

**PLANNING AND DEVELOPMENT BILL 2004**

*Pro Forma Amendments*

On motion by Ms A.J. MacTiernan (Minister for Planning and Infrastructure), resolved -

That the amendments listed on the notice paper standing in the name of the Minister for Planning and Infrastructure be made pro forma.

Amendments agreed to pursuant to the foregoing resolution -

Clause 4.

Page 3, after line 18 - To insert -

**“Crown land”** has the same meaning as it has in the *Land Administration Act 1997*;

Page 8, lines 1 to 4 - To delete the lines.

Clause 24.

Page 23, after line 24 - To insert -

(7) A document executed by a person under this section without the common seal of the Commission is not to be regarded as a deed unless the person executes it as a deed and is authorised under subsection (5) to do so.

Clause 31.

Page 27, line 22 - To delete “, 30, 34 and 35” and substitute “and 30”.

Clause 33.

Page 28, lines 13 to 17 - To oppose the clause.

Clause 34.

Page 28, line 18 to page 29, line 9 - To oppose the clause.

Clause 35.

Page 29, lines 10 to 32 - To oppose the clause.

Clause 36.

Page 30, lines 1 to 12 - To oppose the clause.

Clause 69.

Page 49, lines 10 to 14 - To delete the lines and substitute -

After preparing the consolidation the Commission is

Clause 81.

Page 56, lines 14 and 15 - To delete the lines.

Clause 98.

Page 67, line 14 - To delete “the local planning scheme is to be repealed, and a” and substitute “the”.

Clause 139.

Page 95, line 29 - To delete “street, road or way,” and substitute “road,”.

Page 96, after line 1 - To insert -

(3) In this section -

**“road”** has the meaning given by section 4(1) and includes a private road within the meaning of the *Land Administration Act 1997* section 3(1).

Clause 150.

Page 105, line 9 - To delete the line and substitute -

a plan of subdivision unless a diagram or plan of survey of the subdivision of that land submitted to the Commission under section 149 has been endorsed with the approval of the Commission and -

Page 105, lines 12 to 16 - To delete the lines and substitute -

operation of this Act, the title application was lodged with the Registrar of Titles before, or is lodged with the Registrar of Titles within 5 years after, the coming into operation of this Act;

Page 105, lines 21 and 22 - To delete “12 months, or such longer period as the Registrar of Titles may allow under subsection (3),” and insert instead “24 months”.

Page 106, lines 3 and 4 - To delete the lines.

Page 106, lines 5 to 11 - To delete the lines.

Clause 153.

Page 108, line 33 - To insert after “Commission” -

or is taken to have been so approved under the regulations

Page 109, after line 18 - To insert -

(b) the removal or modification of a restrictive covenant created pursuant to a condition referred to in subsection (2);

Page 109, line 20 - To delete “the transfer” and substitute -

the substitution of a principal lot or a transfer

Clause 154.

Page 109, line 31 - To insert after “access” the words “to and”.

Page 110, after line 4 - To insert -

(2) A condition referred to in subsection (1) is to specify a covenantee.

Page 110, line 8 - To insert after “access” the words “to and”.

Page 110, line 9 - To insert after “to” the words “and from”.

Clause 156.

Page 111, lines 25 to 27 - To delete the lines and substitute “then, subject to the”.

Page 112, after line 10 - To insert -

(b) does not form part of a parcel comprised in a plan that is registered under the *Strata Titles Act 1985*;

Page 112, line 18 - To insert after “land” -

created for the purposes of the subdivision,

Page 112, line 21 - To insert after “1893” -

for the purposes of the subdivision and shown on the diagram or plan of survey

Page 112, line 25 - To insert after “section” -

, lodged with the Registrar of Titles on or before the vesting

Clause 161.

Page 116, line 14 - To delete “When the Commission has approved a” and substitute -

Subject to subsection (2), when the Commission has approved a plan of

Page 116, after line 21 - To insert -

(2) When approving a plan of subdivision the Commission may determine that the approval is not to be taken under subsection (1) to be approval by the responsible authority under the planning scheme of the carrying out of works specified in the determination, and the determination has effect accordingly.

Clause 163.

Page 118, line 7 - To insert after “so much of the” the word “reasonable”.

Page 118, after line 23 - To insert -

**“road”** has the meaning given by section 4(1) and includes a private road within the meaning of the *Land Administration Act 1997* section 3(1).

Page 118, line 32 - To insert before “cost” the word “reasonable”.

Clause 167.

Page 120, lines 7 and 8 - To delete “a development application” and substitute -  
an application for approval of the development

Clause 169.

Page 121, lines 16 and 17 - To delete “or the Registrar of Deeds and Transfers, as the case requires,”.

Page 121, lines 17 and 18 - To delete “or the Registry of Deeds”.

Page 121, lines 20 and 21 - To delete “or the Registrar of Deeds and Transfers, as the case requires,”.

Page 121, lines 25 and 26 - To delete “or the Registry of Deeds, as the case requires”.

Page 121, lines 28 and 29 - To delete “or the Registrar of Deeds and Transfers, as the case requires”.

Clause 171.

Page 123, lines 3 and 4 - To delete “the Water Corporation established by the *Water Corporation Act 1995*” and substitute -

a licensee within the meaning of the *Water Services Licensing Act 1995*

Page 123, lines 5 and 6 - To delete “drainage or access to water supply, sewerage ” and substitute -

irrigation or drainage works or access to water supply, sewerage, irrigation

Page 123, lines 7 and 8 - To delete “the Western Power Corporation under the *Electricity Corporation Act 1994*” and substitute -

the holder of a licence under the *Electricity Industry Act 2004*

Page 124, line 2 - To insert after “Registrar” the words “of Titles”.

Page 124, line 10 - To insert after “Registrar” the words “of Titles”.

Page 124, line 16 - To insert after “Registrar” the words “of Titles”.

Page 124, line 25 - To insert after “Registrar” the words “of Titles”.

Page 124, lines 28 to 30 - To delete the lines.

Clause 172.

Page 125, line 9 - To delete “or the Registry of Deeds”.

Page 126, after line 15 - To insert -

(9) Land referred to in subsection (1), (3) or (6) does not form part of a parcel comprised in a plan that is registered under the *Strata Titles Act 1985*.

Clause 177.

Page 130, lines 18 to 20 - To delete the lines.

Clause 185.

Page 139, line 3 - To insert after “withdraw” -  
, in a form acceptable to the Registrar,

Page 139, line 4 - To insert after “notification” -  
or a withdrawal of notification

Page 139, line 5 - To insert after “notification” -  
or withdrawal of notification

Page 139, line 12 - To insert after “Registrar” the words “of Titles”.

Page 139, after line 13 - To insert -

- (13) Where a memorial as to the land is lodged under subsection (9) with the Registrar of Deeds and Transfers without the consent of the responsible authority, registration of the document the subject of the memorial is null and void.

Clause 191.

Page 144, line 23 - To delete “owner” and substitute “authority”.

Clause 196.

Page 147, line 18 - To insert after “effect of” “,”.

Page 148, line 4 - To delete “improvement” and substitute “improvements”.

Clause 200.

Page 149, line 28 - To insert after “region” the word “planning”.

Clause 211.

Page 155, line 31 - To delete “Authority” and substitute “Commission”.

Clause 222.

Page 167, lines 17 to 21 - To delete the lines.

Clause 223.

Page 167, line 27 - To insert after “Commission;” the word “or”.

Clause 244.

Page 177, line 16 - To delete “application” and substitute “appeal”.

Clause 260.

Page 184, line 28 - To insert after “Registrar” the words “of the Tribunal”.

Clause 280.

Page 195, lines 4 to 18 - To oppose the clause.

Clause 281.

Page 195, line 20 - To delete “permission” and substitute “approval”.

Page 195, line 21 - To delete “of a permit” and substitute “to grant the approval”.

Page 195, line 22 - To delete “permit” and substitute “approval”.

Clause 285.

Page 198, line 16 - To delete “149(3)” and substitute “149(4)”.

Page 198, line 18 - To delete “149(3)” and substitute “149(4)”.

Page 199, line 2 - To delete “149(1)” and substitute “149(3)”.

Clause 295.

Page 205, line 31 - To delete “specified person or authority” and substitute -  
covenantee or other person or authority specified in the regulations

Page 205, line 33 - To insert after “154” -

and provide for the modification or discharge of, and other matters related to, a  
covenant referred to in that section

Clause 297.

Page 208, lines 12 and 13 - To delete the lines.

Schedule 2.

Page 221, lines 7 and 8 - To delete “is for the time being committed by the Governor in that administration”.

Page 221, lines 11 to 13 - To delete “is for the time being committed by the Governor in that administration”.

Schedule 6.

Page 232, line 9 - To delete the line.

Page 232, after line 13 - To insert -

10. Power services, including electricity and gas supply.

Schedule 8.

Page 238, line 22 - To delete “street, road, or right-of-way” and substitute “road”.

Page 238, lines 22 and 23 - To delete “street, road, or right-of-way” and substitute “road”.

Page 238, line 25 - To delete “street, road, or right-of-way” and substitute “road”.

Page 238, after line 25 - To insert -

(2) In this clause -

“road” has the meaning given by section 4(1) and includes a private road within the meaning of the *Land Administration Act 1997* section 3(1).

Page 238, lines 28 and 29 - To delete “street, road, or right-of-way” and substitute “road”.

Page 238, lines 32 and 33 - To delete “street, road, or right-of-way” and substitute “road”.

Page 238, lines 34 and 35 - To delete “street, road, or right-of-way” and substitute “road”.

Page 239, after line 6 - To insert -

“road” has the meaning given by clause 7(2).

Page 239, line 12 - To delete “street, road, or right-of-way” and substitute -  
road (as defined in clause 7(2))

*Referral to Legislation Committee*

On motion by Mr J.C. Kobelke (Leader of the House), resolved -

That the Bill be referred to a Legislation Committee for report to the House by 23 September 2004.

*Membership of Legislation Committee*

Mr J.C. Kobelke (Leader of the House) nominated the following members to sit on the Legislation committee -

The Minister for Planning and Infrastructure, the member for Geraldton, the member for Roleystone and the member for Cockburn.

Mrs C.L. Edwardes, on behalf of the Leader of the Opposition, nominated the following members to sit on the Legislation Committee -

The member for Greenough, the member for Warren-Blackwood and the member for Roe.