

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 192
Issue No. 6
TUESDAY, 23 JUNE 2020

PLANNING AND DEVELOPMENT AMENDMENT BILL 2020 [192-1]

When in committee on the *Planning and Development Amendment Bill 2020*:

Hon Alison Xamon: To move –

35/4 Page 18, line 22 — To delete “Subject to Division 3, if” and insert:

If

Minister for Environment representing the Minister for Planning: To move –

22/4 Page 18, lines 34 and 35 — To delete the lines.

Hon Alison Xamon: To move –

36/4 Page 19, line 12 — To delete “subsection; or” and insert:

subsection, which must be a period of 24 months or less beginning on the day on which the approval is granted; or

Hon Tjorn Sibma: To move –

6/4 Page 19, line 14 — To delete “48 months” and insert:

24 months

Hon Alison Xamon: To move –

37/4 Page 19, line 14 — To delete “48” and insert:

24

Hon Alison Xamon: To move –

38/4 Page 21, line 8 to page 26, line 24 — To delete the lines.

Minister for Environment representing the Minister for Planning: To move –

23/4 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.

Hon Tjorn Sibma: To move –

7/4 Page 24, after line 27 — To insert:

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

Hon Tjorn Sibma: To move –

8/4 Page 26, after line 24 — To insert:

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

Minister for Environment representing the Minister for Planning: To move –

24/4 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.

Hon Charles Smith: To move –

13/4 Page 27, lines 1 to 3 — To delete the lines and insert:

- (2) Any of the following may apply to the State Administrative Tribunal (the *Tribunal*) for a review of the Commission’s decision to make the determination —
 - (a) the applicant;
 - (b) any person who, within the period specified in the invitation under section 276(5A) (including as applied by section 279(6)), made a submission in response to the invitation and who, in that submission, objected to, or in effect objected to, as the case requires —
 - (i) the granting of approval for the development or any part or aspect of the development; or
 - (ii) the granting of the application under section 279.

Hon Alison Xamon: To move –

39/4 Page 27, lines 12 to 15 — To delete the lines.

Hon Alison Xamon: To move –

40/4 Page 27, lines 21 to 23 — To delete the lines and insert:

or any Part 17 regulations.

Hon Alison Xamon: To move –

41/4 Page 28, after line 28 — To insert:

284A. Approval granted by Commission under s. 274 disallowable by Parliament where approval is contrary to certain advice

- (1) This section applies if —
 - (a) the Commission grants approval for development under section 274; and
 - (b) the approval is granted contrary to —
 - (i) any submission made, or advice given, to the Commission in the course of a consultation under section 276(3)(a), (b) or (c); or
 - (ii) any submission made to the Commission under section 276(4) within the specified period.
- (2) The Minister must cause a copy of the approval, including the Commission’s reasons for granting the approval, to be laid before each House of Parliament within 6 sitting days of the House after the approval is granted.
- (3) The approval is cancelled if —
 - (a) a copy of the approval, including the Commission’s reasons for granting the approval, is not laid before a House of Parliament in accordance with subsection (2); or

- (b) within 14 sitting days of a House of Parliament after the copy of the approval, including the Commission's reasons, is laid before the House, the House passes a resolution disallowing the approval.
- (4) The Commission's reasons for granting the approval must include an explanation of why the Commission did not follow the submission or advice referred to in subsection (1)(b).
- (5) That explanation must also be included in the reasons given to the applicant, and made publicly available, under section 274(7).

Hon Alison Xamon: To move –

42/4 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.

Clause 67

Hon Rick Mazza:

47/67 Page 67, lines 21 to 27 — To oppose the clause.



Recommitted Clause 4

Hon Simon O'Brien:

48/4 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;

