

# **Town and Country Planning (Amendment) Bill (No 3)**

## **NOTES ON CLAUSES**

*Clause 1* States the short title of the Act.

*Clause 2* Provides for commencement.

*Clause 3* Cites the *Town and Country Planning Act 1961* as the Principal Act.

*Clause 4* Sub-clause (1) inserts a definition for "copy" in relation to a planning scheme.

*Sub-clause (2)* deletes sub-section 31 (3A) which previously defined the word copy.

*Clause 5* Inserts a general delegation power for the Minister subject to the exemptions that he shall not delegate the power of delegation itself or any recommendations he is required to make to the Governor in Council.

*Clause 6* Amends Section 11D of the Principal Act to broaden the powers of delegation of the Secretary for Planning and Environment to enable delegation of responsibilities imposed on him under any Act.

*Clause 7* Sub-clauses (1), (2), and (4) amend the provisions in relation to permits under interim development orders to specifically include planning schemes.

*Sub-clause (3)* Inserts a new sub-section 18 (2A) to provide that interim development orders as well as planning schemes specify conditions to be included in permits.

*Sub-clause (5)* deletes sub-section 27 (2) of the Principal Act.

*Sub-clause (6)* consequentially revokes existing provisions in schemes which provide for the imposition of conditions in permits.

*Sub-clause (7)* provides appropriate transitionals for the amendment under this section.

*Sub-clause (8)* validates certain permits.

*Clause 8* Amends Section 24 of the Principal Act to provide that a responsible authority may revoke or modify permits where it granted the permit and all parties agree whereas previously the matter was referred to the Minister.

If any party disagrees then the Planning Appeals Board is to hear and determine the matter.

Any permit issued at the direction of the Planning Appeals Board is to be amended only if the Planning Appeals Board so authorises.

Permits part processed are to continue as if the amendment had not been made.

*Clause 9* Extends the provisions of Section 25 of the Principal Act to require an application for a permit where required in all cases where the land of the responsible authority is in question whether or not the use of development is by the Responsible Authority.

*Clause 10* Amends sub-section 28 (1) of the Principal Act to enable the Minister to specify additional places where a planning scheme may be exhibited.

*Clause 11* Provides for panels to consider submissions to the Minister under sub-sections 30 (3) and 32 (7) of the Principal Act relating to amendments under Planning Schemes.

*Clause 12* Amends Section 40 of the Principal Act to enable land acquisition for the better use development or planning of an area.

*Clause 13* Amends Section 41 of the Principal Act to enable compensation for loss on sale to be recorded on title by an acquiring authority.

*Clause 14* Amends Section 52B of the Principal Act to provide that only agreements which are to run with the land are registered on title.

*Clause 15* Clarifies that "Council" includes a delegate of the Council in relation to compensation payable for void permits.

*Clause 16* Amends the *Port Phillip Authority Act 1966* and provides appropriate transitionals to transfer the role of the Authority to the Minister.

*Clause 17* Amends the Town and Country Planning Act consequent to amendments to the Port Phillip Authority Act.

*Clause 18* Amends the *Planning Appeals Board Act 1980* consequent to amendments to the Port Phillip Authority Act.

*Schedule* Set out the detailed amendments to the Port Phillip Authority Act.