboriginal & historic cultural heritage, nature conservation & threatened species approvals	Running total (based on maximum statutory timeframe)
7.	Lodgement of Major Project Impact Statement (MPIS)	Within the timeframe specified by the Panel (60O(1)(b))	N/A	Within 12 months of receiving Assessment Guidelines under Step 6 or such other period agreed by the Panel (60XF(2))	N/A
8.	Determination of whether MPIS suitable for public exhibition	N/A	N/A	<ul style="list-style-type: none"> - Regulators must notify Panel whether MPIS complies with Assessment Guidelines within 14 days of receiving MPIS (60XH(1)) - Panel must determine whether MPIS suitable for public exhibition. This must be after either receiving notification from all regulators under 60XH or after the last day on which a regulator can provide advice under 60XH (60XI(1) & (2)) 	151 days
9.	Preliminary advice from regulators	N/A	N/A	Regulators must provide their preliminary advice to the Panel for inclusion in draft assessment report within 60 or 90 days (EMPCA level 2C project), not including the period taken to obtain any further information from the proponent under 60XH(2) (60XK(1) & (3))	211 days <u>OR</u> 241 days (EMPCA L2C)
10	Preparation of draft assessment report	N/A	N/A	Panel must prepare draft report within 14 days of receiving the information from regulators (60XL(1))	225 days <u>OR</u> 255 days (EMPCA L2C)
11	Notification and public exhibition of project	<p>Panel must give notice of public exhibition of project as soon as practical but within 14 days of receiving impact statement from the proponent (60Q)</p> <p>Representations may be made during the period of:</p> <ul style="list-style-type: none"> - 28 days (Class 2B); or - 42 days (Class 2C) beginning on the date of notification of public 	161 days	<p>Panel must give notice of public exhibition of project within 14 days of preparing the draft assessment report (60XM(2))</p> <p>Representations may be made during the period of 42 days beginning on the date of notification of the project or such longer period determined by the Panel (60XM(3))</p>	239 days <u>OR</u> 269 days (EMPCA L2C) <u>OR</u> 281 days <u>OR</u> 311 days

Step	Description	Current PORS process Planning & environmental approvals	Running total (based on maximum statutory timeframe)	New Major Projects process Planning, environmental, Aboriginal & historic cultural heritage, nature conservation & threatened species approvals	Running total (based on maximum statutory timeframe)
		exhibition (60Q)			(EMPCA L2C)
12	Hearings	The Panel must hold hearings as soon as practicable after the public exhibition period ends (60R(4))	Unspecified	The Panel must hold hearings as soon as practicable after the public exhibition period ends (60XP(1))	Not specified
13	Assessment	<p>The EPA Board must conduct its assessment as soon as practicable after notifying that an assessment is required under step 2 (60L(1))</p> <p>The assessment is carried out under Division 1A of part 3 of EMPCA as modified by 60L(3) of LUPAA and must be completed within</p> <ul style="list-style-type: none"> - 35 days (Class 2A) - 56 days (Class 2B) - 91 days (Class 2C) <p>of receipt by the EPA of any representations referred to the Board (60L(2))</p>	252 days	Regulators must provide the Panel with their final advice within 28 days after the public exhibition period ends (60XR(1)).	<p>309 days</p> <p><u>OR</u></p> <p>339 days (EMPCA L2C)</p>
14	Grant of permit	<p>The Panel must determine whether to issue a permit:</p> <ul style="list-style-type: none"> - As soon as practicable following the conclusion of hearings under step 8 but no later than one month after receiving assessment advice from the EPA Board or such longer period specified by the Minister; or - Where the EPA Board has advised that it does 	282 days [^]	<p>Panel must decide whether to grant the major project permit within 60 days of the end of the public exhibition period under step 11, or such other period as the Minister may allow (60XU(1), 60XV(1)), and notify the proponent (60YB(3))</p> <p>This period includes a requirement to notify the proponent and other relevant entities of the draft conditions proposed to be placed on the permit (where it is proposed to grant a permit) at least 28 days prior to deciding to grant the permit. During this period the proponent and</p>	<p>369 days</p> <p><u>OR</u></p> <p>399 days (EMPCA L2C)</p>

Step	Description	Current PORS process Planning & environmental approvals	Running total (based on maximum statutory timeframe)	New Major Projects process Planning, environmental, Aboriginal & historic cultural heritage, nature conservation & threatened species approvals	Running total (based on maximum statutory timeframe)
		not intend to conduct an assessment, within four months of receiving the impact statement under step 6 or such period specified by the Minister (60S)		other entities have 14 days to object to the draft conditions, with any objections referred to relevant participating regulators, which have 14 days to review their final advice under 60XR and notify the Panel	
15	Satisfaction of In-principle Permit Commencement Conditions	N/A	N/A	A permit may include a condition that, within a period specified in the condition after the issue of the permit, the regulator must have approved one or more documents provided by the proponent (60XY(1)) The regulator must advise the Panel whether the document is satisfactory within 28 days of receiving it (60Y(2)) After receiving a regulator’s advice, the Panel must advise the proponent whether it approves or refuses to approve the document (60Y(3))	399 days <u>OR</u> 427 days (EMPCA L2C)
16	Permit commencement notice	N/A	N/A	Where the Panel has approved all of the documents under 60YA(2), it may issue and publish in the Gazette a permit commencement notice.	Not specified

Explanation & assumptions

General

- Timeframes are based on the maximum statutory timeframe allocated. Actual timeframes may be shorter, particularly for administrative steps.
- Timeframes for the preparation of the Project Impact Statement/Major Project Impact Statement have not been included in the running totals at step 6 as this is the responsibility of the proponent and will vary with the complexity of the project and the capacity and decisions of the proponent.
- Both the proposed major projects process and the PORS process include provisions that enable the Panel, including at the request of regulators, to require further information from the proponent at various points in the assessment process. The timeframes in the table do not include allowance for further information requests as these may vary considerably between projects and proponents.

Major projects

- Classification as a class 2C activity triggers a 90 day assessment period for the EPA Board. A shorter (60 day) timeframe applies to other participating regulators and to the EPA Board where the project is classified as a class 2A or 2B activity.
- Timeframes for the preparation of documents required under an in-principle permit commencement condition (refer step 15) have not been included. These timeframes will be specified by regulators and included on the permit and may vary depending on the nature of the documentation required.

PORS

- *Section 60N(2)(b) of LUPAA does not contain a time period for the EPA Board to develop the Assessment Guidelines. As a matter of practice the EPA generally requires up to 63 days to develop the relevant guidance. Accordingly, the 63 day period (and the further 7 day statutory period to provide the guidelines to the proponent) has been used to calculate the running total at step 6.
- ^The running total at step 14 has been calculated based on a 30 day period for the Panel to make its determination following receipt of the EPA Board’s assessment advice under step 13.

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