

NORTHERN MIDLANDS COUNCIL

COUNCIL POLICIES



Policy Name:	Responsible Cat Ownership
Originated Date:	Adopted 15 October 2007 – Min. No. 325/07 (as Policy 53)
Amended Date/s:	Endorsed 15 December 2010 – Min. No. 351/10 Amended 18 July 2011 – Min. No. 188/11
Applicable Legislation:	<i>Cat Management Act 2009</i> <i>Animal Welfare Act 1993</i>
Dataworks Reference:	44/001/001
Objective	To actively promote responsible cat ownership and to minimise the public distress and nuisance caused by roaming and homeless cats.

PURPOSE

Council recognises the companionship cats provide to their owners can lead to enhanced human well-being and can promote a sense of care and responsibility. However, whilst cats are important companion animals in our society (it is estimated one in three households in Tasmania has at least one cat), there are also costs associated with cats. These costs do not just relate to the monetary expense of providing appropriate care, but also include neighbourhood inconvenience and nuisance, predation on native wildlife and animal welfare concerns relating to homeless and mistreated cats.

Council has no legislated responsibilities regarding cats, however, the following provisions relating to Local Government are mandated in the State's *Cat Management Act 2009*:

- ◆ Local Councils have no additional obligations under the legislation, but voluntary action is facilitated. Councils may declare council-controlled land as prohibited areas, or declare "cat management areas" to support local initiatives, following consultation with their community.
- ◆ The legislation also clarifies the ability of Councils to make by-laws in relation to cat management.

Council is committed to encouraging responsible cat ownership in order to allow cat owners to enjoy their pets whilst minimising the negative impact of cats on neighbours and the environment.

This Policy has been developed to improve animal welfare and to reduce the incidence of nuisance attributed to cats by providing information and guidance to cat owners. The Policy highlights the responsibilities of cat owners to their cats and to the community in which we live.

OBJECTIVES

The objectives of the Policy are:

1. To actively promote responsible cat ownership;
2. To minimise the public distress and nuisance caused by roaming and homeless cats.

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BEING A RESPONSIBLE CAT OWNER

A responsible cat owner:

1. Ensures the decision to own a cat is undertaken with full understanding of what is involved in caring responsibly for a cat.
2. Provides the cat with a nutritional and balanced diet, and access to fresh water at all times.
3. Provides hygienic living conditions for the cat, and ensures the cat is adequately protected from weather and temperature extremes.
4. Maintains the cat's health in accordance with veterinary advice.
5. Unless specifically intended for breeding, has the cat desexed by the age of six months at the very latest.
6. Ensures the cat wears identification in the form of a traditional collar and tag, a tattoo or microchip, or a combination of all three.
7. When going away from home for an extended period of time, ensures the cat is cared for by another responsible owner or placed in a cattery.
8. Makes arrangements to pass their cat onto another responsible cat owner in the event of no longer being able to keep or care for the cat. If a suitable home cannot be found for the cat, the owner takes the cat to the RSPCA.

EDUCATION

Council recommends schools educate students on responsible cat ownership the Department of Primary Industries, Parks, Water and Environment (DPIPWE) website provides information in relation to the *Cat Management Act 2009*.

Council commits to working with relevant agencies/organisations to plan and carry through community education programs that promote responsible cat ownership, including cat microchipping sessions.

TASMANIAN CAT MANAGEMENT PLAN

SUMMARY

June 2017

1. INTRODUCTION

The Tasmanian Cat Management Plan represents the first comprehensive and collaborative approach to managing cats in Tasmania. The Plan recognises that cat management is a shared responsibility across all levels of government, business and the community and includes actions under seven objectives that are summarised below.

This Plan has been prepared by the Department of Primary Industries, Parks, Water and Environment (DPIPWE) with the guidance of the Tasmanian Cat Management Reference Group, representing the key cat management stakeholder groups in the State. The Reference Group was established by the Minister for Primary Industries and Water, Jeremy Rockliff MP, to provide advice on the development of the Plan.

Members of the Reference Group represent a range of organisations with a direct interest in the management of cats:

- Australian Veterinary Association, Tasmanian Division
- Cat Association of Tasmania
- Ten Lives Cat Centre (formerly Hobart Cat Centre)
- Landcare Tasmania Inc.
- Local Government Association of Tasmania
- Natural Resource Management regional bodies (represented by NRM South)
- RSPCA
- Tasmanian Conservation Trust Inc.
- Tasmanian Farmers and Graziers Association
- University of Tasmania

2. CAT MANAGEMENT IN TASMANIA – WHY DO WE NEED A CAT MANAGEMENT PLAN?

People respond to cats in different ways and they can be many things to different people: much-loved pets valued for enjoyment and companionship; useful animals that control rats and other vermin; nuisance animals that annoy neighbours; and feral pests that spread disease and impact on native wildlife and agriculture. The polarised views in the community about cats make their management a challenging and often emotive issue. Despite cats being in Tasmania for more than 200 years, our understanding of the ecological role cats play as predators and as competitors with other species, both native and introduced, is not strong. This limits the effectiveness of attempts to manage many cat-related issues. Therefore improving our understanding of cats and their impacts, and of the most effective management and control techniques, is critical to ensure that our available resources are used effectively and efficiently.

3. PROPOSALS TO ACHIEVE BETTER CAT MANAGEMENT IN TASMANIA

This Plan recognises that cat management is a complex and community-wide issue and all sectors of the community have a role in managing the impacts of cats, both feral and domestic. It also recognises the significant impact that feral cats have. The Plan acknowledges that given there is a self-sustaining feral cat population in Tasmania, it is not feasible to totally eradicate feral cats across the State with current resources and techniques, and therefore implementation of the Plan will require a long-term effort and commitment.

The Plan is designed to be flexible, providing the ability to implement the actions over an extended period.

Successful implementation of the Plan will require all levels of Government to participate. Initiatives are being developed to strengthen the involvement of both State and Local Government in the management of cats. Additionally, the Tasmanian and Australian Governments are working together to create opportunities to leverage increased outcomes from their shared resources.

The Plan is based on seven objectives containing actions focused towards improving the management of domestic, stray and feral cats:

OBJECTIVE 1: *Tasmanian pet cat owners manage their cats responsibly*

This objective focuses on educating and increasing awareness in cat owners about their responsibilities and the potential impacts of their pets on the environment, with the intention of improving levels of responsible cat ownership. This objective is also linked to Objective 2 (community awareness) and Objective 6 with some of the amendments being proposed to the legislation for the management of cats.

Desired Outcome: Pet cat owners have a higher level of awareness of the potential negative impacts of roaming owned cats and stray cats and, act responsibly to prevent their cats contributing to those impacts.

OBJECTIVE 2: *Increased community awareness, participation and commitment in cat management*

Successful management of cat impacts requires community support and involvement. The nature of the issue requires the community to understand the most effective approaches to managing the impacts from the feral and stray cat populations in Tasmania. This in turn relies on an awareness of those impacts, the range of techniques available and ultimately adoption of those techniques through community led and supported cat management initiatives.

This objective is closely linked with the other objectives of this Plan, in particular responsible cat ownership (Objective 1) and the development of a Communications Plan described in Objective 7. The actions to achieve increased community awareness,

involvement and commitment in broader cat management focus on integrating effective information development and delivery.

Desired Outcome: The Tasmanian community is aware of the Plan and is actively participating in programs that help reduce the impacts of feral and stray cats.

OBJECTIVE 3: *Best practice techniques are used to guide the planning, management and control of stray and feral cats*

It is important that management and control programs consider all options and have a good understanding of the extent and nature of the impacts being caused; what the program aims to achieve and how; the likely outcomes of any given program; the most effective and efficient methods to employ; and the level of community and stakeholder support. Approved biosecurity programs under the proposed Biosecurity Act can be used to formalise such programs for the management of feral cats as a biosecurity risk or impact. Such programs can be initiated by industry, landowners or the community or by Government.

The Plan will seek to ensure formal criteria are used to guide decision-making based on appropriate principles, and the Plan will also seek to ensure relevant government, community and industry are aware of and implement these criteria in undertaking project development and funding.

Desired Outcomes: Effective, efficient and humane control and management techniques are developed and implemented to manage stray and feral cats.

OBJECTIVE 4: *Improved knowledge about feral, stray and domestic cats to better inform management*

Despite current research findings there are still significant knowledge gaps in the role cats play in the Tasmanian environment. Research projects have published a range of findings related to the impact of cats in Tasmania, yet these often relate to defined geographic areas and cannot be reliably applied to other environments. There is an evident need to expand data to different ecological systems and environments to improve the efficacy of cat management projects. Where cat management actions are employed based on assumptions from other study areas, the reliability of projects and their outcomes may be limited.

A key objective of this Plan is improving the knowledge of feral cats, their impacts and the most effective control techniques, both direct and indirect, to ensure resources are used effectively and efficiently.

Desired outcome: Knowledge gaps about the distribution, impacts and behavior of feral cats are addressed.

OBJECTIVE 5: *Minimise impacts of cats in areas with important conservation values and agricultural assets*

Environmental assets will be assessed, and where they coincide with the presence or likely occurrence of feral cats, become priorities for cat management programs. A similar process will be undertaken for agricultural areas that are particularly sensitive to cat-related impacts. Consultation will be initiated with industry groups in relation to protecting primary industry assets, and environmental stakeholders in relation to protecting important conservation values.

Once priority areas have been identified, targeted control programs can be developed. Community-led action has a clear role in ensuring this objective can achieve the on-ground goal of protecting values and assets.

Desired Outcomes: The impact of feral cats on areas containing important conservation values and priority agricultural assets is reduced.

OBJECTIVE 6: *Undertake legislative change to create an effective framework for managing cats and support other objectives*

Strengthening existing regulatory powers for the management of cats will occur through a new legislative framework that includes both the existing *Cat Management Act* and the proposed Tasmanian Biosecurity Act. Under this framework, feral cats will be dealt with under the proposed Biosecurity Act, whilst all other cat management would remain under the existing legislation. It is expected that this framework will provide greater clarity around roles and responsibilities and facilitate better management outcomes for all stakeholders. The amendments will also support a process to facilitate involvement by relevant statutory authorities.

Desired Outcome: To improve the legislative framework that underpins effective cat management to support greater levels of responsible cat ownership.

OBJECTIVE 7: *The roles and responsibilities related to cat management are clearly defined and understood by the Tasmanian community*

Cat management should be a shared responsibility amongst the Tasmanian community, both Local and State Government, industry bodies, landowners, pet owners and broader community groups. Having a clear understanding of the roles and responsibilities of different stakeholder groups, particularly Local and State Government, is crucial in achieving effective cat management outcomes.

The proposed legislative framework for managing cats will ultimately provide for State and Local Government to determine the highest priorities for individual councils in relation to enforcement. The State Government will have responsibility for administering the proposed Biosecurity Act along with the *Cat Management Act*. Local Government has the power to enforce the legislation along with other animal control responsibilities within their municipality to the degree they consider necessary or relevant and can resource.

Desired Outcome: All stakeholders have a clear understanding of, and are able to exercise, their responsibilities in relation to the legislative framework for the management of cats.

Tasmanian Cat Management Plan 2017-2022



FOREWORD

Cats are an important part of our lives as companion animals that are very much part of families. However, cats also play a complex role in the Tasmanian community from loved family pets, to potential nuisances and at worst, invasive animals impacting on our native wildlife and spreading disease. Problems arise when pet owners fail to understand their responsibilities.

To address the complexity of issues surrounding cat management, the Tasmanian Government is taking a new, all-encompassing approach. The Tasmanian Cat Management Plan represents the first comprehensive and collaborative approach to managing cats in Tasmania. The Plan recognises that cat management is a shared responsibility across all levels of government, business and the community and includes actions under seven objectives that are summarised below:

- Improve our knowledge of feral cats to better inform management, recognizing that state-wide eradication of feral cats is not feasible;
- Encourage responsible ownership;
- Minimise impacts of cats in areas of important conservation value and agricultural land;
- Increase community awareness;
- Clarify roles and responsibilities between State and Local government and the broader community; and
- Amend existing legislation to create a more workable regulatory framework.

The Tasmanian Cat Management Reference Group consisting of stakeholders with a direct interest in cat management have overseen development of the Plan. The Plan also reflects feedback from submissions made during the public consultation period in 2016. Without contributions from the Tasmanian community and everyone involved in the Reference Group, this Plan would not be as comprehensive. For that reason, I wish to thank everyone who have been involved in its development.

I look forward to real progress being made in cat management in Tasmania and encourage all Tasmanians to support the initiatives contained within this Plan.

Jeremy Rockliff MP

MINISTER FOR PRIMARY INDUSTRIES AND WATER

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To enquire about this plan, please contact the Invasive Species Branch, Biosecurity Tasmania: catmanagementplan@dpiwwe.tas.gov.au.

This plan and supporting documents are available on the Department of Primary Industries, Parks, Water and Environment website: <http://dpiwwe.tas.gov.au/invasive-species/cat-management-in-tasmania>.

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ACKNOWLEDGEMENTS

The *Tasmanian Cat Management Plan* has been developed with the Tasmanian Cat Management Reference Group. In May 2015, the Minister for Primary Industries and Water, Jeremy Rockliff invited a number of organisations with a direct interest in the management of cats in Tasmania to be represented on a Reference Group, with the primary task of developing this Plan. Those organisations include:

- Ten Lives Cat Centre (formerly the Hobart Cat Centre)
- The RSPCA
- The Tasmanian Farmers and Graziers Association
- The Tasmanian Conservation Trust
- The Australian Vets Association
- The Cat Association of Tasmania
- Landcare Tasmania
- Local Government Association of Tasmania
- Tasmanian Natural Resource Management Regional bodies (represented by NRM South)
- University of Tasmania

In addition to the Reference Group members, a number of individuals with expertise in particular areas were also invited to participate in working groups to look at the issues related to socialised cats and feral cats – contributions from Nick Mooney, Eric Woehler (Birds Tasmania), John Toohey (Clarence City Council), Kaylene Allan (Kingborough Council), Bruce Jackson (DPIPWE), Sue Robinson (DPIPWE) and Danielle Madden-Hallett are greatly appreciated. Thanks also to Jack Davies who wrote much of the information on cat-borne diseases as part of a study placement to DPIPWE from the Charles Sturt University. The Plan includes significant writing contributions from Tom Jackson, Eric Schwarz, Jack Davies, Craig Elliott, Michael Askey-Doran, Samantha Schaap and Elise Dewar.

Thanks is also extended to all those who provided feedback on the Draft Plan. The feedback was very constructive and where possible, incorporated into this final Plan.

I. INTRODUCTION

This *Tasmanian Cat Management Plan* (the 'Plan') describes how the management of cats in Tasmania should occur. It has been prepared with consultation and input from a range of stakeholders, including recommendations provided to the Department of Primary Industries, Parks, Water and Environment (DPIPWE) from the Tasmanian Cat Management Reference Group, and addresses the management of feral (wild), domestic and stray cats. A draft of this Plan was also publically advertised and received 102 public submissions. Those submissions have contributed to this completed Plan.

Supporting this Plan is a separate document, the *Tasmanian Cat Management Plan - Background Paper*, which provides important additional information on all of the issues covered in the Plan and in particular, additional detail relating to the recommendations proposed in the Plan. The *Background Paper* is a living document that will be edited from time to time as necessary and can be found on the *Tasmanian Cat Management Plan* webpage (DPIPWE, 2016).

This Plan and the *Background Paper* have been prepared to be consistent with the Australian Government's *Threat Abatement Plan for Predation by Feral Cats* (Commonwealth of Australia, 2015), which establishes a national framework to guide and coordinate Australia's response to the impacts of feral cats on biodiversity.

The Plan recognises that cats are an integral part of Tasmanian society but the role they play is a complex one. This one species can be many things to different people, including much-loved pets; useful animals that control vermin; nuisance animals that annoy neighbours, and invasive animals that spread disease and impact on native wildlife and agriculture. The polarised view of cats in the community makes cat management a difficult and often emotive issue.

The Plan also recognises that the management of cats is a shared responsibility and that the community plays a key role in the management and control of stray and feral cats. Without community support and participation, the stray and feral cat problem will remain a significant one. The Plan recognises that Tasmania has a self-sustaining feral cat population and therefore eradication of feral cats state-wide is not feasible with current resources and techniques. Whilst removing the feral cat threat is an important objective, so too is putting in place other measures that protect the values and assets that feral cats threaten. Proposed legislative amendments will provide an improved framework to support the roles and responsibilities of State and Local government in cat management.

Furthermore, the Plan aims to build on the scientific knowledge about cat impacts to develop and improve management initiatives. Existing research about cats in Tasmania cannot be applied to all ecosystems and environments, thus gaps exist in our knowledge of the role and impacts of cats across different landscapes, particularly stray and feral cats. This limits the effectiveness of attempts to manage many cat-related issues. Addressing these knowledge gaps in the landscape is a key element of this Plan, because understanding how cats interact and relate to wildlife and agriculture is integral to designing effective programs to manage cats and protect vulnerable species and agriculture.

2. OVERVIEW and SCOPE

The Plan sets out a range of actions that aim to increase the levels of responsible ownership, clarify roles and responsibilities, improve our knowledge and understanding of various aspects of cats, and improve the effectiveness of legislation. Actions that will contribute to achieving improved management of cats in the areas of the environment, agriculture and human health are described. For further detail regarding any of the issues discussed in this Plan refer to the *Background Paper*.

The Plan is built around seven objectives, although a number of the issues identified cross multiple objectives. The objectives are summarised below, and discussed in detail in Section 4.

Objective 1: Tasmanian pet cat owners manage their cats responsibly

Objective 2: Increased community awareness, participation and commitment in cat management

Objective 3: Best practice techniques are used to guide the planning, management and control of stray and feral cats

Objective 4: Improved knowledge about feral, stray and domestic cats to better inform management

Objective 5: Minimise impacts of cats in areas with important conservation values and agricultural assets

Objective 6: Undertake legislative change to create an effective framework for managing cats and support other objectives

Objective 7: The roles and responsibilities related to cat management are clearly defined and understood by the Tasmanian community

Categories of cats

It is important for public debate that it is recognised that all cats in Tasmania are the same species (*Felis catus*) and the categorisation of domestic, stray and feral are labels of convenience. The categories and definitions used in the Plan are:

- Feral cats are those that live and reproduce in the wild, largely or entirely removed from humans, and survive by hunting or scavenging; none of their needs are satisfied intentionally by humans.
- Stray cats are those found in and around cities, towns and rural properties; they may depend on some resources provided by humans but have no identifiable owner.
- Domestic cats are those which are identifiable as owned; most of their needs are supplied by their owners. They may roam beyond their owner's property, including into bush and park land, but they spend most of their time with a specific person/family/property.

3. ACHIEVING BETTER CAT MANAGEMENT in TASMANIA

3.1 Creating an Effective Legislative Framework for Managing Cats

Managing cats through a single, specific piece of legislation such as the *Cat Management Act 2009* increases regulatory complexity and confuses roles and responsibilities. It is proposed that the regulatory management of cats in Tasmania occurs through a legislative framework that includes both the *Cat Management Act 2009* and the proposed *Biosecurity Act*. Domestic cats and stray cats in urban and peri-urban environments will continue to be dealt with under the *Cat Management Act*. Feral cats will be dealt with through the proposed *Biosecurity Act* as pests or a biosecurity risk and managed to reduce the biosecurity impact they create.

3.2 Roles and Responsibilities

Cat management is a shared responsibility of Local and State Government, industry and the broader community. Vital to improving responsible cat ownership in Tasmania and implementing an effective legislative framework, will be ensuring there is a clear understanding and agreement about the roles and responsibilities of different stakeholders in relation to cat management, in particular that of State and Local Government.

State Government will have responsibility for the roll out of the Plan and will administer legislation associated with cat management in which stakeholder responsibilities are clearly defined. Local government will have responsibility for enforcement of the relevant legislative instruments in their municipalities to the degree they consider necessary or relevant and can resource.

3.3 Managing Environmental Impacts of Cats

All cats, domestic, stray and feral, can have some level of environmental impact. Whilst some in the community regard cats (particularly feral cats) negatively due to environmental concerns, others have a positive perception of cats due to their role as a companion animal and predator of other invasive species. In developing management responses for cats it is essential to acknowledge the diversity of views of the community towards this animal.

Tasmania has a self-sustaining feral cat population. Eradication of feral cats state-wide is not feasible with current resources and techniques, although eradication may be achievable in limited circumstances such as offshore islands or fenced (predator proof) reserves. Therefore, the focus for managing and controlling feral cats is on 'asset protection': the Plan identifies that a key management priority is to control (or eradicate in the case of offshore islands) cats in areas containing important conservation values or priority assets. This

includes areas where measurable declines have occurred in native fauna populations that are vulnerable to predation by cats (e.g. burrowing seabird colonies and coastal strips with shore birds) or disease spread by cats (e.g. *Toxoplasma gondii*).

In parallel with managing impacts, the Plan aims to limit the number of cats entering the feral population through a range of community education and awareness programs, and enforcement of effective cat management legislation.

The *Background Paper* to the Plan provides a fuller discussion of the environmental impacts of cats and the current knowledge of managing the environmental impacts of cats.

3.4 Managing the Impacts of Cats on Agriculture

As a host to a number of significant diseases which impact on livestock, management of the interactions between cats and agriculture is an important component of cat management in Tasmania.

Common disease-causing parasites utilize the cat as a host to reproduce and propagate disease: *Toxoplasma gondii* (*T. gondii*), *Sarcocystis* and *Cryptosporidium* species are the most prevalent of the various cat-borne diseases affecting livestock. These parasites have a range of negative effects on the livestock industries including abortion and infected meat leading to carcass trimming or condemnation. Consequently, a focus of the Plan is on increasing the awareness of appropriate management strategies and control programs that the community, and particularly farmers, can implement to reduce the impact of cat-borne diseases on agriculture in Tasmania.

3.5 Reducing the Adverse Impacts of Cats on Human Health

In terms of the human impact, *T. gondii* is probably the most notable cat-borne parasite that has significant potential disease implications. Cats are the primary (or 'definitive') host for this parasite and as such, the Plan recognises that the appropriate management of all cats (feral, stray and domestic cats) is important in the control of *T. gondii*. However, control programs must be implemented on a strategic, systematic and ongoing basis to be effective. A number of other parasites can also be transmitted to humans via cats, including *Cryptosporidium* (*C. felis*) and *Giardia*. Cats can also be a source of cat scratch disease (*Bartonella henselae*), ringworm and roundworm (*Toxocariasis*).

3.6 Recommendations for Future Regulatory Change

A number of regulatory changes have been identified as necessary to facilitate improved cat management in Tasmania. The Tasmanian Cat Management Reference Group reviewed the existing legislation and has put forward recommendations that will improve the effectiveness and functionality of the regulatory arrangements governing cat ownership. The proposed

amendments to legislation related to the management of cats are detailed in Section 4.6 of the Plan with additional information in the *Background Paper*.

Other current Tasmanian legislation that relates to cat management activities includes the *Wildlife (General) Regulations 2010* in reference to trapping animals (Section 48); the *Firearms Act 1996* regarding the discharge of a firearm for control or euthanasia of an animal on private property (Section 113); and the *Animal Welfare Act 1993* outlining all regulations relevant to the welfare and ethical treatment of cats in wild, captive or domestic circumstances.

3.7 Guidelines for More Effective Decision-Making

It is important that where public funds and resources are allocated to projects and programs, there are clear and achievable outcomes identified. It should be demonstrated that proposed management actions are capable of delivering the planned outcomes and they are sustainable into the long term.

The Plan will seek to ensure formal criteria are used to guide decision-making based on appropriate principles. The Plan will also seek to ensure government and community stakeholders use the criteria in undertaking project development and when seeking funding.

4. OBJECTIVES and ACTIONS

There are seven broad objectives in the Plan (summarised in Section 2), with actions to achieve the objectives. Performance indicators are given for each objective. All actions have been assigned a priority as: Low, Medium, High or Very High, whereby 'Low' represents actions of lowest priority and 'Very High' represents the actions deemed to be of highest priority in achieving the given objective.

It is recognised that some actions, such as effective monitoring and control activities, are reliant on others, such as the delivery of research projects and high levels of community support. The objectives and actions should be considered and implemented recognising these dependencies.

Nine stakeholder categories have been identified and each action lists the 'Invested Stakeholders' that may be responsible for or hold a vested interest in implementing that action. It is important to note that where 'Invested Stakeholders' are identified it assumes that they have an active interest in the action outcome, not necessarily an expectation that they have the responsibility for delivering the action.

Table 1 Stakeholder categories

ID	INVESTED STAKEHOLDERS
1	State government
2	Landholder, owner or manager (private and government)
3	Industry (including veterinary clinics) and environment groups
4	Cat owners, breeders and sellers
5	Local Government
6	Non-government organisations, community groups and charities including animal welfare organisations
7	Research institutions
8	Australian Government
9	Cat Management Facilities

4.1 Objective 1: Tasmanian pet cat owners manage their cats responsibly

This objective focuses on educating and increasing awareness in cat owners about their responsibilities and the potential impacts of their pets on the environment, with the intention of improving levels of responsible cat ownership. This objective is also linked to Objective 2 (community awareness) and Objective 6 with some of the amendments being proposed to the legislation for the management of cats.

Desired Outcome: Pet cat owners have a higher level of awareness of the potential negative impacts of roaming owned cats and stray cats and; act responsibly to prevent their cats contributing to those impacts.

Performance indicators:

1. Measurable decline in the annual number of domestic and stray cats entering shelters and the number of complaints regarding domestic and stray cats.
2. Measurable increase in the number of cats desexed and microchipped annually.
3. State and Local Governments develop and implement cat management plans; actively using their regulatory powers under the legislative framework for cats and *Local Government Act 1993* to respond to community concerns.

Performance Indicator	Action	Priority	Invested stakeholders
1, 2	4.1.1 Collate baseline data for measuring: (i) The number of reported complaints relating to domestic and stray cats annually; (ii) The number of non-microchipped and non-desexed cats seized/surrendered to cat management facilities annually.	High	1, 5, 9

Performance Indicator	Action	Priority	Invested stakeholders
1, 2	4.1.2 Develop and distribute existing informative material in relation to responsible pet ownership, including health and safety of domestic cats; awareness of and how to minimise the environmental impacts cats can have; strategies and resources for keeping cats indoors.	High	1, 3, 4, 5, 6, 7, 8, 9
3	4.1.3 Identify key locations with the highest impact of roaming domestic cats and target those areas with information materials and awareness campaigns. <ul style="list-style-type: none"> ➤ Location data from surrendered cats (postcodes), mapping, investigation of demographics and impacts of stray/domestic cat populations are used to identify priority areas. 	Medium	1, 5, 9
2	4.1.4 Provide incentive to cat owners wherever possible to ensure that cats are microchipped and desexed; encouraged through funded community support programs such as low cost desexing and microchipping, where feasible.	Very High	1, 3, 5, 6, 9
3	4.1.5 Where necessary enforce legislative requirements that support responsible cat ownership.	Very High	1, 5 *
3	4.1.6 State Government to provide councils with advice, assistance and coordination to develop by-laws and/or cat management policies to manage and control cats at the municipal level.	Very High	1, 5

Invested Stakeholder Group Codes – 1-State Government; 2-Land owner or manager; 3-Industry & environment groups; 4-Cat owners, breeders and sellers; 5-Local Government; 6-NGO's, community groups, charities and animal welfare organisations; 7-Research institutions; 8-Australian Government; 9-Cat Management Facilities

**It will be at the discretion of individual councils to enforce statutory requirements.*

4.2 Objective 2: Increased community awareness, participation and commitment in cat management

Successful management of cat impacts requires community support and involvement. The nature of the issue requires the community to understand the most effective approaches to managing the impacts from the feral and stray cat populations in Tasmania. This in turn relies on an awareness of those impacts, the range of techniques available and ultimately adoption of those techniques through community led and supported cat management initiatives.

This objective is closely linked with the other objectives of this Plan, in particular responsible cat ownership (Objective 1) and the development of a Communications Plan described in Objective 7. The actions to achieve increased community awareness, involvement and commitment in broader cat management focus on integrating effective information development and delivery.

Desired Outcome: The Tasmanian community is aware of the Plan and is actively participating in programs that help reduce the impacts of feral and stray cats.

Performance indicators

1. Community awareness of the nature and scale of impacts of cats is increasing on an annual basis.
2. Community awareness is demonstrated through an increase in community led and supported cat management programs.

Performance Indicator	Action	Priority	Invested stakeholders
1	4.2.1 Information materials and other communication methods, such as television advertising and social media campaigns, are developed and disseminated to support and promote: <ol style="list-style-type: none"> (i) a better understanding of the role cat owners can play to reduce problems associated with stray and feral cats; (ii) a broad understanding of the threat to biodiversity, the agricultural sector and human health posed by stray and feral cats and support for their control; (iii) the specific actions to be implemented under this Plan; and (iv) humane practices for managing and controlling stray and feral cats. 	High	All
1	4.2.2 Monitor change over time in; <ol style="list-style-type: none"> (i) The level of information about cats in the public domain (E.g. adverts, stakeholder websites); (ii) Comments relating to cat management in social media such as DPIPWE's facebook page; and (iii) How frequently key online information and websites about cats are visited (E.g. the number of times the DPIPWE cat management webpage is accessed). 	High	1, 5
2	4.2.3 Cat management programs targeting stray and feral cats are developed and supported by local communities.	High	All

Invested Stakeholder Group Codes – 1-State Government; 2-Land owner or manager; 3-Industry & environment groups; 4-Cat owners, breeders and sellers; 5-Local Government; 6-NGO's, community groups, charities and animal welfare organisations; 7-Research institutions; 8-Australian Government; 9-Cat Management Facilities

4.3 Objective 3: Best practice techniques are used to guide the planning, management and control of stray and feral cats

Best practice refers to the most effective techniques based on sound ethical, scientific and technical principals that will produce outcomes superior to those achieved by other means. The Plan will facilitate the adoption of best practice decision-making and control methods for stray and feral cat management programs and will ultimately contribute to achieving more effective and sustainable outcomes in Tasmania.

It is important that management and control programs consider all options and have a good understanding of the extent and nature of the impacts being caused; what the program aims to achieve and how; the likely outcomes of any given program; the most effective and efficient methods to employ; and the level of community and stakeholder support. Approved biosecurity programs under the proposed Biosecurity Act can be used to formalise such programs for the management of feral cats as a biosecurity risk or impact. Such programs can be initiated by industry, landowners or the community or by Government.

The Plan will seek to ensure formal criteria are used to guide decision-making based on appropriate principles, and the Plan will also seek to ensure relevant government, community and industry are aware of and implement these criteria in undertaking project development and funding.

Animal welfare and the humane treatment of cats will be addressed through the development of a Welfare Standard for Cats which will include best practice for trapping and euthanasia and be linked to a Code of Practice for cat management facilities. A code of practice would formalize the operation of cat management facilities, better defining their roles and responsibilities and operational requirements in relation to legislation. The code of practice could also provide guidance for the operation of cat refuge and rescue organisations.

Desired Outcomes: Effective, efficient and humane control and management techniques are developed and implemented to manage stray and feral cats.

Performance indicators

1. Control programs demonstrate strategic, long term approaches to reducing the impacts of feral cats, including impact assessments.
2. Agreed criteria are used to guide decision-making for allocating funding and undertaking cat management projects by government, community and industry groups.
3. A Welfare Standard for Cats is developed using the *Model Code of Practice for the Humane Control of Feral Cats* including related standard operating procedures.

4. Increased use of alternatives to lethal control techniques over time where appropriate.
5. Expansion and improvement of cat management facilities in the state including a code of practice.

Performance Indicator	Action	Priority	Invested stakeholders
1	4.3.1 Monitoring to be undertaken before, during and after cat management and control programs to assess the impact on affected species and guide further research and management.	Medium	1, 3, 6
2	4.3.2 Disseminate decision-making criteria to guide project development and funding by government, community and industry groups.	Medium	1, 2, 3, 5, 7, 8, 9
1, 2	4.3.3 Ensure that cat control programs are coordinated strategically across different land-tenures, are integrated with local control programs of other species, complement relevant local cat management plans and are reviewed regularly and are formalised under the proposed Biosecurity Act where appropriate and necessary.	High	All
All	4.3.4 Maintain and utilise expertise from the Cat Management Reference Group to guide the planning, management and control of stray and feral cats and the implementation of these actions.	Medium	1
4	4.3.5 Provide information on the use of adaptive cat management practices to land owners and managers, including effective and cost viable alternatives to trapping and shooting that adhere to recognised welfare standard operating procedures.	High	1, 2, 3, 6, 7, 8
3	4.3.6 Education and training is made available to landholders and community in humane cat control methods.	High	1, 5, 3, 6
3	4.3.7 Develop, implement, revise and update as necessary model codes of practice for the humane treatment of stray and feral cats, including development of a Welfare Standard for Cats in Tasmania.	Medium	All
5	4.3.8 Develop, implement and revise as necessary a code of practice for the operation of cat management facilities.	Medium	1, 3, 5, 6, 9
5	4.3.9 Include the development and resourcing of cat management facilities in business and funding plans.	Medium/Low	1, 5, 9

Invested Stakeholder Group Codes – 1-State Government; 2-Land owner or manager; 3-Industry & environment groups; 4-Cat owners, breeders and sellers; 5-Local Government; 6-NGO's, community groups, charities and animal welfare organisations; 7-Research institutions; 8-Australian Government; 9-Cat Management Facilities

4.4 Objective 4: Improved knowledge about feral, stray and domestic cats to better inform management

Despite current research findings there are still significant knowledge gaps in the role cats play in the Tasmanian environment. Research projects have published a range of findings related to the impact of cats in Tasmania, yet these often relate to defined geographic areas and cannot be reliably applied to other environments. There is an evident need to expand data to different ecological systems and environments to improve the efficacy of cat management projects. Where cat management actions are employed based on assumptions from other study areas, the reliability of projects and their outcomes may be limited.

A key objective of this Plan is improving the knowledge of feral cats, their impacts and the most effective control techniques, both direct and indirect, to ensure resources are used effectively and efficiently.

Desired outcome: Knowledge gaps about the distribution, impacts and behavior of feral cats are addressed.

Performance indicators:

1. Key research priorities and knowledge gaps are identified.
2. All funded feral cat management programs in Tasmania involve pre- and post-control monitoring of:
 - (a) Feral cat distribution, abundance and movement;
 - (b) Feral cat impacts on native species and other values; and
 - (c) Other invasive species.
3. Pathways of transmission and methods of preventing cat-borne diseases are identified, including assessment of the effectiveness of these methods.
4. Alternative methods to lethal control of feral cats assessed and compared in different landscapes.
5. Publication of resources related to feral cat impacts and management.

Performance Indicator	Action	Priority	Invested stakeholders
1, 5	4.4.1 Participate in citizen science projects for data collection related to cat home ranges and impacts in urban environments.	Medium	All
1, 5	4.4.2 Promote the use of reporting portals such as FeralCatScan for monitoring feral cats and to facilitate community data collection.	Medium	1, 3, 5, 7, 8, 9
1	4.4.3 Undertake a thorough review of available literature, validated local information and/or workshops with experts to identify key knowledge gaps and research priorities.	Medium	1, 3, 5, 7, 8
2	4.4.4 Develop feral cat monitoring strategies that can be employed before, during and post management or control activities.	Medium	1, 3, 5, 6, 7, 8, 9
3	4.4.5 Continue research into the role of feral and stray cats in the transmission of disease to livestock and native species; identify pathways and effective methods of limiting transmission.	Medium	1, 3, 5, 7, 8
4	4.4.6 Development of new, improved methods of lethal control of feral and stray cats.	Medium	3, 5, 7, 8
1, 5	4.4.7 Determine and publish the financial impacts on primary industry caused by feral cats.	High	1, 3, 7, 8
5	4.4.8 Publish, collate and disseminate current and new research findings relating to feral cats.	Medium	1, 3, 5, 6, 7, 8, 9

Invested Stakeholder Group Codes – 1-State Government; 2-Land owner or manager; 3-Industry & environment groups; 4-Cat owners, breeders and sellers; 5-Local Government; 6-NGO's, community groups, charities and animal welfare organisations; 7-Research institutions; 8-Australian Government; 9-Cat Management Facilities

4.5 Objective 5: Minimise impacts of cats in areas with important conservation values and agricultural assets.

Environmental assets will be assessed, and where they coincide with the presence or likely occurrence of feral cats, become priorities for cat management programs. A similar process will be undertaken for agricultural areas that are particularly sensitive to cat-related impacts. Consultation will be initiated with industry groups in relation to protecting primary industry assets, and environmental stakeholders in relation to protecting important conservation values.

Once priority areas have been identified, targeted control programs can be developed. Community-led action has a clear role in ensuring this objective can achieve the on-ground goal of protecting values and assets.

Desired Outcomes: The impact of feral cats on areas containing important conservation values and priority agricultural assets is reduced.

Performance indicators

1. Feral cat management programs are implemented as a priority in areas containing important conservation values (eg. listed threatened species) and/or in proximity to agricultural assets where cats are seen to be a direct threat.
2. Land owners, managers, community and conservation organisations are active and supported in managing cats within identified priority areas and using approaches consistent with the principles identified in this Plan.
3. No new feral cat populations are established on off-shore islands.

Performance Indicator	Action	Priority	Invested stakeholders
1	4.5.1 Identify key areas cats are known to, or likely to have, a significant impact on important conservation values.	High	1, 3, 5, 7, 8
1	4.5.2 Identify important agricultural assets in areas where cats are known to, or likely to have, a significant impact.	High	1, 3, 5, 7, 8
1, 2	4.5.3 Prioritise localised cat management and control programs in areas defined in 4.5.1 and 4.5.2 above.	High	1, 2, 5
1, 2	4.5.4 In regions containing priority agricultural assets, cat management and awareness activities are focused on cat/livestock interactions to minimise parasite transmission and impacts, including targeted management activities around 'barn cats' on farming properties.	High	1, 2, 3, 5, 6
3	4.5.5 Feral cat control for off-shore islands will occur within an integrated pest management framework. Any new reports of cat incursions on offshore islands will be investigated by the state government where practicable.	Medium	1, 2, 5, 7

Invested Stakeholder Group Codes – 1-State Government; 2-Land owner or manager; 3-Industry & environment groups; 4-Cat owners, breeders and sellers; 5-Local Government; 6-NGO's, community groups, charities and animal welfare organisations; 7-Research institutions; 8-Australian Government; 9-Cat Management Facilities

4.6 Objective 6: Undertake legislative change to create an effective framework for managing cats and support other objectives

Strengthening existing regulatory powers for the management of cats will occur through a new legislative framework that includes both the existing *Cat Management Act* and the proposed Tasmanian Biosecurity Act. Under this framework, feral cats will be dealt with under the proposed Biosecurity Act, whilst all other cat management would remain under

the existing legislation. It is expected that this framework will provide greater clarity around roles and responsibilities and facilitate better management outcomes for all stakeholders. The amendments will also support a process to facilitate involvement by relevant statutory authorities.

Desired Outcome: To improve the legislative framework that underpins effective cat management to support greater levels of responsible cat ownership.

Compulsory desexing of cats

Amendments will be made so that all cats, unless otherwise prescribed, must be desexed. Penalties will apply if owners of cats fail to comply.

Amending the age to desex

Cats will be required to be desexed once they reach an age of 4 months or a weight of 1kg, whichever comes first (except where the animal is not deemed in physically suitable condition by a veterinarian). Until now, the legislation has prescribed that cats should be desexed before 6 months of age, even though cats are capable of breeding from as young as four months.

Compulsory microchipping of cats

All cats, unless otherwise prescribed, must be microchipped. Clear penalties will apply where the owner of the cat fails to do so. Microchip registration will be managed through existing microchip databases. All cat owners will receive appropriate information material at the time of microchipping.

Remove the option of a Care Agreement

Care agreements allow for the sale of a cat to occur without the animal being desexed or microchipped on the understanding the new owner will ensure it happens. Care agreements are difficult to enforce and create a loop-hole and will be removed from the legislation.

Registration of cats

Cat registration will not be compulsory. Existing microchip databases will be managed with owner contact details to replace the need for registration. The legislative framework will however, allow for individual councils to introduce registration through by-laws if desired within the municipality.

Confining cats to premises

There will be no enforced compulsory confinement of cats under the legislative framework. Individual councils will retain existing capacity to introduce by-laws requiring owners to confine their cats to their properties within the municipality if they desire.

Limiting the number of cats allowed at a property without a permit

As with the *Dog Control Act 2000*, the number of cats allowed on a single property will be limited. A permit would be required to keep more than four cats per household, excluding registered cat breeders.

Improve arrangements to support landholders undertaking cat management actions

Amendments will be made to provisions relating to the protection of property from roaming cats, including:

- Owners or managers of primary production land (see glossary), or a person acting on their behalf, will be able to trap, seize or humanely destroy cats on their property;
- Nominated persons will be allowed to trap, seize or humanely destroy a cat on reserves, private reserved land and cat prohibited areas; and
- Trapping or seizure of cats (but not humanely destroy) will be allowed on private land regardless of the proximity to other residence, provided the cat is returned to the owner if possible or handed in to a cat management facility.

Any property protection action under these amendments must also be compliant with other legislation such as the *Animal Welfare Act 1993* and the *Firearms Act 1996*.

Improving arrangements for registered cat breeders

The breeding of cats by unregistered breeders is an offence under existing legislation. Those wishing to breed cats can currently either be registered by the cat breeder associations which focus on pedigree animals, or by the State Government which focuses simply on the breeding of cats, pedigree or non-pedigree. These current arrangements are not effective and difficult to enforce. Subsequently, amendments will be made to remove cat breeder registration through the State Government meaning cat breeder associations will be the only means of registering a cat for breeding. The proposed amendments to the *Cat Management Act* will provide for a permitting system to enable breeding of cats by individuals who are not members of breeder associations under conditions specified in the permit.

Legislative changes covering administrative components

The following changes are designed to improve administrative arrangements for the legislative management of cats and in some cases, make the intent clearer:

- The definitions for feral cats and stray cats will be amended;
- The term “breeding” in relation to cats will be defined;
- Ensure cats are microchipped and desexed before being reclaimed from a cat management facility;
- Minimum holding time requirements at cat management facilities will be simplified;
- The reference to ‘working days’ for holding times at cat management facilities will not be included in the amended *Cat Management Act*;
- Notification of owners in writing by cat management facilities will be amended to allow for verbal notification;
- The term “primary production” as it relates to undertaking cat management action will be defined;

- Authorised persons can issue a notice requiring a person to undertake cat management action.

Performance indicators

1. There is community support for and understanding of amendments to the *Cat Management Act*.
2. Amendments related to the legislated management of cats occur within an acceptable timeframe.
3. Amendments related to the legislated management of cats are enforced where applicable and complied with.

Performance Indicator	Action	Priority	Invested stakeholders
1, 2	4.6.1 Commence the necessary changes for an improved legislative framework for cat management.	Very High	1
3	4.6.2 State and Local Governments are responsible for regulating compliance for the management of cats.	Very High	1, 5*
3	4.6.3 Councils are supported in the development of by-laws or cat management policies that improve the effectiveness of managing cats through legislation.	Very High	1, 5

Invested Stakeholder Group Codes – 1-State Government; 2-Land owner or manager; 3-Industry & environment groups; 4-Cat owners, breeders and sellers; 5-Local Government; 6-NGO's, community groups, charities and animal welfare organisations; 7-Research institutions; 8-Australian Government; 9-Cat Management Facilities

**It will be at the discretion of individual councils to enforce statutory requirements.*

4.7 Objective 7: The roles and responsibilities related to cat management are clearly defined and understood by the Tasmanian community

Cat management should be a shared responsibility amongst the Tasmanian community, both Local and State Government, industry bodies, landowners, pet owners and broader community groups. Having a clear understanding of the roles and responsibilities of different stakeholder groups, particularly Local and State Government, is crucial in achieving effective cat management outcomes.

The proposed legislative framework for managing cats will ultimately provide for State and Local Government to determine the highest priorities for individual councils in relation to enforcement. The State Government will have responsibility for administering the proposed Biosecurity Act along with the *Cat Management Act*. Local Government has the power to enforce the legislation along with other animal control responsibilities within their municipality to the degree they consider necessary or relevant and can resource.

Desired Outcome: All stakeholders have a clear understanding of, and are able to exercise, their responsibilities in relation to the legislative framework for the management of cats.

Performance indicators

1. State and Local Government roles and responsibilities in relation to cat management are clearly defined within the proposed legislative framework.
2. Roles and responsibilities in relation to the legislated management of cats and the Plan are well communicated and understood.
3. Resourcing for cat management activities and associated legislative changes is addressed and where possible, funds acquired to deliver the Plan.

Performance Indicator	Action	Priority	Invested stakeholders
1	4.7.1 The proposed legislative framework clearly defines the roles and responsibilities of all stakeholders regarding cat management in Tasmania.	Very High	1, 5
2	4.7.2 Develop a communications plan to ensure timely implementation of objectives in the Plan and that the Tasmanian community and stakeholders understand their roles and responsibilities in regards to cat management, including legislative changes.	Very High	1, 5
3	4.7.3 Develop a business plan that ensures those responsible for delivering cat management in Tasmania are adequately resourced and authorised to do so.	Very High	1, 5

Invested Stakeholder Group Codes – 1-State Government; 2-Land owner or manager; 3-Industry & environment groups; 4-Cat owners, breeders and sellers; 5-Local Government; 6-NGO's, community groups, charities and animal welfare organisations; 7-Research institutions; 8-Australian Government; 9-Cat Management Facilities.

5. Glossary

In this document, unless the contrary appears –

Act means the *Cat Management Act 2009*;

Background Paper refers to the *Tasmanian Cat Management Plan - Background Paper*: the supporting document to this Plan.

Barn cat refers to any cat that lives predominantly out of doors on agricultural properties, sheltering and defecating in outbuildings.

Best practice refers to the most effective techniques, based on sound ethical, scientific and technical principals, that will produce outcomes superior to those achieved by other means;

By-law refers to a regulation made by a Local Government authority, relevant within that municipality only;

Cat management facility is a facility, as defined in the *Cat Management Act 2009*, operated by council, the RSPCA Tasmania or the Hobart Cat Centre Incorporated for handling and holding cats; or a facility operated by a person or organisation prescribed under the *Cat Management Act 2009*;

Desex means to render temporarily, as prescribed, or permanently incapable of reproduction;

Domestic refers to cats that are identifiable as owned; most of their needs are supplied by their owners. They may roam beyond their owner's property, including into bush and park land, but they spend most of their time with a specific person/family/property.

Eradication means to remove all animals from a population with no prospect for any moving into the area;

Feral refers to an introduced animal with an established, self-supporting population in the wild (see below for description of feral cat; 1.1.2);

Humanely destroy means to destroy quickly and without undue suffering;

Land tenure refers to the legal rules, rights and arrangements under which land is owned;

Livestock refers to goats, oxen, sheep and swine;

Plan refers to this *Tasmanian Cat Management Plan*;

Primary Production Land as defined by section 7 of the Land Tax Act 2000 is land that is –

(a) used substantially for the business of primary production; or

(b) declared a private timber reserve under the *Forest Practices Act 1985*; or

(c) permanent timber production zone land within the meaning of the *Forest Management Act 2013*; or

(d) land in respect of which there is in effect a certified forest practices plan, being a plan certified by the Forest Practices Authority under section 19 of the *Forest Practices Act 1985* in accordance with the State Permanent Forest Estate Policy.

Primary production as defined in the *Land Tax Act 2000*, means any one or more of the following carried out in a business-like manner with a reasonable expectation of profit:

- (a) cultivating land to sell the produce of the cultivation;
- (b) maintaining animals or poultry for sale or selling their natural increase or bodily produce;
- (c) keeping bees to sell their honey;
- (d) commercial fishing and cultivating aquatic plants or animals, including the preparation for fishing and the storage and preservation of fish and fishing gear;
- (e) cultivating or propagating for sale plants, seedlings, mushrooms or orchids.

Tasmanian Cat Management Reference Group is an advisory group consisting of representatives from a number of organisations with a direct interest in the management of cats in Tasmania (refer to page iii).

Stray refers to cats that are found in and around cities, towns and rural properties; they may depend on some resources provided by humans but have no identifiable owner.

References

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RX RHYTHM X ACTION PARK AP



Benefits for creating the Rhythm X Action Park

- Symmons Plains and the Northern Midland region becomes the number one dirt bike training facility in Australia for professional and local public riders, the media coverage and attention of this would be very extensive both nationally and internationally.
- The action park creates public travelling to the region to use Symmons Plains every month throughout the year increasing the profile of the venue, region and providing a good economic impact.
- The park would cater for Supercross, Motocross, Endurocross and Rhythm racing for both adults and children and at this point no other facility in Australia offers all of these.
- The ability to host International and Australian title events in all these forms of the sport as well as state and local competitions.
- A turn key park totally run and managed by Rhythm X Action Pty Ltd and therefore requiring no extra personnel resources from Northern Midlands Council or MTAS.
- Other larger events such as V8 Supercars will see this type of addition as a major option for further entertainment for their crowd.
- Northern Midlands Council to be able to leverage the aspect of actively helping develop community motorsport in Tasmania and Australia by being a partner in this project.
- The action park becomes the solid working base for the creation of multiple events catering to basic riders right up to professional riders at the facility. Rhythm X Action Pty Ltd has the resources to also manage these additional events regardless of the size.
- It takes the existing major event site to the next level where the audience and foot traffic coming in to the region and through the facility is exponentially increased.
- Northern Midlands becomes a major player in the dirt bike industry.

Proposed Action Park Timeline:

15th September 2017
Venue Agreement Signed

15th October 2017
Council Permit Obtained

1st November 2017

Earthworks Begin For New Tracks (in the existing areas)

February 2018
Rhythm X Action Park Opens

August / September 2018
Endurocross 3 Event Series

October / November 2018
Potential Australian Supercross Round

December 2018
Multi Discipline Participation Event

Events Being Considered For This Facility

We have a number of events we believe can be successful at this facility and continue to bring people to the Northern Midland Region for new experiences. The major Rhythm X event held in 2016 has stamped a quality level on the facility with the countries best dirt bike riders still singing its praises. What this means is that we have achieved the start of a reputation of being one of the best dirt bike racing tracks in the country if not arguably the best. This will allow us to move forward with the action park with people being excited to step out on to the same tracks as their hero's have. It provides an excellent base to be trusted with further major events and allows us to grow the event portfolio also on a state and interstate level.

By having the action park we keep the progress moving, we keep people talking about the facility and we give ourselves the best opportunity to regularly communicate with our target audience throughout the year for upcoming events. The aim is to introduce lower level participation based events and then look to slot in major events when the opportunity exists. We want this facility to cater for everyone that has an interest in motorcycles.

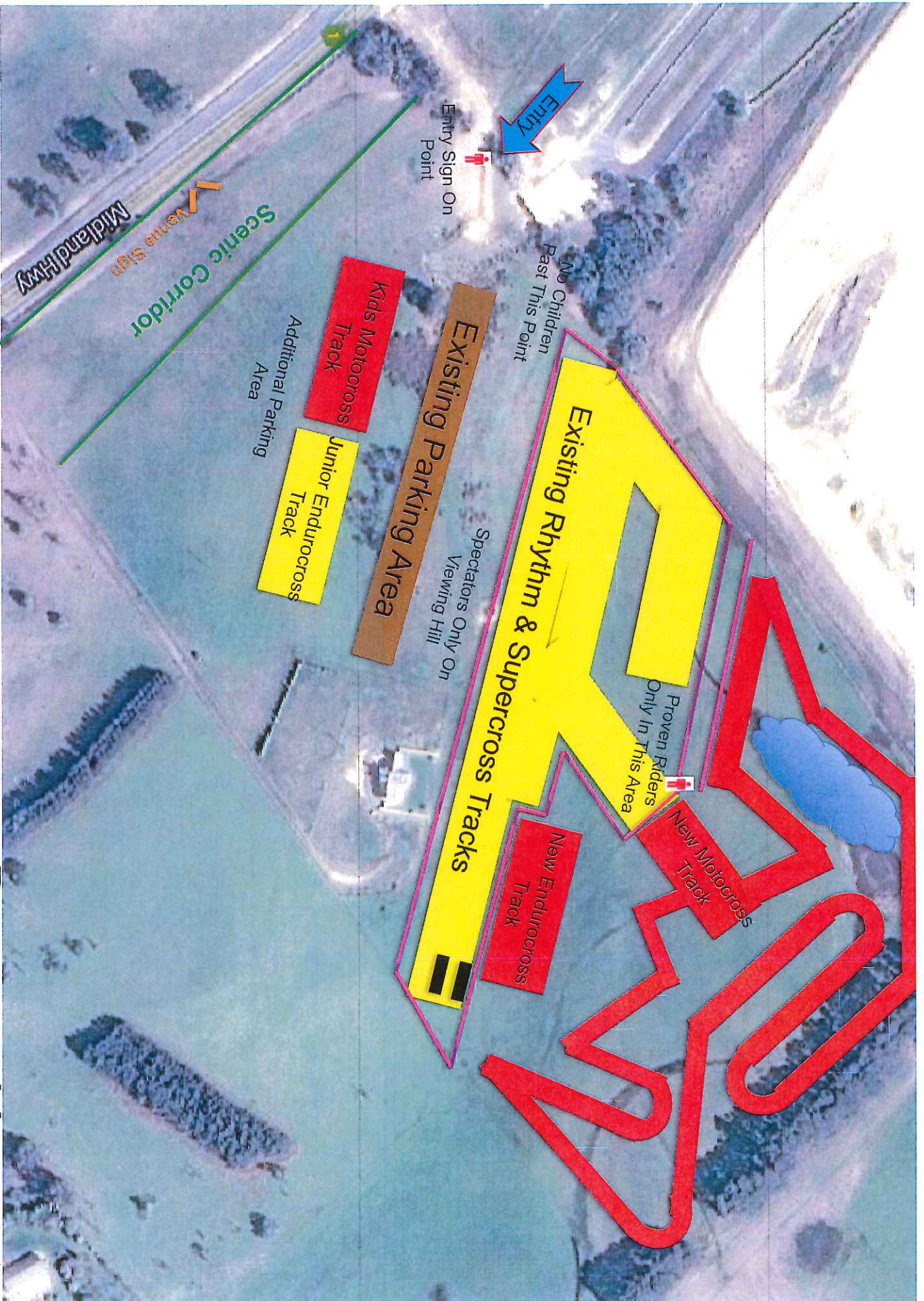
These are events that we have discussed as a team that we feel would work very well at the facility:

- Australian Supercross Round
- Rhythm X
- 3 Event Endurocross Series
- Multi Discipline Team Event (Supercross, Endurocross, Motocross, Rhythm)
- We have been contacted by someone looking to bring out a round of the Motocross World Championship to Australia interested in our facility after being at Rhythm X last year. Check out www.mxgp.com
- 6 Hour Enduro Event
- Supermoto Event incorporating the Symmons Plains hard track

Existing Track

New Track Build (indicative design)

Proposed Layout



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.

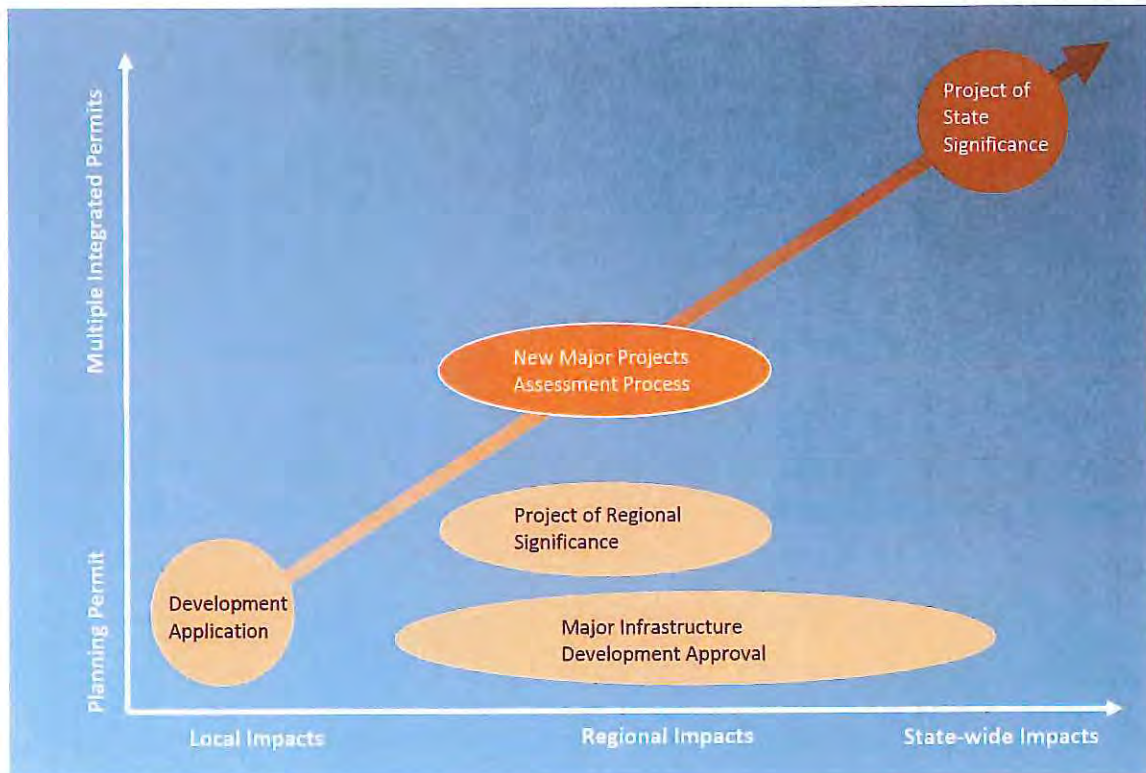
Major projects can also require Commonwealth Government approval where they involve activities that are likely to impact significantly on matters of national environmental significance under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*. In order to reduce duplication 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 1 – 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 1 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

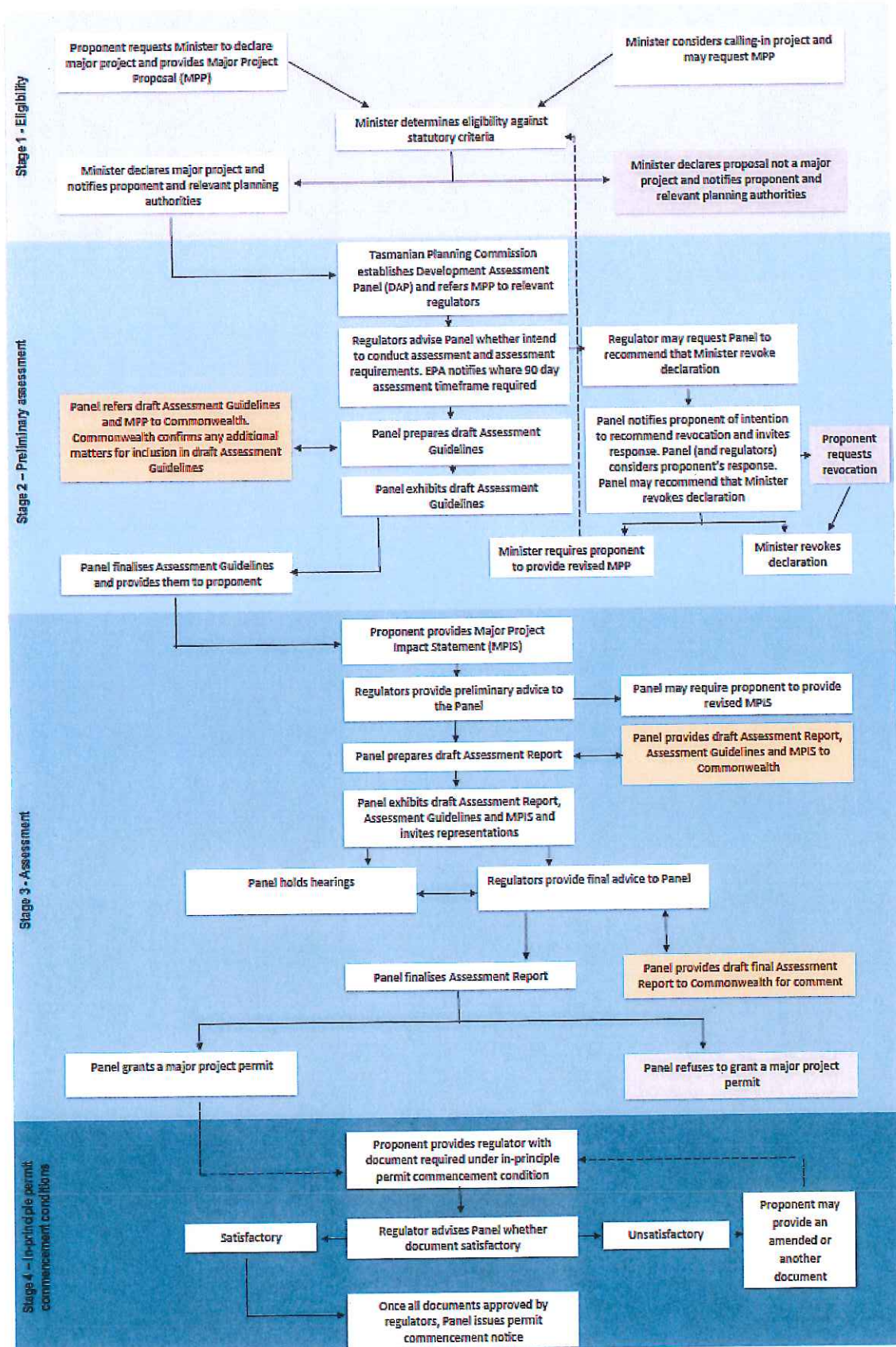
Appendix 2 - Flowchart of proposed major projects assessment process

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	<p>Projects involving at least two of either:</p> <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	Within: <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)) The Panel must give a copy of the guidelines to the proponent within 7 days of determining them (60O(1))	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	Running total (based on maximum statutory timeframe)	New Major Projects process	Running total (based on maximum statutory timeframe)
		Planning & environmental approvals		Planning, environmental, Aboriginal & historic cultural heritage, nature conservation & threatened species approvals	
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	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) Representations may be made during the period of: - 28 days (Class 2B); or - 42 days (Class 2C) beginning on the date of notification of public	161 days	Panel must give notice of public exhibition of project within 14 days of preparing the draft assessment report (60XM(2)) 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))	239 days <u>OR</u> 269 days (EMPCA L2C) 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>OR</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>OR</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.

