

TASMANIA

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**MACQUARIE POINT PLANNING PERMIT BILL  
2025**

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# **MACQUARIE POINT PLANNING PERMIT BILL 2025**

*(Brought in by the Minister for Business, Industry and  
Resources, the Honourable Eric Abetz)*

## **A BILL FOR**

**An Act to give effect to a permit for a stadium at Macquarie Point, Hobart, to make provision for further permits to be issued in respect of access roads to the stadium and related developments, to acquire land for such an access road and for related purposes**

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:

## **PART 1 – PRELIMINARY**

### **1. Short title**

This Act may be cited as the *Macquarie Point Planning Permit Act 2025*.

### **2. Commencement**

The provisions of this Act commence on a day or days to be proclaimed.

### **3. Interpretation**

(1) In this Act –

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***access network*** means roads, or other areas, that –

- (a) are intended to be used for vehicle or pedestrian access to, or parking in respect of, the multipurpose stadium; and
- (b) are intended to provide access to other facilities, adjacent to the multipurpose stadium, as a result of the proposed development; and
- (c) include the roads declared to be subsidiary roads by virtue of section 21;

***Commission*** means the Tasmanian Planning Commission established under section 4 of the *Tasmanian Planning Commission Act 1997*;

***draft project permit*** means the draft permit, and its terms and conditions, as specified in the information tabled by the Minister in connection with this Act, a copy of which is set out in Schedule 1;

***multipurpose stadium*** means the multipurpose stadium referred to in the draft project permit;

***planning scheme*** has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

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***project land*** means the land at Macquarie Point, Hobart, comprised in the following certificates of title, as specified in the Register on the day on which this definition commences:

- (a) Volume 13583, Folio 1;
- (b) Volume 20452, Folio 2;
- (c) Volume 45404, Folio 1;
- (d) Volume 129483, Folio 6;
- (e) Volume 179192, Folio 2;
- (f) Volume 179192, Folio 3;
- (g) Volume 179192, Folio 4;
- (h) Volume 210801, Folio 1;

***project permit*** means the permit taken to be issued under section 8(1)(a) as amended, from time to time, in accordance with this Act;

***proponent***, in relation to a permit issued under this Act, means the person specified in the permit as the holder of the permit;

***proposed development*** – see section 4;

***Recorder of Titles*** means the Recorder within the meaning of the *Land Titles Act 1980*;

***Register*** has the same meaning as in the *Land Titles Act 1980*;

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***relevant advisory body*** – see section 5;

***relevant permit*** includes –

- (a) the project permit; and
- (b) a permit issued under section 11 in respect of the access network; and
- (c) a subsequent project permit;

***special planning order*** has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

***subsequent project permit*** means a permit issued by the Minister under section 9;

***use or development*** means a use or development within the meaning of the *Land Use Planning and Approvals Act 1993*.

- (2) In this Act, a reference to a certificate of title by number means a reference to a certificate of title of that number in the Register.

#### **4. Meaning of *proposed development***

For the purposes of this Act, the proposed development includes each of the following uses and developments:

- (a) the project, as specified in the draft project permit, including but not limited to –



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- (i) the multipurpose stadium; and
  - (ii) the relocation of the Hobart Railway Goods Shed; and
  - (iii) the concourse and plaza surrounding the stadium; and
  - (iv) the facilities on the project land that are intended for practices or demonstrations; and
  - (v) the parking facilities on the project land;
- (b) the access network;
  - (c) any other use or development referred to in the draft project permit;
  - (d) any other use or development, or project, that is prescribed as part of the proposed development under this Act.

**5. Meaning of *relevant advisory body***

(1) In this section –

***relevant entity*** means the following entities and persons:

- (a) the Aboriginal Heritage Council established by the *Aboriginal Heritage Act 1975*;

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- (b) the Director, within the meaning of the *Aboriginal Heritage Act 1975*;
  - (c) the EPA Board, within the meaning of the *Environmental Management and Pollution Control Act 1994*;
  - (d) a licensee, within the meaning of the *Gas Industry Act 2019*;
  - (e) the Heritage Council, within the meaning of the *Historic Cultural Heritage Act 1995*;
  - (f) a regulated entity, within the meaning of the *Water and Sewerage Industry Act 2008*;
  - (g) any person or entity who is required, under the draft project permit, to issue a permit or other authorisation in respect of the proposed development.
- (2) For the purposes of this Act, a relevant entity is a relevant advisory body in respect of all, or any part, of a relevant permit if –
- (a) the permit includes, or relates to, a matter –
    - (i) that is regulated, monitored or reviewed by the relevant entity under another Act; or

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- (ii) that may be the subject of advice, or recommendations, from the relevant entity to a Minister under another Act; or
  - (b) the relevant entity would be –
    - (i) required to provide advice, or make a representation, under the *Land Use Planning and Approvals Act 1993* before a permit could be issued under that Act in respect of the proposed development; or
    - (ii) provided with a copy of an application for a permit, under the *Land Use Planning and Approvals Act 1993*, if an application for a permit made under that Act in respect of the proposed development; or
    - (iii) required, under the *Land Use Planning and Approvals Act 1993*, to issue a permit, approval or other authorisation before a permit could be issued under that Act in respect of the proposed development.

**6. Act binds Crown**

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

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**7. Inconsistency**

The provisions of this Act prevail over, and to the extent of any inconsistency with, the provisions of –

- (a) any other Act including, but not limited to –
  - (i) the *Conveyancing and Law of Property Act 1884*; and
  - (ii) the *Land Acquisition Act 1993*; and
  - (iii) the *Land Titles Act 1980*; and
  - (iv) the *Land Use Planning and Approvals Act 1993*; and
  - (v) the *Local Government (Building and Miscellaneous Provisions) Act 1993*; and
  - (vi) the *Macquarie Point Development Corporation Act 2012*; and
  - (vii) the *Rail Infrastructure Act 2007*; and
- (b) any planning scheme, special planning order or other instrument under the *Land Use Planning and Approvals Act 1993*; and
- (c) any other order or instrument.

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**PART 2 – PERMITS FOR PROPOSED DEVELOPMENT**

***Division 1 – Permits***

**8. Permit taken to be issued, etc.**

- (1) On the day on which this section commences –
- (a) a permit is taken to be issued on the same terms and conditions as the draft project permit; and
  - (b) notwithstanding any other Act, planning scheme, special planning order or any other instrument, the proposed development may proceed in accordance with, and subject to, the project permit.
- (2) On and from the day on which this section commences –
- (a) a permit, licence or other approval is taken to have been issued under each of the following Acts if the requirement for such a permit, licence or approval has been identified in the terms and conditions of the project permit:
    - (i) the *Aboriginal Heritage Act 1975*;
    - (ii) the *Environmental Management and Pollution Control Act 1994*;
    - (iii) the *Historic Cultural Heritage Act 1995*;

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- (iv) the *Land Use Planning and Approvals Act 1993*; and
- (b) a requirement is taken to exist under an Act referred to in paragraph (a), including but not limited to a requirement for an assessment, survey or review to be undertaken, if the requirement has been identified in the terms and conditions of the project permit; and
- (c) compliance in respect of a permit, licence or approval taken to have been issued under paragraph (a), or a requirement that is taken to exist under paragraph (b), in respect of another Act is to be enforced – in accordance with the project permit, this Act and the other Act by –
  - (i) the person specified in the project permit as the person responsible for the enforcement of –
    - (A) such a permit, licence or approval; or
    - (B) compliance with the requirement; or
  - (ii) if no such person is so specified, the person with the functions and powers under the other Act to enforce –
    - (A) such a permit, licence or approval; or

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(B) compliance with the requirement.

(3) Unless otherwise specified in this Act, the project permit is not a permit within the meaning of the *Land Use Planning and Approvals Act 1993*.

(4) For the purposes of this Act and any other Act, the project permit is taken not to include –

(a) any reference to a part of the proposed development; or

(b) any use or development –

to the extent that the part of the proposed development, or the use or development, is not capable of being carried out in accordance with, and subject to, the terms and conditions of the project permit.

(5) The project permit is taken to lapse if the proposed development is not substantially commenced, within the meaning of the *Land Use Planning and Approvals Act 1993*, before the fourth anniversary of the day on which this section commenced.

**9. Minister may issue subsequent project permits**

(1) In addition to the project permit, the Minister may issue one or more permits under this section in respect of the proposed development.

(2) Before the Minister issues a permit under subsection (1), the Minister –

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- (a) must consult with the following persons in respect of a draft of the permit, and its terms and conditions:
    - (i) the Premier;
    - (ii) the Hobart City Council in its capacity as a planning authority, within the meaning of the *Land Use Planning and Approvals Act 1993*;
    - (iii) each relevant advisory body that the Minister or Premier considers may have an interest, or regulatory role, in respect of the permit; and
  - (b) may consult with any other person, including a State Service Agency, that the Minister considers appropriate; and
  - (c) must take into consideration any representations made to the Minister as a result of consultation under paragraph (a) or (b).
- (3) If the Minister issues a permit under subsection (1), notwithstanding any other Act, planning scheme, special planning order or any other instrument, a person may act in accordance with, and subject to, the permit.
- (4) On and from the day on which a subsequent project permit issued under subsection (1) takes effect –



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- (a) a permit, licence or other approval is taken to have been issued under each of the following Acts if the requirement for such a permit, licence or approval has been identified in the terms and conditions of the subsequent project permit:
- (i) the *Aboriginal Heritage Act 1975*;
  - (ii) the *Environmental Management and Pollution Control Act 1994*;
  - (iii) the *Historic Cultural Heritage Act 1995*;
  - (iv) the *Land Use Planning and Approvals Act 1993*; and
- (b) a requirement is taken to exist under an Act referred to in paragraph (a), including but not limited to a requirement for an assessment, survey or review to be undertaken, if the requirement has been identified in the terms and conditions of the subsequent project permit; and
- (c) compliance in respect of a permit, licence or approval taken to have been issued under paragraph (a), or a requirement that is taken to exist under paragraph (b), in respect of another Act is to be enforced in accordance with the subsequent project permit, this Act and the other Act by –

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- (i) the person specified in the subsequent project permit as the person responsible for the enforcement of –
    - (A) such a permit, licence or approval; or
    - (B) compliance with the requirement; or
  - (ii) if no such person is so specified, the person with the functions and powers under the other Act to enforce –
    - (A) such a permit, licence or approval; or
    - (B) compliance with the requirement.
- (5) Unless otherwise specified in this Act, a subsequent project permit is not a permit within the meaning of the *Land Use Planning and Approvals Act 1993*.
- (6) For the purposes of this Act and any other Act, a subsequent project permit is taken not to include –
  - (a) any reference to a part of the proposed development; or
  - (b) any use or development –

to the extent that the part of the proposed development, or the use or development, is not

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capable of being carried out in accordance with, and subject to, the terms and conditions of the subsequent project permit.

- (7) A subsequent project permit –
  - (a) takes effect on the day on which it is issued by the Minister under subsection (1) or such later day as is specified in the permit; and
  - (b) remains in effect for the period specified in the permit, being a period that does not exceed 8 years, unless sooner disallowed under section 10 or revoked by the Minister.
- (8) The regulations may prescribe matters that are to be taken into account, or approvals that are required, before a subsequent project permit is issued under this section.

**10. Subsequent project permits subject to disallowance**

- (1) Within 10 sitting-days after the Minister issues a subsequent project permit under section 9, the Minister must cause a copy of the subsequent project permit to be laid before each House of Parliament.
- (2) A subsequent project permit issued under section 9 that is not tabled as required under subsection (1) is void.
- (3) If either House of Parliament passes a resolution, of which notice has been given within the first 5

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sitting-days of such House after a subsequent project permit is laid before it, that the permit be disallowed –

- (a) the subsequent project permit is void; and
  - (b) the disallowance of the subsequent project permit does not affect the validity of anything done under the permit before the disallowance.
- (4) If a resolution is passed in either House of Parliament that a subsequent project permit is disallowed, the Clerk of that House –
  - (a) is to publish in the *Gazette* notice of the passing of the resolution; and
  - (b) is to notify the Minister of the passing of the resolution.
- (5) As soon as practicable after being notified under subsection (4)(b) of the disallowance of a subsequent project permit, the Minister is to notify –
  - (a) the proponent for the subsequent project permit; and
  - (b) the proponent for the project permit, if not the same as the proponent for the subsequent project permit.

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**11. Minister may issue permits in respect of access network**

- (1) In addition to the project permit, the Minister may issue one or more permits under this section in respect of the access network.
- (2) A permit issued under subsection (1) may not relate to any proposed development other than the access network.
- (3) Before the Minister issues a permit under subsection (1), the Minister –
  - (a) must consult with the following persons in respect of a draft of the permit, and its terms and conditions:
    - (i) the Premier;
    - (ii) the Hobart City Council in its capacity as a planning authority, within the meaning of the *Land Use Planning and Approvals Act 1993*;
    - (iii) each relevant advisory body that the Minister or Premier considers may have an interest, or regulatory role, in respect of the permit; and
  - (b) may consult with any other person, including a State Service Agency, that the Minister considers appropriate; and

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- (c) must take into consideration any representations made to the Minister as a result of consultation under paragraph (a) or (b).
- (4) If the Minister issues a permit under subsection (1), notwithstanding any other Act, planning scheme, special planning order or any other instrument, a person may act in accordance with, and subject to, the permit.
- (5) On and from the day on which a permit issued under subsection (1) takes effect –
  - (a) a permit, licence or other approval is taken to have been issued under each of the following Acts if the requirement for such a permit, licence or approval has been identified in the terms and conditions of the permit issued under subsection (1):
    - (i) the *Aboriginal Heritage Act 1975*;
    - (ii) the *Environmental Management and Pollution Control Act 1994*;
    - (iii) the *Historic Cultural Heritage Act 1995*;
    - (iv) the *Land Use Planning and Approvals Act 1993*; and
  - (b) a requirement is taken to exist under an Act referred to in paragraph (a), including but not limited to a

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requirement for an assessment, survey or review to be undertaken, if the requirement has been identified in the terms and conditions of the permit; and

- (c) compliance in respect of a permit, licence or approval taken to have been issued under paragraph (a), or a requirement that is taken to exist under paragraph (b), in respect of another Act is to be enforced in accordance with the permit, this Act and the other Act by –

- (i) the person specified in the permit issued under subsection (1) as the person responsible for the enforcement of –

(A) such a permit, licence or approval; or

(B) compliance with the requirement; or

- (ii) if no such person is so specified, the person with the functions and powers under the other Act to enforce –

(A) such a permit, licence or approval; or

(B) compliance with the requirement.

- (6) Unless otherwise specified in this Act, a permit issued under subsection (1) is not a permit within

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the meaning of the *Land Use Planning and Approvals Act 1993*.

- (7) For the purposes of this Act and any other Act, a permit issued under subsection (1) is taken not to include any part of the access network, to the extent that that part of the access network is not capable of being carried out in accordance with, and subject to, the terms and conditions of the permit.
- (8) A permit issued under subsection (1) –
  - (a) takes effect on the day on which it is issued by the Minister or such later day as is specified in the permit; and
  - (b) remains in effect for the period specified in the permit, being a period that does not exceed 8 years, unless sooner revoked by the Minister.
- (9) The regulations may prescribe matters that are to be taken into account, or approvals that are required, before a permit is issued under subsection (1).
- (10) If the Minister issues a permit under subsection (1) –
  - (a) the Minister is to cause a copy of the permit to be laid before each House of Parliament; and
  - (b) a failure to comply with paragraph (a) does not render the permit void; and



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- (c) the permit is not subject to disallowance.

**12. Amendment of relevant permits**

- (1) The Minister may, by order, amend a relevant permit in relation to a use or development for which the permit was issued including, but not limited to, an amendment relating to a term or condition of the permit.
- (2) Before making an order under subsection (1) to amend a relevant permit, the Minister –
  - (a) must consult with –
    - (i) the Premier; and
    - (ii) the Hobart City Council in its capacity as a planning authority, within the meaning of the *Land Use Planning and Approvals Act 1993*; and
    - (iii) each relevant advisory body that would be consulted on an amendment to the permit, under the *Land Use Planning and Approvals Act 1993*, if the relevant permit were a permit made under that Act; and
  - (b) may consult with any other person, including a State Service Agency, that the Minister considers appropriate; and
  - (c) must take into consideration any representations made to the Minister as a

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result of consultation under paragraph (a)  
or (b).

- (3) As soon as practicable after making an order under subsection (1) in respect of a relevant permit, the Minister is to publish in accordance with section 32 –
- (a) a copy of the order; and
  - (b) a copy of the permit as amended by the order; and
  - (c) a notice that includes –
    - (i) a statement of the Minister’s reasons for making the order; and
    - (ii) a list of the persons consulted by the Minister before making the order; and
    - (iii) a summary of any representations made as a result of such consultation.

**13. Minor amendment of relevant permit**

- (1) In this section –

***minor amendment***, in relation to a relevant permit, means –

- (a) a change in the proponent for the permit; or
- (b) an amendment that –

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- 
- (i) does not change the effect of a condition or restriction within the permit; or
  - (ii) does not change the use or development for which the permit was issued, other than a minor change in the description of the use or development; or
  - (iii) is unlikely to have a negative impact on any person; or
  - (iv) does not, or is unlikely to, cause serious environmental harm, or material environmental harm, within the meaning of section 5 of the *Environmental Management and Pollution Control Act 1994*.
- (2) The Minister may make a minor amendment to a relevant permit –
- (a) on the Minister’s own initiative; or
  - (b) at the request of the proponent for the permit to be amended or a relevant advisory body.

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- (3) If the Minister makes a minor amendment to a relevant permit, the Minister is to give written notice of the amendment to –
  - (a) the proponent for the permit; and
  - (b) each relevant advisory body that the Minister considers may have an interest, or regulatory role, in respect of the amendment; and
  - (c) if the amendment is made at the request of a relevant advisory body, the relevant advisory body that made the request.
- (4) For the avoidance of doubt, section 12 does not apply in respect of a minor amendment made to a relevant permit.

***Division 2 – Effect of permits***

**14. Amendment of planning schemes, etc.**

- (1) The Minister may direct the Commission to amend any relevant planning scheme, or special planning order, if the Minister is satisfied that the amendment to the scheme or order is required to remove any inconsistency –
  - (a) between a relevant permit and the scheme or order; or
  - (b) if a relevant permit is amended under section 12, between the amended permit and the scheme or order.

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- (2) The Commission is to comply with a direction given to the Commission by the Minister under subsection (1) as soon as practicable after the direction is so given to the Commission.
- (3) Before the Minister gives a direction under subsection (1), the Minister –
- (a) is to consult with –
    - (i) the Premier; and
    - (ii) the Hobart City Council in its capacity as a planning authority, within the meaning of the *Land Use Planning and Approvals Act 1993*; and
    - (iii) each relevant advisory body that the Minister or Premier considers may have an interest, or regulatory role, in respect of the amendment to which the direction relates; and
  - (b) may consult with any other person, including a State Service Agency, that the Minister considers appropriate.
- (4) If the Minister gives a direction to amend the planning scheme, or special planning order, under subsection (1) –
- (a) the Commission must give notice, in the *Gazette*, of the amendment as soon as practicable after the amendment is made; and

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- (b) the amendment is taken to have come into effect –
    - (i) on the day on which the permit to which the amendment relates is issued, or is taken to have been issued, under this Act; or
    - (ii) on such other day, being a day before or after the amendment is made, as is specified in the notice under paragraph (a) in respect of the amendment; and
  - (c) the planning scheme or special planning order is taken to be amended when the amendment comes into effect.
- (5) Amendments to a planning scheme or special planning order that have come into effect under subsection (4)(b) are, despite any provision of any Act, to be taken to have been made to that scheme or order.
- (6) If an amendment to the planning scheme or special planning order under subsection (1) relates to a subsequent project permit that is disallowed in accordance with section 10 –
- (a) the amendment is of no effect; and
  - (b) the disallowance of the subsequent project permit does not affect the validity of anything done under the amended planning scheme or special planning order before the disallowance.

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**15. Approvals for purposes of permits**

- (1) Notwithstanding any other Act, the Minister may give any approval, consent or permission that is required under the following Acts for a relevant permit:
  - (a) the *Aboriginal Heritage Act 1975*;
  - (b) the *Environmental Management and Pollution Control Act 1994*;
  - (c) the *Historic Cultural Heritage Act 1995*;
  - (d) the *Land Use Planning and Approvals Act 1993*;
  - (e) the *Macquarie Point Development Corporation Act 2012*;
  - (f) any other Act prescribed for the purposes of this section.
- (2) For the purposes of any Act, an approval, consent or permission given by the Minister under subsection (1) takes effect, and has the same effect, as if the approval, consent or permission had been given by the person or body that was required to give that approval, consent or permission under that Act for the purposes of a relevant permit.
- (3) For the avoidance of doubt, if the Minister gives an approval, consent or permission under subsection (1), the person or body who would normally give that approval, consent or permission does not incur any liability because

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of anything done or omitted to be done by the Minister before giving an approval, consent or permission under subsection (1).

**16. Minister responsible for compliance with permits**

Unless otherwise specified in the terms and conditions of a relevant permit or in this Act, the Minister is responsible for ensuring that the terms and conditions of each relevant permit are being complied with.

**17. Enforcement of compliance with permit conditions**

(1) In this section –

***relevant Act*** means one of the following Acts:

- (a) the *Aboriginal Heritage Act 1975*;
- (b) the *Environmental Management and Pollution Control Act 1994*;
- (c) the *Historic Cultural Heritage Act 1995*;
- (d) the *Land Use Planning and Approvals Act 1993*.

(2) For the avoidance of doubt, if a relevant permit contains a term or condition that specifies that –

- (a) a permit, licence or other approval has been taken to have been issued under a relevant Act; or



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- (b) a requirement is taken to exist under a relevant Act –

the relevant Act applies in respect of the permit, licence, approval or requirement as if the permit, licence or approval was issued, or the requirement existed, under the provisions of the relevant Act.

Consultation Draft

## **PART 3 – ACCESS NETWORK**

### **18. Interpretation of Part**

In this Part –

*relevant land*, in relation to the access network, includes –

- (a) land in respect of which an order has been made under section 19(1) for its acquisition; and
- (b) land acquired under section 31(1)(b).

### **19. Minister may declare land to form part of access network**

- (1) The Minister may make an order under this section for the purpose of acquiring land in accordance with section 20 in relation to the access network.
- (2) Before the Minister makes an order under subsection (1), the Minister is to consult with the Premier.
- (3) An order under subsection (1) –
  - (a) is to clearly specify the area of land to which the order applies; and
  - (b) may not be made in respect of land that is not –

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- 
- (i) owned by the council of a municipal area; or
    - (ii) owned by an entity within the meaning of the *Financial Management Act 2016*.
  - (4) An order under subsection (1) –
    - (a) is a statutory rule for the purposes of the *Rules Publication Act 1953*; and
    - (b) is not an instrument of a legislative character for the purposes of the *Subordinate Legislation Act 1992*.

**20. Relevant land acquired**

- (1) On the day on which an order under section 19(1) commences, the land to which that order applies is taken to be Crown land that is acquired by the State for the purposes of the access network.
- (2) If land is acquired by the State under subsection (1) –
  - (a) the owner of the land is entitled to compensation under the *Land Acquisition Act 1993* in respect of the land; and
  - (b) all rights of appeal, and rights in respect of the seeking, granting or enforcement of injunctions, under that Act or any other Act, in relation to the acquisition of the land, other than matters relating to

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compensation under that Act, are extinguished.

- (3) If land is acquired by the State under subsection (1) –
- (a) the Minister is to lodge with the Recorder of Titles such information as the Recorder of Titles requires to make an appropriate entry of it on the folios of the Register relating to the land; and
  - (b) title of a registered proprietor of the land is not indefeasible if –
    - (i) the land vests in an acquiring authority, within the meaning of the *Land Acquisition Act 1993*; and
    - (ii) that authority has not been registered as proprietor of the land; and
  - (c) section 75 of the *Land Acquisition Act 1993* applies to acquisition of the land as if the land were acquired by the Crown under that Act.
- (4) For the avoidance of doubt and despite any Act to the contrary, there is no right of appeal in respect of the sale, exchange or disposal of the relevant land to the Crown under this section.

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**21. Declaration of certain roads as subsidiary roads**

- (1) On the commencement of this section, the following areas of road are declared to be subsidiary roads for the purposes of the *Roads and Jetties Act 1935*:
- (a) McVilly Drive, being such part of that drive from its junction with Davies Avenue, Hobart, to its junction with Certificate of Title, Volume 135056, Folio 4 (approximately 174.5 metres in length);
  - (b) Evans Street, being such part of that street consisting of 2 parts –
    - (i) from the south-eastern boundary of its junction with Macquarie Street, Hobart, to the north-western boundary of its junction with Davey Street, Hobart (approximately 64.5 metres in length); and
    - (ii) from the south-eastern boundary of its junction with Davey Street, Hobart, to the boundary of Certificate of Title, Volume 129483, Folio 9 (approximately 251.5 metres in length);
  - (c) the semi-circular section of road that –
    - (i) is off the Tasman Highway; and

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- (ii) is near the junction of the Tasman Highway with both Brooker Avenue and Davey Street; and
  - (iii) contains the vehicle access to the building, known as the Royal Engineers Building, at 2 Davey Street, Hobart.
- (2) For the purposes of the *Roads and Jetties Act 1935* –
  - (a) this section is taken to be a proclamation under section 7 of that Act declaring the areas of road specified in subsection (1) to be subsidiary roads, classified as secondary roads; and
  - (b) nothing in this section prevents a proclamation being made under that Act in respect of the areas of road specified in subsection (1) including, but not limited to –
    - (i) the declaration of all, or a specified part, of those areas of road as subsidiary roads; and
    - (ii) the classification of all, or a specified part, of those areas of road as secondary road; and
  - (c) that Act applies to an area of road declared to be subsidiary road under this section as if the area of road were declared to be subsidiary road in accordance with that Act.

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## **22. Application of certain Acts**

- (1) For the purposes of Part 7 of the *Local Government (Highways) Act 1982*, a road declared, under section 21(1), to be subsidiary road –
- (a) remains a local highway under that Part for the purposes of –
    - (i) the collection of money in respect of the controlled parking on the road; and
    - (ii) the enforcement of controlled parking on the road; and
    - (iii) the maintenance of parking meters and voucher machines, within the meaning of that Act, on the road; and
  - (b) in all other respects, is a State highway under that Part including, but not limited to, for the purposes of –
    - (i) establishing or revoking controlled parking; and
    - (ii) the closure of parking spaces.
- (2) For the purposes of the *Rail Infrastructure Act 2007*, if –
- (a) relevant land includes land that forms part of the rail network as defined in that Act –

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- (i) that land ceases to form part of the rail network; and
  - (ii) ownership of all rail infrastructure, within the meaning of that Act, on that land is taken to be transferred to the Crown; and
- (b) relevant land includes land that forms part of a rail planning corridor under Division 2 of Part 3 of that Act –
  - (i) that land ceases to form part of that rail planning corridor; and
  - (ii) any order in force under section 14 of that Act is revoked to the extent that it applies to the land.



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**PART 4 – APPLICATION OF OTHER ACTS TO  
PROPOSED DEVELOPMENT AND ACCESS  
NETWORK**

**23. Effect of Act on certain Acts**

(1) In this section –

*relevant planning Act* means –

- (a) the *Land Use Planning and Approvals Act 1993*; and
  - (b) the *Local Government (Building and Miscellaneous Provisions) Act 1993*; and
  - (c) the *Macquarie Point Development Corporation Act 2012*.
- (2) Nothing in this Act prevents the owner of project land, or the proponent for a relevant permit, from taking an action under one or more relevant planning Acts in respect of –
- (a) the project land; or
  - (b) the proposed development; or
  - (c) the relevant permit.
- (3) For the avoidance of doubt, an action taken by the owner of project land, or the proponent for a relevant permit, under one or more relevant planning Acts does not affect the validity of –

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- (a) the issue of a subsequent project permit under section 9 or a permit under section 11; or
  - (b) any amendment of a relevant permit, in accordance with section 12 or 13; or
  - (c) any approval, consent or permission that has been given by the Minister under section 15; or
  - (d) an order of the Minister under section 19.
- (4) Nothing in this Act, or in any provision of a relevant permit, prevents any of the following activities:
  - (a) the making of an application under the *Land Use Planning and Approvals Act 1993* for a permit under that Act in respect of the proposed development;
  - (b) the issue of a permit, under the *Land Use Planning and Approvals Act 1993*, in respect of the proposed development;
  - (c) the carrying out of any use or development in accordance with, and subject to, any other relevant permit;
  - (d) the application of a relevant planning Act in respect of a use or development that substantially relates to the proposed development.
- (5) Subsection (4) applies to any activity –

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- (a) whether the activity occurs before or after the commencement of this Act; and
- (b) whether or not the proposed development, or any part of the proposed development, has commenced or otherwise is to be, or has been, carried out.

**24. Effect of *Conveyancing and Law of Property Act 1884* on certain land**

If Division 2 of Part XI of the *Conveyancing and Law of Property Act 1884* applies in respect of the following land, that Division ceases to apply in respect of the land on the commencement of this section:

- (a) project land;
- (b) relevant land within the meaning of Part 3.

**25. Subdivision plans**

- (1) If required for a use or development under a relevant permit, the Minister may take action under Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* as if the Minister were a council.
- (2) If the Minister takes an action under Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* in accordance with subsection (1) –

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- (a) a reference in that Part to the council is taken to be a reference to the Minister; and
  - (b) the council may not take action under that Part in respect of the following land except with the approval of the Minister:
    - (i) project land;
    - (ii) land that is the subject of an order under section 19(1);
    - (iii) land that is acquired under this Act; and
  - (c) a reference in that Part to a sealed plan includes a reference to a plan which has been approved by the Minister in accordance with subsection (1).
- (3) For the purposes of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and any other Act, an action taken by the Minister in accordance with subsection (1) is taken to be an action taken by the council under the relevant provision of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.
- (4) For the avoidance of doubt, the power of the Minister to take an action in accordance with subsection (1) includes, but is not limited to, a power for the Minister to make an order under section 107 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

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**26. Adhesion orders**

- (1) If required for the proposed development, the Minister may make an adhesion order if a block in the project land or the relevant land –
  - (a) has the qualities of a minimum lot; and
  - (b) comprises 2 parcels or more that may, without the approval of any plan by the Hobart City Council, lawfully be sold separately so as to create a block which –
    - (i) would not have the qualities of a minimum lot; and
    - (ii) is, or in the opinion of the Minister is likely to be, built on or bought for building.
- (2) If the Minister makes an order under subsection (1) –
  - (a) the Minister is to notify the Hobart City Council; and
  - (b) section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* applies to the order as if a reference in that section to a council were a reference to the Minister.
- (3) For the purposes of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and any other Act, an order under subsection (1) is taken to be an order under

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section 110 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

- (4) Unless otherwise specified, a word or phrase in this section has the same meaning as it has in Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

**27. Amalgamation of titles as required**

- (1) The Minister, in writing, may direct the Recorder of Titles to create, amend, rearrange or extinguish a folio of the Register, within the meaning of the *Land Titles Act 1980*, in relation to land that is affected, directly or indirectly, by –
- (a) the proposed development; or
  - (b) a relevant permit.
- (2) For the avoidance of doubt, a direction under subsection (1) may relate, but is not required to relate, to –
- (a) an easement that is, or is to be, recorded on, or removed from, a folio of the Register; or
  - (b) a notice that is, or is to be, placed on or removed from the Register in respect of the proposed development or a relevant permit; or

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- 
- (c) a covenant or caveat that is, or is to be, recorded on, or removed from, a folio of the Register.
  - (3) The Minister may only give a direction under subsection (1) after consulting each of the following Ministers about the direction:
    - (a) the Premier;
    - (b) the Minister administering the *Crown Lands Act 1976*.
  - (4) In addition to subsection (3), the Minister may only give a direction under subsection (1) in respect of private land if –
    - (a) the direction solely relates to one or more of the matters specified in subsection (2); or
    - (b) the owner of the private land has consented to the direction.
  - (5) On receipt of a direction under subsection (1), the Recorder of Titles is to create, amend, rearrange or extinguish a folio of the Register as the Recorder considers appropriate to give effect to the direction.

**28. Disposal of Crown land in certain circumstances**

- (1) If land has been acquired under this Act for the purposes of the proposed development or the access network and the land is no longer required for the purpose, the Minister may, by

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notice in writing, offer the land to the Hobart City Council.

(2) If the Hobart City Council accepts an offer of land made under subsection (1) –

(a) the Minister is to cause ownership of the land to be transferred to the Hobart City Council; and

(b) the land ceases to be Crown land; and

(c) the Minister is to publish a notice in a *Gazette* that –

(i) states that the land to which the notice relates has been transferred to the Hobart City Council; and

(ii) clearly specifies the land that has been so transferred; and

(iii) specifies the date on which the transfer has taken effect.

(3) The *Land Acquisition Act 1993* and the *Crown Lands Act 1976* do not apply in respect of a transfer of land under this section.

**29. Non-application of *Public Works Committee Act 1914***

On the commencement of this section, this section is taken to be a resolution adopted by each House of Parliament, as specified in section 15(1) of the *Public Works Committee Act 1914*,



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that the proposed development has been  
withdrawn from the operation of that Act.

**30. Exemption from certain fees and charges**

(1) In this section –

***relevant Act*** means an Act under which an  
action is taken in respect of –

- (a) a relevant permit; or
- (b) the proposed development; or
- (c) any other matter authorised under  
this Act;

***relevant fees and charges*** means any tax,  
duty, charge, application fee, registration  
fee or other fee that is imposed by the  
State under an Act or another law of  
Tasmania.

(2) Unless otherwise specified in a relevant permit,  
all relevant fees and charges are not payable in  
relation to an action taken under this Act, or a  
relevant Act, in respect of –

- (a) a relevant permit; or
- (b) the proposed development; or
- (c) a matter authorised under this Act,  
whether or not that action is taken under  
this Act or another Act.

## **PART 5 – MISCELLANEOUS**

### **31. Certain land acquired on commencement of Act**

(1) On the day on which this section commences –

- (a) the land comprising of Certificate of Title Volume 13583, Folio 1, is taken to be Crown land that is acquired by the State for the purposes of the proposed development; and
- (b) the following land is taken to be Crown land that is acquired by the State for the purposes of the access network:
  - (i) the area of land comprising about 1.1 hectares, shown as Area 1;
  - (ii) the area of land comprising about 0.6 hectares, shown as Area 2;
  - (iii) the area of land comprising about 1.3 hectares, shown as Area 3;
  - (iv) the area of land comprising about 0.02 hectares, shown as Area 4 –

each bounded by heavy black lines on Plan 11581 in the Central Plan Register, a reduced copy of which is set out, by way of illustration only, in Schedule 2.

(2) If land is acquired under subsection (1) –

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- 
- (a) the owner of the land is entitled to compensation under the *Land Acquisition Act 1993* in respect of the land; and
  - (b) all rights of appeal, and rights in respect of the seeking, granting or enforcement of injunctions, under that Act or any other Act, in relation to the acquisition of the land, other than matters relating to compensation under that Act, are extinguished.
- (3) If land is acquired under subsection (1) –
- (a) the Minister is to lodge with the Recorder of Titles such information as the Recorder of Titles requires to make an appropriate entry of it on the folios of the Register relating to the land; and
  - (b) title of a registered proprietor of the land is not indefeasible if –
    - (i) the land vests in an acquiring authority, within the meaning of the *Land Acquisition Act 1993*; and
    - (ii) that authority has not been registered as proprietor of the land; and
  - (c) section 75 of the *Land Acquisition Act 1993* applies to acquisition of the land as if the land were acquired by the Crown under that Act.

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- (4) For the avoidance of doubt and despite any Act to the contrary, there is no right of appeal in respect of the sale, exchange or disposal of the relevant land to the Crown under this section.

**32. Publication of permits and other documents**

- (1) The Minister is to ensure that each of the following documents is published on a website maintained by, or on behalf of, the Department:
- (a) the project permit, including any amendments to the project permit, while the project permit remains in force;
  - (b) each other relevant permit issued under this Act, including any amendments to the relevant permit, while the relevant permit remains in force;
  - (c) each resolution of disallowance passed in respect of a subsequent project permit under section 10;
  - (d) each order made under section 19(1) in respect of the access network.
- (2) The Minister is taken to have complied with this section in respect of a document if –
- (a) a document required to be published under this section is published on a website maintained by, or on behalf of, the Corporation within the meaning of the *Macquarie Point Development Corporation Act 2012*; and

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- (b) the website maintained by, or on behalf of, the Department includes a link to the website referred to in paragraph (a).
- (3) A document is only published in accordance with subsection (1) on a website if the document is freely available to members of the public while so published on the website.

**33. Consultation requirements**

- (1) For the purposes of this Act, if the Minister is required to consult with a person, or entity, under this Act in respect of a matter, the Minister is to give the person or entity –
  - (a) at least 28 calendar days to respond on the matter; or
  - (b) such shorter period to respond on the matter, as may be agreed between the person or entity and the Minister.
- (2) Nothing in this section prevents the Minister from –
  - (a) agreeing to a longer period of consultation in respect of a matter; or
  - (b) extending a period of consultation if a person or entity requires further information before responding on the matter.

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**34. Limitation of rights of appeal**

(1) Subject to subsections (3) and (5) and notwithstanding the provisions of any other Act –

- (a) a person is not entitled to appeal to a body or other person, court or tribunal; and
- (b) no order or review may be made under the *Judicial Review Act 2000*; and
- (c) no declaratory judgement may be given; and
- (d) all rights in respect of the seeking, granting or enforcement of injunctions, under any Act or common law, are extinguished; and
- (e) no other action or proceeding may be brought –

in respect of any permit issued, or any thing done, in good faith, under this Act or in accordance with this Act.

(2) For the purposes of subsection (1), any thing done under this Act, or in accordance with this Act, includes any action, decision, process, matter and thing arising out of or relating to –

- (a) a term or condition of a relevant permit requiring that a person apply for such other permits, licences or other approvals

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as may be necessary for the proposed development; or

- (b) the amendment of any relevant planning scheme or special planning order in accordance with this Act; or
  - (c) an action, decision, process, matter or thing made, or refused to be made, under another Act as authorised under this Act.
- (3) Subsection (1) does not apply to any thing which involves criminal conduct, either directly or indirectly.
- (4) If subsection (1) does not apply to something done under this Act as a result of subsection (3), any action specified in subsection (1) in respect of the criminal conduct is taken not to delay the operation of any relevant permit.
- (5) Subsection (1) does not apply to the owner of any project land.

**35. Delegation**

The Minister may delegate any of the Minister's functions or powers under this Act, other than this power of delegation, to –

- (a) another Minister; or
- (b) a Head of Agency within the meaning of the *State Service Act 2000*, other than the chief executive officer of the Corporation within the meaning of the *Macquarie*

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Part 5 – Miscellaneous

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*Point Development Corporation Act  
2012.*

**36. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Regulations may be made so as to apply differently according to such factors as are specified in the regulations.
- (3) The regulations may –
  - (a) provide that a contravention of any of the regulations is an offence; and
  - (b) in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Minister.
- (5) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of a provision of this Act.
- (6) A provision of a regulation referred to in subsection (5) may take effect on and from the day on which this Act commences or a later day.



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**37. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Business, Industry and Resources; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of State Growth.

**38. Consequential amendments**

The legislation specified in Schedule 3 is amended as specified in that Schedule.

**39. Legislation revoked**

The legislation specified in Schedule 4 is revoked.

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**sch. 1**

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**SCHEDULE 1 – DRAFT PROJECT PERMIT**

Section 3

[For the purposes of consultation – see the Draft  
Permit included in Consultation Package]

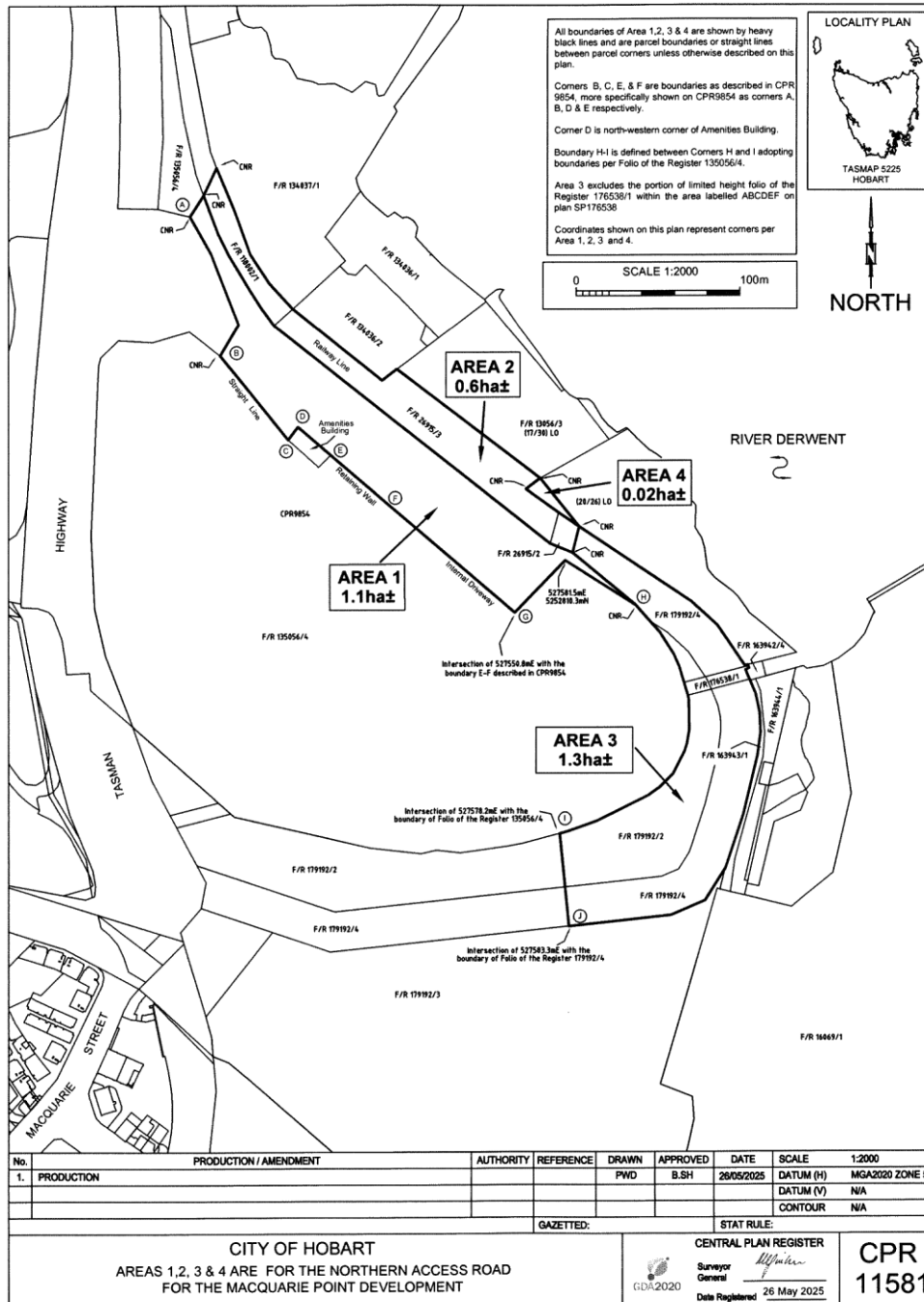
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sch. 2

SCHEDULE 2 – AREAS OF LAND

Section 31



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**sch. 3**

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**SCHEDULE 3 – CONSEQUENTIAL AMENDMENTS**

Section 38

***Rail Infrastructure Act 2007***

1. Schedule 1 is amended by omitting “McVilly Drive” from clause 5 of Part 1 and substituting “the northern boundary of Areas 1 and 2 on Plan 11581 in the Central Plan Register”.

Consultation Draft

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**sch. 4**

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**SCHEDULE 4 – LEGISLATION REVOKED**

Section 39

*State Policies and Projects (Project of State Significance)*  
*Order 2023 (No. 66 of 2023)*

Consultation Draft