

Planning and Environment (Miscellaneous Amendments) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 3 May 1995

(Brought in by Mr Maclellan (Pakenham) and Mr Gude)

A BILL

to make miscellaneous amendments to the **Planning and Environment Act 1987** and for other purposes.

Planning and Environment (Miscellaneous Amendments) Act 1995

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to make miscellaneous amendments to the **Planning and Environment Act 1987**.

2. Commencement

- (1) This Act, except section 4, comes into operation on the day on which it receives the Royal Assent.

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

- (2) Subject to sub-section (3), section 4 comes into operation on a day to be proclaimed.
- (3) If section 4 does not come into operation within the period of 6 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period.

3. *What can a planning scheme provide for?*

- (1) After section 6 (2) (h) of the **Planning and Environment Act 1987** insert—

“(ha) require specified information to be provided with an application for a permit”.

- (2) After section 47 (1) (b) of the **Planning and Environment Act 1987** insert—

“and

(c) be accompanied by the information required by the planning scheme.”.

4. *Regional planning authorities*

In the **Planning and Environment Act 1987**—

- (a) section 6 (2) (d) is **repealed**;
- (b) section 8 (2) is **repealed**;
- (c) section 10 is **repealed**;
- (d) section 17 (1) (b) is **repealed**;
- (e) in section 18 **omit** “, (b)”;
- (f) section 24 (d) is **repealed**;
- (g) section 40 (1) (b) is **repealed**;
- (h) section 90 (1) (e) is **repealed**;
- (i) section 152 is **repealed**;
- (j) in section 189 (1) **omit** “or a regional planning authority”.

5. What matters must a responsible authority consider?

For section 60 (1) (b) (ii) of the **Planning and Environment Act 1987** substitute—

“(ii) any strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council; and

(iia) any amendment to the planning scheme which has been adopted by a planning authority; and”.

6. Call in power

After section 97B (1) (b) of the **Planning and Environment Act 1987** insert—

“or

(c) that the use or development to which the application relates is also required to be considered by the Minister under another Act or regulation and that consideration would be facilitated by the referral of the application to the Minister.”.

7. General review provision

In section 149A (1) (b) of the **Planning and Environment Act 1987** for “paragraph (a) (i) or (ii)” substitute “paragraph (a) (i), (ii) or (iia)”.

8. Panel fees

(1) For section 156 (2) of the **Planning and Environment Act 1987** substitute—

“(2) The relevant planning authority must pay the fees or allowances unless the Minister otherwise directs.”.

(2) In section 156 (3) of the **Planning and Environment Act 1987** for “directed” substitute “required”.

9. Agreements(1) In the **Planning and Environment Act 1987**—

- (a) in section 177 (1) after “ends” **insert** “wholly or in part or as to any part of the land”;
- (b) in section 177 (2) after “ended” **insert** “wholly or in part or as to any part of the land”;
- (c) in section 183 (1) after “agreement” (where first occurring) **insert** “wholly or in part or as to any part of the land”.

(2) For section 183 (2) of the **Planning and Environment Act 1987** **substitute**—

“(2) The Registrar of Titles must, as appropriate, cancel in whole or in part or alter the recording of the agreement in the Register.”.

10. Delegation

For section 188 (2) (b) of the **Planning and Environment Act 1987** **substitute**—

“(b) the powers of a responsible authority under sections 125, 171 (2) (b), (c), (d) and (e), 172 and 191 and sub-section (1); and”.

11. Statute law revision(1) In the **Planning and Environment Act 1987**—

- (a) in section 3, after the definition of “Crown land” **insert**—

“**Department**” means the Department of Planning and Development;

- (b) in section 3 (definition of “secretary”) for “chief administrator” **substitute** “Department Head”;
- (c) in section 133 (a) for “Ministry for Planning and Environment” **substitute** “Department”;
- (d) in section 140 (1) for “Secretary for Planning and Environment” **substitute** “Secretary to the Department”;

- (e) in section 146 (b) for “Secretary for Planning and Environment” **substitute** “Secretary to the Department”;
- (f) in section 147 (2) for “Ministry” **substitute** “Department”;
- (g) in section 147 (3) (b) (i) for “chief administrator” **substitute** “Department Head”;
- (h) in section 147 (3) (b) (ii) before “department” **insert** “Minister’s”;
- (i) in section 147 (4)—
- (i) for “Ministry for Planning and Environment” **substitute** “Department”;
 - (ii) for “Ministry” (where secondly occurring) **substitute** “Department”;
 - (iii) for “the Secretary for Planning and Environment” **substitute** “the Secretary to the Department”;
- (j) for section 186 (1) (a), (b) and (c) **substitute**—
- “(a) the Secretary to the Department; or
 - (b) a committee of officers of the Department; or
 - (c) any officer of the Department;”;
- (k) in section 187—
- (i) for “Secretary for Planning and Environment” **substitute** “Secretary to the Department”;
 - (ii) for “Ministry” **substitute** “Department”.
- (2) Section 86 of the **Planning and Environment Act 1987** is **repealed**.



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