

TASMANIA

**MOUNT WELLINGTON CABLE CAR
FACILITATION BILL 2017**

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draft only

**MOUNT WELLINGTON CABLE CAR
FACILITATION BILL 2017**

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

A BILL FOR

**An Act to facilitate the development of facilities in relation
to, and the operation of, cable cars on Mount Wellington**

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

1. Short title

This Act may be cited as the *Mount Wellington
Cable Car Facilitation Act 2017*.

2. Commencement

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

3. Interpretation

In this Act, unless the contrary intention
appears –

aerial easement means an easement, for the
purposes of the project, that relates to
airspace above project land;

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land has the same meaning as in the *Land Acquisition Act 1993*;

project means all or part of a project consisting of –

- (a) the construction of facilities necessary for the operation of one or more cable cars, including –
 - (i) terminals for the purposes of such cable cars; and
 - (ii) towers, and a cableway between the towers, for the purposes of such cable cars; and
- (b) the construction of facilities related to the operation or use of such cable cars; and
- (c) the use of any facilities, or cable cars, referred to in paragraph (a) or (b) –

and includes other developments and uses forming part of that project;

project land means –

- (a) land, within Wellington Park, that is owned by a council and that is required for the purposes of the project; and
- (b) any airspace to which an aerial easement relates;

proponent means a person that wishes to undertake all or part of the project;

Wellington Park has the same meaning as in the *Wellington Park Act 1993*.

4. Planning permits

Section 52(1B) of the *Land Use Planning and Approvals Act 1993* does not apply in relation to an application under the *Land Use Planning and Approvals Act 1993* in relation to the project.

5. Application of certain provisions of *Land Acquisition Act 1993* for purposes of project

- (1) Part 1A of the *Land Acquisition Act 1993*, and any other provision of that Act that is relevant to the operation of that Part, applies in relation to project land as if the project were a service prescribed for the purposes of paragraph (i) of the definition of *infrastructure* in section 7A of the *Land Acquisition Act 1993*.
- (2) Despite subsection (1), section 7C(1)(b) of the *Land Acquisition Act 1993* does not apply in relation to project land.
- (3) Despite subsection (1) and section 7D(2)(f) of the *Land Acquisition Act 1993*, an order made under section 7B(2) of the *Land Acquisition Act 1993* may not authorise the sale by the Crown of any project land that is proposed to be acquired under that Act for the purposes of the project.

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- (4) A reference in the *Land Acquisition Act 1993* to land or an easement is to be taken, so far as is necessary for the purposes of the application of Part 1A of that Act to the project land, to include a reference to an aerial easement and to an access easement.

6. Certain project land remains part of Wellington Park

The acquisition, under Part 1A of the *Land Acquisition Act 1993* as applied by section 5, for the purposes of the project, of project land is not to be taken to have the effect that the land ceases to be part of Wellington Park.

7. Minister may issue authority

- (1) The Minister may grant to a proponent, under this subsection, an authority to enter land, and to carry out on the land activities, including testing, that are reasonably required to be carried out before the proponent applies under the *Land Use Planning and Approvals Act 1993* for a permit in relation to the project.
- (2) An authority granted under subsection (1) is subject to the terms and conditions specified on the authority.
- (3) Despite any other Act, a person may enter land, and carry out activities on the land, under and in accordance with an authority granted under subsection (1).

8. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may be made so as to apply differently according to such factors as are specified in the regulations.
- (3) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.

9. 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 State Growth; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of State Growth.