

Western Australia

LEGISLATIVE ASSEMBLY

Planning Legislation Amendment Bill 2000

A Bill for

An Act to amend the *Metropolitan Region Town Planning Scheme Act 1959* and the *Western Australian Planning Commission Act 1985* and to validate certain acts.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Planning Legislation Amendment Act 2000*.

2. Commencement

(1) Subject to subsection (2), this Act comes into operation on the day on which it receives the Royal Assent.

(2) Section 4 comes into operation —

- 5 (a) immediately after the *Planning Legislation Amendment Act 1999* comes into operation; or
- (b) on the day on which this Act receives the Royal Assent, whichever is the later.

3. Section 45 of the *Metropolitan Region Town Planning Scheme Act 1959* replaced and validation

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(1) Section 45 of the *Metropolitan Region Town Planning Scheme Act 1959** is repealed and the following section is inserted instead —

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45. Crown bound

Except as provided in section 32 of the *Town Planning and Development Act 1928*, the Metropolitan Region Scheme binds the Crown.

”.

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(2) An existing work is not, and never has been, invalid or illegal by reason only that approval for that existing work was not obtained.

(3) In subsection (2) —

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“**approval**” means approval under the Metropolitan Region Scheme within the meaning of the *Metropolitan Region Town Planning Scheme Act 1959*;

“**existing work**” means an undertaking, construction or provision of a public work commenced or completed

before the coming into operation of subsection (1) which, by virtue of —

(a) section 45 of the *Metropolitan Region Town Planning Scheme Act 1959*, as amended by subsection (1); and

(b) section 32 of the *Town Planning and Development Act 1928*,

would not have required approval if it had been commenced after the coming into operation of subsection (1).

[* Reprinted as at 4 February 2000.

For subsequent amendments see Act No. 24 of 2000.]

4. Section 37M of the Western Australian Planning Commission Act 1985 replaced

Section 37M of the *Western Australian Planning Commission Act 1985** is repealed and the following section is inserted instead —

“

37M. Crown bound

Except as provided in section 32 of the *Town Planning and Development Act 1928*, a regional planning scheme binds the Crown.

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[* Reprinted as at 19 February 1999.

For subsequent amendments see Act No. 58 of 1999.]