

Royal Melbourne Hospital (Redevelopment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 29 April 1992

(Brought in by Ms Setches and Mr Roper)

A BILL

to facilitate the redevelopment of the Royal Melbourne Hospital and
for other purposes

Royal Melbourne Hospital (Redevelopment) Act 1992

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to facilitate the redevelopment
of the Royal Melbourne Hospital and, in doing so, to—

- 5 (a) provide for planning controls on the
 redevelopment;
- (b) provide for the application of the **Environment
 Protection Act 1970** to the redevelopment;
- 10 (c) facilitate the construction of an underground car
 park on land adjoining the Royal Melbourne
 Hospital site, to be used for hospital purposes and
 the purposes of the University High School.

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984.**)

2. Commencement

This Act comes into operation on a day or days to be proclaimed.

3. Definitions

In this Act— 5

“hospital site” means the land described in Schedule 3.

“redevelopment project” means the Royal Melbourne Hospital redevelopment proposal covering the land shown hatched and cross-hatched on the plan in Schedule 1, being a project for the staged redevelopment of the hospital site and neighbouring land to provide— 10

(a) consulting rooms and microbiology laboratories on the hospital site; and

(b) accident and emergency facilities, radiology facilities, coronary care facilities, a bone marrow centre and operating theatres on that site; and 15

(c) a central energy supply system for the hospital; and 20

(d) a car park underneath the land used by the University High School;

(e) a technical facilities complex on the University High School site, for the use of the school—

and includes road works and other works (whether on the hospital site or not) associated with the redevelopment described in paragraphs (a) to (e). 25

4. Amendment of planning scheme

(1) In addition to any other power to prepare, adopt or approve amendments to planning schemes, the Minister administering the **Planning and Environment Act 1987** may— 30

(a) on the recommendation of the Minister administering the **Health Services Act 1988** prepare; and 35

(b) adopt and approve—

amendments to any planning scheme applying to the land covered by the redevelopment project to facilitate that project.

- 5 (2) Without limiting what an amendment may include, an amendment prepared under this section may impose any conditions on the development and use of the land covered by the redevelopment project that the Minister administering the **Planning and Environment Act 1987** may determine, and may provide that no permit is required for all or any part of that development or use of land.
- 10
- 15 (3) The **Planning and Environment Act 1987** (except for section 12 (1), (d) and (e), (2) and (3) and Divisions 1 and 2 of Part 3, and section 39 (1) to (6) and any regulations made for the purposes of those provisions) applies to the preparation, adoption and approval of an amendment under this section.
- 20 (4) This section has effect despite anything in section 46 of the **Planning and Environment Act 1987** and that section does not apply to an amendment prepared, adopted or approved under this section.
- 25 (5) Section 39 (7) of the **Planning and Environment Act 1987** applies to an amendment prepared, adopted or approved under this section as if before “Division 1” there were inserted “section 12 (1) or”.
- 30 (6) Section 39 (8) of the **Planning and Environment Act 1987** applies to an amendment prepared or adopted under this section as if—
- (a) the words “Except for an application under this section” were deleted; and
- (b) before “Division 1” there were inserted “section 12 (1) or”.
- 35 (7) Nothing in this section prevents either House of Parliament exercising its power under section 38 of the **Planning and Environment Act 1987**.

5. *Application of Environment Protection Act*

- (1) A decision listed in sub-section (2) cannot be appealed against, reviewed, challenged, quashed or called in question in any proceedings before a Court or Tribunal except by the person who is the subject of the decision. 5
- (2) This section applies to a decision of the Environment Protection Authority or a delegated agency made under the **Environment Protection Act 1970** in relation to—
- (a) a works approval, licence or permit under that Act; or 10
- (b) any other matter arising under that Act—
- and applying to anything concerning the redevelopment project.
- (3) This section has effect despite anything in the **Environment Protection Act 1970**. 15

6. *Certain land may be used despite reservation*

- (1) The land shown cross-hatched on the plan in Schedule 1, being part of the land described in Schedule 2, may be used and developed, in accordance with the redevelopment project, for a car park. 20
- (2) Sub-section (1) only authorises the use or development of land in accordance with any applicable provisions of any planning scheme and any licence in force under section 7.
- (3) This section applies despite anything to the contrary in the **Crown Land (Reserves) Act 1978**, the **Land Act 1958**, any instrument reserving land or anything in any other Act or law. 25

7. *Strata licensing*

- (1) In this section—
- “**relevant stratum of Crown land**” means a stratum of 30
Crown land comprising any part of the land shown cross-hatched on the plan in Schedule 1, being part of the land described in Schedule 2;

“Stratum of Crown land” has the same meaning as in section 138A of the **Land Act 1958**.

- 5
- (2) The Minister may grant to the Royal Melbourne Hospital a licence or licences for a relevant stratum of Crown land or relevant strata of Crown land.
- (3) A licence authorises the licensee to enter, use and develop the land covered by the licence for the purposes of a car park in accordance with the redevelopment project.
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- (4) The Minister must not grant a licence under this section unless he or she—
- (a) has first consulted the Minister administering the **Planning and Environment Act 1987**; and
- (b) has entered into an agreement or arrangement with the hospital under which the hospital agrees—
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- (i) in carrying out the redevelopment project to interfere as little as possible with the use of the University High School oval by that school; and
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- (ii) to reinstate the surface of the oval after building works are completed, except for those parts to be used as exits or exhaust outlets from the car park; and
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- (iii) to permit the school to continue to use the oval and the road crossing it after building works are completed.
- (5) A licence under this section—
- (a) is subject to any conditions that the Minister thinks fit and specifies in the licence as to—
- 30
- (i) access to and use of the land covered by the licence; and
- (ii) the improvement of the land and the maintenance and repair of improvements; and
- (iii) the protection of the continued use of parts of the surface of the land by the school; and
- 35
- (iv) the reinstatement of existing access routes across the surface of the land covered by the licence; and

Royal Melbourne Hospital (Redevelopment)

- (b) is subject to any other terms or conditions that the Minister determines and specifies in the licence; and
- (c) may be granted or renewed for a term of not more than 50 years. 5
- (6) Subject to this section, section 138A (8), (9) and (10) of the **Land Act 1958** apply with the necessary modifications to a licence under this section as if it were a licence for a stratum of Crown land issued under section 138 of that Act. 10
- (7) Sections 138 and 140 of the **Land Act 1958** do not apply to a licence under this section.
- (8) Nothing in this section affects or takes away from the operation of section 4 or any amendments made under that section. 15

8. *No compensation payable by Crown or hospital*

No compensation is payable by the Crown or the Royal Melbourne Hospital in respect of anything done under section 6 or because the hospital uses or develops land in accordance with this Act and any licence issued under it but inconsistently with the reservation of the land. 20

9. *Supreme Court—Limitation of jurisdiction*

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to— 25

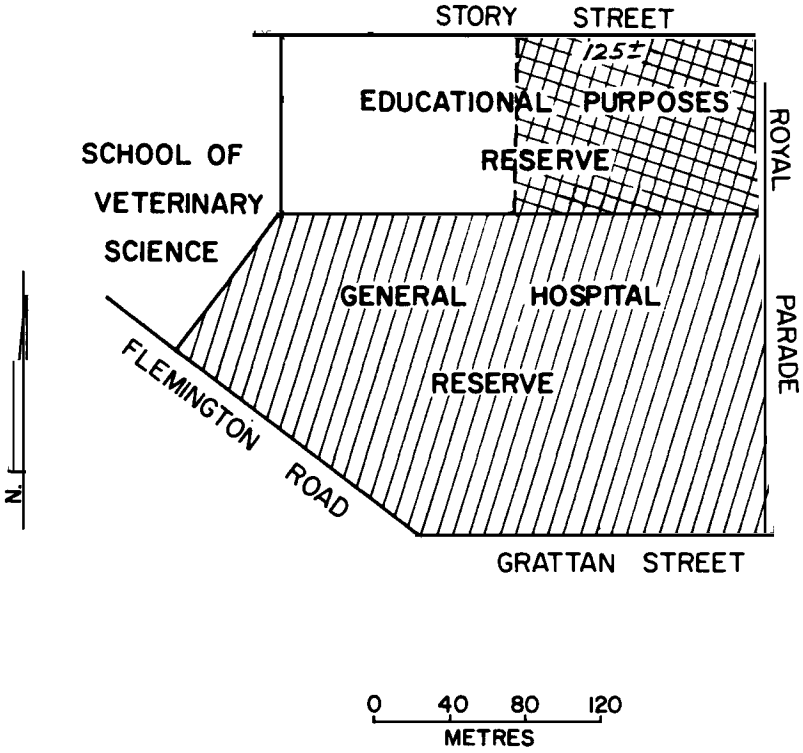
- (a) prevent the Supreme Court awarding compensation—
- (i) in respect of anything done under or arising out of section 6; or
- (ii) because the Royal Melbourne Hospital in accordance with this Act and any licence issued under it uses or develops land inconsistently with the reservation of the land; or 30
- (b) prevent the Supreme Court considering or reviewing matters of the kind described in section 35

39 (7) and (8) of the Planning and Environment Act 1987 (as modified by section 4 (5) and (6) of this Act) and section 5 of this Act.

SCHEDULES

SCHEDULE 1

Redevelopment Project Land



SCHEDULE 2

University High School Land

<i>Situation and area of land</i>	<i>Instrument and date of Reservation</i>	<i>Description of land by Reference to Government Gazette</i>	<i>Purpose of Reservation</i>
City of Melbourne at Parkville, Parish of Jika Jika, an area of 2.335 hectares	Order in Council 30 July 1929	3 July 1929, pages 1905 and 1906 and 31 July 1929, page 2755	Site for educational purposes

SCHEDULE 3**Royal Melbourne Hospital Site**

<i>Situation and area of land</i>	<i>Instrument and date of Reservation</i>	<i>Description of land by Reference to Government Gazette</i>	<i>Purpose of Reservation</i>
City of Melbourne at Parkville, Parish of Jika Jika, County of Bourke, an area of 4.446 hectares	Order in Council 26 March 1936	26 February 1936, page 593 and 1 April 1936, page 915	Site for General Hospital

