



MESSAGE No. 127

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Planning and Development Amendment Bill 2020* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

A handwritten signature in blue ink, appearing to read "Kate Doust".

Hon Kate Doust
President of the Legislative Council

Legislative Council Chamber
Perth, 23 June 2020

Schedule indicating the amendments made by the Legislative Council in the Planning and Development Amendment Bill 2020

No. 1

Clause 2, page 2, after line 10 — To insert:

- (2) However if a provision of this Act does not come into operation before the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent, the provision is repealed on the day after that period ends.

No. 2

Clause 4, page 4, lines 7 to 13 — To delete the lines.

No. 3

Clause 4, page 4, line 21 — To delete the line.

No. 4

Clause 4, page 4, after line 25 — To insert:

- (vi) the *Local Government Act 1995*;

No. 5

Clause 4, page 4, lines 26 and 27 — To delete the lines and insert:

- (c) any enactment, other than the following —
 - (i) this Act;
 - (ii) an enactment covered by paragraph (b);
 - (iii) the EP Act;

No. 6

Clause 4, page 5, lines 5 to 20 — To delete the lines.

No. 7

Clause 4, page 5, lines 27 to 29 — To delete the lines.

No. 8

Clause 4, page 6, lines 3 to 22 — To delete the lines and insert:

- (a) development that has an estimated cost of —
 - (i) in the case of a development that is wholly or partly in the metropolitan region — \$20 million or more;
 - or
 - (ii) in any other case — \$5 million or more;
 - or

No. 9

Clause 4, page 6, line 26 to page 7, line 3, to delete the lines and insert:

substantially commenced, subject to subsection (4), has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 1 as in force at the beginning of the recovery period;

No. 10

Clause 4, page 8, after line 16 — To insert:

- (3) To avoid doubt, this Part is subject to section 5 of the EP Act.

No. 11

Clause 4, page 10, after line 6 — To insert:

- (7) The Premier, within 14 days after the day on which a direction is given under subsection (5), must cause a copy of it to be published in the *Gazette* and, as soon as is practicable, must cause a copy of it to be laid before each House of Parliament or dealt with under section 268A.

No. 12

Clause 4, page 15, line 22 — To delete the line and insert:

- (a) consult the CEO (as defined in the *Contaminated Sites Act 2003* section 3(1)) if the development is of land referred to in section 58(1)(a)(i) of that Act in respect of which a memorial is registered under section 58 of that Act; and

No. 13

Clause 4, page 16, after line 13 — To insert:

- (d) have due regard to any submission made, or advice given, to the Commission in the course of a consultation under paragraph (a), (b) or (c).

No. 14

Clause 4, page 16, line 28 to page 17, line 7 — To delete the lines and insert:

- (6) The Commission must —
 - (a) consult any person or body not referred to in subsections (2) to (5) whom the Commission considers it appropriate to consult; and
 - (b) in the manner the Commission considers appropriate, advertise the development application, inviting submissions from members of the public generally or from a class or group of members of the public that the Commission considers appropriate; and
 - (c) have due regard to any submissions made by members of the public in response to the invitation under paragraph (b).
- (6A) The Commission may do anything else that is not covered by subsections (2) to (6) and that the Commission considers it appropriate to do in order to obtain a document, information, an opinion or any other contribution from any person or body.

No. 15

Clause 4, page 17, lines 8 and 9 — To delete “referred to in subsection (6)(a), (b) or (c),” and insert:

under subsection (6)(a) or (b) or (6A),

No. 16

Clause 4, page 18, lines 34 and 35 — To delete the lines.

No. 17

Clause 4, page 19, line 14 — To delete “48 months” and insert:

24 months

No. 18

Clause 4, page 24, after line 24 — To insert:

- (6A) The Minister, within 14 days after the day on which the direction is given, must cause a copy of it to be published in the *Gazette* and, as soon as is practicable, must cause a copy of it to be laid before each House of Parliament or dealt with under section 268A.

No. 19

Clause 4, page 26, after line 24 — To insert:

- (7) The Minister, within 14 days after the day on which the direction is given, must cause a copy of it to be published in the *Gazette* and, as soon as is practicable, must cause a copy of it to be laid before each House of Parliament or dealt with under section 268A.

No. 20

Clause 4, page 29, line 21 to page 30, line 3 — To delete the lines and insert:

- (2) Without limiting subsection (1), Part 17 regulations may prescribe powers, duties, procedures or any other matters for the purposes of, or in relation to —
- (a) applications, notifications, referrals or directions under this Part; or
 - (b) the consideration or determination of applications or notifications under this Part.

No. 21

Clause 67, page 67, lines 21 to 26 — To delete the clause.

No. 22

Clause 106, page 94, lines 28 to 32 — To delete the lines.



Clerk of the Legislative Council