

c2019-027
OPP--OPPOSITION

LEGISLATIVE COUNCIL

Planning Legislation Amendment Bill 2019

First print

Proposed amendment

No. 1 Pre-gateway reviews

Page 3, Schedule 1.1. Insert after line [26]:

[3] Section 3.32A

Insert after section 3.32:

3.32A Prohibition of use of pre-gateway review process

- (1) The Minister must not make a direction under section 3.32 (2) (c) or (d) if:
 - (a) the matters to which the proposed instrument relates have been the subject of a planning proposal application to the council of the area to which the instrument is to apply, and
 - (b) the council has determined not to proceed with the planning proposal, or the council has failed to determine the planning proposal application and it is less than 180 days since the application was made.
- (2) The Minister must not make a direction under section 3.32 (2) (c) if:
 - (a) the matters to which the proposed instrument relates could have been the subject of a planning proposal application to the council for the area to which the instrument is to apply, and
 - (b) no planning proposal application was made to the council in relation to the whole or part of the matters to which the proposed instrument relates, and
 - (c) the proposed instrument involves a change to the zoning or permitted use of land or to development standards applicable to development on land.
- (3) In this section, a *planning proposal application* means an application to a council for the preparation and approval of a planning proposal for a proposed instrument to facilitate proposed development.
- (4) This section does not apply to a proposed instrument that relates to State significant development or a matter of regional significance.

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- (5) This section does not extend to a proposed instrument that relates to matters that have been the subject of an application to the council or the Minister before the commencement of this section.