

**PLANNING AND DEVELOPMENT AMENDMENT BILL 2023**

*Committee*

Resumed from 28 November. The Deputy Chair of Committees (Hon Sandra Carr) in the chair; Hon Jackie Jarvis (Minister for Agriculture and Food) in charge of the bill.

**Clause 7: Act amended —**

Progress was reported after the clause had been partly considered.

**Hon JACKIE JARVIS:** Before we get to clause 7, I would like to take the opportunity to provide responses to some questions that I could not answer yesterday. A question was asked about reporting against the National Planning Reform Blueprint. I can inform members that National Cabinet agreed that all cabinet ministers will report on progress across all 10 of the National Planning Reform Blueprint measures twice yearly, with the first report occurring before 1 March 2024.

Hon Neil Thomson asked a question about planning applications that are under part 17. This is my response to that question. In light of proposed part 11B, he asked whether part 17 would be deleted, what would happen to existing part 17 applications and whether they would be rolled over into proposed part 11B. The short answer is no. The applications under part 17 will continue to exist. Part 17 will be closed to new applications from 29 December 2023. Any application currently in the part 17 system will continue to be assessed under that pathway. It was considered too confusing from a legislative drafting perspective and potentially unfair to proponents to try to roll over any existing part 17 applications and approvals into the proposed part 11B. No specified time frame is applied to their determination; however, they will be progressed as quickly as possible as a number are pending environmental review.

**Hon NEIL THOMSON:** I thank the minister for that. The minister is right; today, I was reading that very point in the explanatory memorandum as I recapped in preparation for today. I make the point about those part 17 applications that a couple of complex applications are in there and currently referred to the Environmental Protection Authority. My only concern is that some of those applications might linger for some time. Will there be any scope to deal with the complex applications that might be referred to the EPA or other authorities for consideration, given there is no time limit for the finalisation and closure of the process for part 17 applications?

**Hon JACKIE JARVIS:** There is no time limit. They will continue as normal under that part 17 application. As I noted last night, part 17 will not be repealed, so those applications will go through the normal process, which is the process those proponents started.

**Clause put and passed.**

**Clauses 8 to 10 put and passed.**

**Clause 11: Parts 11B and 11C inserted —**

**Hon NEIL THOMSON:** Clause 11 obviously has a provision to insert proposed parts 11B and 11C, the development approval for significant development. A time frame of 120 days has been included. Will a stop-the-clock provision apply if a matter is referred to the Environmental Protection Authority?

**Hon JACKIE JARVIS:** I am advised that the existing provisions will remain. Yes; a referral to the EPA does invoke a stop-the-clock provision, and these are the ordinary rules that have applied previously.

**Hon NEIL THOMSON:** Will there be any other grounds for stopping the clock on approvals under proposed part 11B?

**Hon JACKIE JARVIS:** I am advised that there are no standard stop-the-clock provisions outside the EPA; however, there is a provision if the proponent agrees to stop the clock. An example that was given was if the proponent wants to have the opportunity to provide more information or if there were some objections and the proponent would like to seek some time to prepare a response. It is only when the proponent agrees that a provision allows for that.

**Hon NEIL THOMSON:** Proposed part 11B has scope for the provisions to be modelled on the regulations, so some regulations will apply to proposed part 11B, based on the well-known procedures from the development assessment panels system and the Planning and Development (Local Planning Schemes) Regulations 2015. Have those regulations been finalised or when will they be finalised?

**Committee interrupted, pursuant to standing orders.**

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