

TASMANIA

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**MAJOR INFRASTRUCTURE DEVELOPMENT  
APPROVALS REGULATIONS 2021  
STATUTORY RULES 2021, No. 55**

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**MAJOR INFRASTRUCTURE DEVELOPMENT  
APPROVALS REGULATIONS 2021**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Major Infrastructure Development Approvals Act 1999*.

Dated 12 July 2021.

B. BAKER  
Governor

By Her Excellency's Command,

R. C. JAENSCH  
Minister for Local Government and Planning

**1. Short title**

These regulations may be cited as the *Major Infrastructure Development Approvals Regulations 2021*.

**2. Commencement**

These regulations take effect on the day on which their making is notified in the *Gazette*.

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### **3. Interpretation**

In these regulations –

*Act* means the *Major Infrastructure Development Approvals Act 1999*.

### **4. Information to be contained in report to Minister from proponent of project**

- (1) For the purposes of section 8(1)(b) of the Act, the following information is prescribed as the information that is to be contained in a report to the Minister from the proponent of a project:
  - (a) an executive summary of the project;
  - (b) an outline of the project as specified in subregulation (2);
  - (c) a proposed timetable for the project as specified in subregulation (4);
  - (d) an assessment of the public benefits of the project including –
    - (i) the details of the matters to be considered in determining whether or not it is in the public interest for the project to be declared a major infrastructure project in accordance with the Act; and
    - (ii) the details of potential social, economic and environmental impacts associated with the

project that the proponent considers relevant to the determination;

- (e) details of the consultation that has been undertaken with stakeholders and the outcome of that consultation;
  - (f) if consultation under paragraph (e) has taken place and further consultation is planned, an outline of such consultation with respect to relevant matters specified in subregulation (4)(a), (b), (c), (d), (e), (f) and (g).
- (2) For the purposes of subregulation (1)(b), an outline of a project is to include, where appropriate, the following information:
- (a) background of the proponent of the project including details of experience and financial capacity to undertake the project and details as to where the proponent may be contacted;
  - (b) the purpose of the project;
  - (c) a description of the proposed project including a description of –
    - (i) each use or development comprised in the project; and
    - (ii) all proposed major buildings, structures, equipment, infrastructure and ancillary

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- facilities comprised in the project; and
- (iii) the proposed ongoing operations associated with the project;
- (d) the level of investment that will be required to establish the project;
- (e) details of –
  - (i) legislation of this State, and of the Commonwealth, that is relevant to the project; and
  - (ii) State policy, within the meaning of the *State Policies and Projects Act 1993*, relevant to the project;
- (f) details of the proposed geographical location of the project, including –
  - (i) details of the municipal areas and municipal boundaries relevant to the project; and
  - (ii) an outline of constraints analysis and alternative route investigations undertaken, if any, by the proponent;
- (g) a statement as to whether a corridor is required and the proposed width of the corridor;
- (h) a statement as to whether the proponent of the project wishes the Crown to acquire and sell to the proponent land for

- the purposes of the project and, if so, details, to the extent known, of the land likely to be required;
- (i) details of land or easements, including construction and corridor access easements, that must be acquired in order for the project to proceed;
  - (j) a general description of the physical environment that may potentially be affected by the project including landforms, waterways, land uses, existing infrastructure, flora, fauna and heritage values;
  - (k) a general description of the social and economic environment that may potentially be affected by the project.
- (3) For the purposes of subregulation (1)(b), the outline of the project is to be supported, where appropriate and relevant, with maps, schematic diagrams, aerial photographs and computer-aided representations.
- (4) For the purposes of subregulation (1)(c), the proposed timetable for the project is to include details of the timing of –
- (a) project planning and data collection relating to environmental issues and any other issues; and
  - (b) community consultation over the whole course of the project; and

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- (c) surveys required to define the corridor;  
and
- (d) land acquisition required for the project;  
and
- (e) discrete stages in the development of the  
project, if relevant; and
- (f) construction and post-construction  
rehabilitation; and
- (g) completion of the project.

**5. Information to be contained in notice of making  
application for permit**

For the purposes of section 11(3) of the Act, the following information is prescribed as information to be contained in a notice of the making of an application for a permit in connection with the major infrastructure project:

- (a) a statement that the notice is served  
under section 11(2)(b) of the Act;
- (b) a statement by the applicant for the  
permit –
  - (i) that a permit application will be  
lodged; and
  - (ii) specifying the place where that  
permit application is intended to  
be lodged; and

- (iii) specifying the day on which that permit application is intended to be lodged;
- (c) a statement describing the nature of the use or development in respect of which the permit application will be made;
- (d) details of where and how the applicant for the permit may be contacted;
- (e) a statement of the rights of representation and appeal under the *Land Use Planning and Approvals Act 1993* and, if appropriate, the *Environmental Management and Pollution Control Act 1994* of an owner of land affected by the permit application;
- (f) an outline of the approvals process, and its proposed timing, under this Act, the *Land Use Planning and Approvals Act 1993* and, if appropriate, the *Environmental Management and Pollution Control Act 1994*;
- (g) an outline of the right of an owner of land affected by the permit application to compensation, including injurious affection, under the Act.

## **6. Advertisement of exhibition of draft criteria**

- (1) For the purposes of section 12(3)(b) of the Act, exhibition of draft criteria against which a use, or development, comprised in the major

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infrastructure project is to be assessed, is advertised as prescribed if it is advertised in a daily newspaper circulating generally in the region relevant to the project to which the draft criteria relate.

- (2) An advertisement under subregulation (1) is to –
- (a) contain a statement that the advertisement means that the draft criteria have been advertised in accordance with section 12(3)(b) of the Act; and
  - (b) outline the reason for the advertisement; and
  - (c) contain a brief description of the project; and
  - (d) contain a statement indicating where and how copies of the draft criteria can be viewed or obtained; and
  - (e) contain a statement –
    - (i) advising that representations may be made up to the end of such period, being not less than 14 days after the date the advertisement is published, as specified in the notice; and
    - (ii) specifying the details as to how and where such representations can be lodged; and

- (f) specify how further information in relation to the project may be obtained.

**7. Advertisement of availability of finalised criteria for inspection**

- (1) For the purposes of section 12(7) of the Act, the availability of finalised criteria for inspection is advertised as prescribed if it is advertised in a daily newspaper circulating generally in the region relevant to the project to which the finalised criteria relate.
- (2) An advertisement under subregulation (1) is to contain a statement –
  - (a) that the advertisement means that the finalised criteria have been advertised in accordance with section 12(7) of the Act; and
  - (b) to the effect that the criteria have been finalised; and
  - (c) advising the location and means by which copies of the criteria can be viewed or obtained.

**8. Information to be contained in notice to owner of land of proposed corridor**

For the purposes of section 14(6)(b) of the Act, the following information is prescribed as the information to be contained in the notice to an owner of land within a proposed corridor:

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- (a) the purpose of the notice and the section of the Act under which the notice is given;
- (b) the implications of the notice generally on use of the land within the proposed corridor;
- (c) an outline of the project;
- (d) the name and contact details of the proponent of the project to which the proposed corridor relates;
- (e) a description of the land to be affected by the proposed corridor;
- (f) the provisions of section 14 of the Act;
- (g) the part of the plan of the proposed corridor lodged with the Minister under section 14(1) of the Act that relates to the owner's land;
- (h) an indication of the approval process, including the proposed timing of this process, under this Act, the *Land Use Planning and Approvals Act 1993* and, if appropriate, the *Environmental Management and Pollution Control Act 1994* from the date of the notice;
- (i) a statement that, if a permit is granted, the Crown may seek to purchase, or acquire, an easement over the land affected by the proposed corridor;

- (j) an outline of the right of an owner of land within the proposed corridor to compensation, including injurious affection, under the Act;
- (k) a statement of the owner's rights of representation and appeal under the *Land Use Planning and Approvals Act 1993* and, if appropriate, the *Environmental Management and Pollution Control Act 1994*.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 21 July 2021.

These regulations are administered in the Department of Justice.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations prescribe, for the purposes of the *Major Infrastructure Development Approvals Act 1999* –

- (a) the information to be contained in –
  - (i) a report to the Minister from a proponent of a project; and
  - (ii) a notice for an application for a permit in connection with a project; and
  - (iii) a notice to owners of land within the proposed corridor of a project; and
- (b) the method of advertisement for –
  - (i) the exhibition of draft criteria and the content of that advertisement; and

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- (ii) the availability of the finalised criteria for inspection and the content of that advertisement.