

# Planning Authorities Repeal Bill

No.

## TABLE OF PROVISIONS

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### PART 1—PRELIMINARY

1. Purposes
2. Commencement

### PART 2—LODDON—CAMPASPE REGIONAL PLANNING AUTHORITY

3. Definition
4. Members of Authority to go out of office
5. Appointment of administrator
6. Functions and powers of administrator
7. Repeal of **Loddon—Campaspe Regional Planning Authority Act 1987**

### PART 3—UPPER YARRA VALLEY AND DANDENONG RANGES AUTHORITY

8. Definitions
9. Members of Authority to go out of office
10. Appointment of administrator
11. Functions and powers of administrator
12. Repeal of **Upper Yarra Valley and Dandenong Ranges Authority Act 1976**

### PART 4—AMENDMENT OF PLANNING AND ENVIRONMENT ACT 1987

13. New Part 3A inserted in **Planning and Environment Act 1987**

### PART 3A—UPPER YARRA VALLEY AND DANDENONG RANGES—REGIONAL STRATEGY PLAN

- 46A. Definitions
- 46B. Saving of approved regional strategy plan and amending plans
- 46C. Amendment of strategy plan
- 46D. Approval of Parliament needed after appointed day
- 46E. Availability of amendment
- 46F. Planning schemes to comply with approved regional strategy plan
- 46G. Works to be in conformity with approved regional strategy plan

By Authority L. V. North, Government Printer Melbourne



# LEGISLATIVE ASSEMBLY

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Read 1° 15 November 1994

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

## A BILL

to provide for the winding up of the Loddon-Campaspe Regional Planning Authority and the Upper Yarra Valley and Dandenong Ranges Authority, to repeal the **Loddon-Campaspe Regional Planning Authority Act 1987** and the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** and to amend the **Planning and Environment Act 1987** to provide for the continuation of the approved regional strategy plan made under the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** and for other purposes

## **Planning Authorities Repeal Act 1994**

The Parliament of Victoria enacts as follows:

### **PART 1—PRELIMINARY**

#### **1. *Purposes***

The main purposes of this Act are—

- 5           (a) to provide for the winding up of the  
                    Loddon-Campaspe      Regional      Planning

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

*Planning Authorities Repeal*

Authority and the Upper Yarra Valley and Dandenong Ranges Authority; and

(b) to repeal the **Loddon-Campaspe Regional Planning Authority Act 1987** and the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976**; and

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(c) to amend the **Planning and Environment Act 1987** to provide for the continuation of the approved regional strategy plan made under the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976**.

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**2. Commencement**

(1) This Act (except sections 7, 12 and 13) comes into operation on the day on which it receives the Royal Assent.

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(2) Section 7 comes into operation on a day to be proclaimed.

(3) Sections 12 and 13 come into operation on a day to be proclaimed.

**PART 2—LODDON—CAMPASPE REGIONAL PLANNING AUTHORITY**

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**3. Definition**

In this Part—

“**administrator**” means the administrator appointed under section 5.

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**4. Members of Authority to go out of office**

On the commencement of this section—

(a) the members of the Loddon-Campaspe Regional Planning Authority cease to hold such office by virtue of this Act;

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(b) the administrator appointed under section 5 is deemed to be the members of the

Loddon–Campaspe Regional Planning Authority and may perform the functions and exercise the powers conferred on the members of the Loddon–Campaspe Regional Planning Authority under the **Loddon–Campaspe Regional Planning Authority Act 1987** or this Act;

- (c) sections 6, 7, 8, 9, 10, 11, 12, 13 and 14 and Schedule Two of the **Loddon–Campaspe Regional Planning Authority Act 1987** are repealed;
- (d) the Loddon–Campaspe Regional Planning Authority ceases to be a regional planning authority;
- (e) section 5 (1) (aa) of the **Loddon–Campaspe Regional Planning Authority Act 1987** is repealed;
- (f) section 10 (da) of the **Planning and Environment Act 1987** is repealed.

**5. Appointment of administrator**

- (1) The Governor in Council may by Order appoint a person to be an administrator for the purposes of this Part.
- (2) The Governor in Council may by Order appoint a person to fill a vacancy in the office of administrator.
- (3) The Governor in Council may by Order appoint a person to act in the place of the administrator during the absence from office or illness of the administrator.
- (4) A person appointed under sub-section (3) shall while so acting have, exercise and discharge all the responsibilities, liabilities, powers, authorities, duties and functions conferred or imposed on the administrator by or under this Part.
- (5) The administrator (other than an administrator who is an officer or employee of the public service) is entitled to receive such salary, allowances and

*Planning Authorities Repeal*

expenses as are determined by the Governor in Council.

- (6) The administrator's salary, allowances and expenses are to be paid out of the account kept under section 25 of the **Loddon–Campaspe Regional Planning Authority Act 1987**. 5

**6. Functions and powers of administrator**

- (1) Subject to this section—
- (a) the administrator shall have, exercise and discharge the responsibilities, liabilities, rights, powers, authorities, duties and functions conferred on the Loddon–Campaspe Regional Planning Authority or a member of the Loddon–Campaspe Regional Planning Authority under the **Loddon–Campaspe Regional Planning Authority Act 1987**; 10 15
- (b) the administrator shall ensure an orderly winding-up of the affairs of the Loddon–Campaspe Regional Planning Authority. 20
- (2) The administrator must exercise his or her powers and perform his or her functions subject to any general directions given by the Minister.
- (3) The administrator must report to the Minister on such matters and at such intervals as the Minister may specify. 25

**7. Repeal of Loddon–Campaspe Regional Planning Authority Act 1987**

- (1) The **Loddon–Campaspe Regional Planning Authority Act 1987** is repealed. 30
- (2) On the commencement of this section—
- (a) all property, rights and assets of the Loddon–Campaspe Regional Planning Authority are by virtue of this Act vested in the State; 35

(b) all liabilities of the Loddon–Campaspe Regional Planning Authority are by virtue of this Act liabilities of the State;

(c) the administrator ceases to hold office.

5 (3) If, immediately before the commencement of this section, proceedings to which the Loddon–Campaspe Regional Planning Authority was a party were pending or existing in any court or tribunal, then, on and after that commencement, the State is substituted for the Loddon–Campaspe Regional Planning Authority as a party to those proceedings and has the same rights in the proceedings as the Loddon–Campaspe Regional Planning Authority.

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15 (4) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument, must make any amendments in the Register that are necessary because of the operation of this section.

20 **PART 3—UPPER YARRA VALLEY AND DANDENONG RANGES AUTHORITY**

**8. Definitions**

In this Part—

“**administrator**” means the administrator appointed under section 10;

25 “**appointed day**” means a day fixed by the Governor in Council by Order published in the Government Gazette as the appointed day for the purposes of this Part.

**9. Members of Authority to go out of office**

30 On the appointed day—

(a) the members of the Upper Yarra Valley and Dandenong Ranges Authority cease to hold such office by virtue of this Act;

*Planning Authorities Repeal*

- (b) the administrator appointed under section 10 is deemed to be the members of the Upper Yarra Valley and Dandenong Ranges Authority and may perform the functions and exercise the powers conferred on the members of the Upper Yarra Valley and Dandenong Ranges Authority under the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** or this Act; 5
- (c) sections 7, 8, 9 and 10 of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** are repealed; 10
- (d) the Upper Yarra Valley and Dandenong Ranges Authority ceases to be a regional planning authority;
- (e) section 12 (2) (f) of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** is repealed; 15
- (f) section 10 (c) of the **Planning and Environment Act 1987** is repealed.
- 10. Appointment of administrator** 20
- (1) The Governor in Council may by Order appoint a person to be an administrator for the purposes of this Part.
- (2) The Governor in Council may by Order appoint a person to fill a vacancy in the office of administrator. 25
- (3) The Governor in Council may by Order appoint a person to act in the place of the administrator during the absence from office or illness of the administrator.
- (4) A person appointed under sub-section (3) shall while so acting have, exercise and discharge all the responsibilities, liabilities, powers, authorities, duties and functions conferred or imposed on the administrator by or under this Part. 30
- (5) The administrator (other than an administrator who is an officer or employee of the public service) is entitled to receive such salary, allowances and 35



expenses as are determined by the Governor in Council.

- 5 (6) The administrator's salary, allowances and expenses are to be paid out of the General Fund established under section 31 of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976**.

**11. *Functions and powers of administrator***

- (1) Subject to this section—

10 (a) the administrator shall have, exercise and discharge the responsibilities, liabilities, rights, powers, authorities, duties and functions conferred on the Upper Yarra Valley and Dandenong Ranges Authority or a member of the Upper Yarra Valley and Dandenong Ranges Authority under the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976**;

15 (b) the administrator shall ensure an orderly winding-up of the affairs of the Upper Yarra Valley and Dandenong Ranges Authority.

- 20 (2) The administrator must exercise his or her powers and perform his or her functions subject to any general directions given by the Minister.
- 25 (3) The administrator must report to the Minister on such matters and at such intervals as the Minister may specify.

**12. *Repeal of Upper Yarra Valley and Dandenong Ranges Authority Act 1976***

- (1) The **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** is repealed.

- 30 (2) On the commencement of this section—

(a) all property, rights and assets of the Upper Yarra Valley and Dandenong Ranges Authority are by virtue of this Act vested in the State;

*Planning Authorities Repeal*

(b) all liabilities of the Upper Yarra Valley and Dandenong Ranges Authority are by virtue of this Act liabilities of the State;

(c) the administrator ceases to hold office.

- (3) If, immediately before the commencement of this section, proceedings to which the Upper Yarra Valley and Dandenong Ranges Authority was a party were pending or existing in any court or tribunal, then, on and after that commencement, the State is substituted for the Upper Yarra Valley and Dandenong Ranges Authority as a party to those proceedings and has the same rights in the proceedings as the Upper Yarra Valley and Dandenong Ranges Authority. 5  
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- (4) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument, must make any amendments in the Register that are necessary because of the operation of this section. 15

**PART 4—AMENDMENT OF PLANNING AND ENVIRONMENT ACT 1987** 20

**13. *New Part 3A inserted in Planning and Environment Act 1987***

After Part 3 of the **Planning and Environment Act 1987** insert—

**‘PART 3A—UPPER YARRA VALLEY AND DANDENONG RANGES—REGIONAL STRATEGY PLAN** 25

**46A. *Definitions***

(1) In this Part—

“**appointed day**” means the day appointed by the Governor in Council by Order published in the Government Gazette as the 30

appointed day for the purposes of this Part;

5           **“approved regional strategy plan”**  
              means the regional strategy plan  
              declared to be an approved regional  
              strategy plan under section 17 of the  
              **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** as amended under that Act  
10           and as amended from time to time  
              under this Part;

**“region”** means—

15           (a) the area described in the  
              Schedule to the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976**;  
              and

              (b) any area included in the region  
              under sub-section (2)—

20           but excludes any area excluded from  
              the region under sub-section (2).

(2) The Governor in Council may by order  
published in the Government Gazette—

25           (a) include any area of land in the  
              region; or

              (b) exclude any area of land from the  
              region.

(3) An order must not be made under  
sub-section (2) after the appointed day.

30           **46B. *Saving of approved regional strategy plan and amending plans***

35           (1) The repeal of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** by section 12 of the **Planning Authorities Repeal Act 1994** does not affect the continuity, status or effect of the

*Planning Authorities Repeal*

approved regional strategy plan or any amending regional strategy plan existing under that Act immediately before that repeal.

- (2) An amending regional strategy plan prepared under the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** but not declared to be approved under that Act before the repeal of that Act is deemed to be an amendment to the approved regional strategy plan prepared by the Minister under section 46C (1). 5 10
- (3) For the purposes of sub-section (2) and section 46C (2)—
- (a) an amending strategy plan adopted by the Authority under section 14 (11) of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** and for which notice has been given under section 14 (13) of that Act is deemed to have complied with Division 1 of Part 3 of the **Planning and Environment Act 1987**; 15 20
- (b) any representations made in relation to an amending regional strategy plan by a person under section 14 (16) of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** within the period specified under that section are deemed to be submissions made under Division 2 of Part 3 of the **Planning and Environment Act 1987**; 25 30
- (c) a panel appointed under section 14 (17) of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** in relation to an amending regional strategy plan and existing immediately before the repeal of that Act is deemed to be a panel 35 40

appointed under Part 8 of the **Planning and Environment Act 1987**;

5 (d) a report of a panel under section 14 (29) of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** in relation to an amending regional strategy plan is deemed to be a report of a panel under section 25 of the **Planning and Environment Act 1987**;

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15 (e) a decision by the Minister under section 16 (a) or (b) of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976** to proceed with a regional strategy plan is deemed to be an approval by the Minister under section 35 (1) (a) or (b) (as the case requires) of the **Planning and Environment Act 1987**.

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25 (4) Despite the repeal of the **Upper Yarra Valley and Dandenong Ranges Authority Act 1976**—

(a) section 19 (2) of that Act continues to apply to any amending regional strategy plan laid before both Houses of Parliament under section 19 (1) of that Act before that repeal; and

30 (b) if an amending regional strategy plan is revoked under section 19 (2) it ceases to form part of the approved strategy plan for the purposes of this Part.

35 **46C. Amendment of strategy plan**

(1) The Minister may at any time prepare an amendment to the approved regional strategy plan.

*Planning Authorities Repeal*

- (2) Subject to section 46D, Part 3 (except Division 4) applies to an amendment to the approved regional strategy plan as if—
- (a) the amendment were an amendment to a planning scheme; and 5
  - (b) the Minister were the planning authority.
- (3) An amendment to the approved regional strategy plan may make provision with respect to any matters referred to in section 6 and any other matters which the Minister considers necessary or desirable to be included in the amendment. 10
- 46D. *Approval of Parliament needed after appointed day*** 15
- (1) On and from the appointed day—
- (a) sections 36, 37 and 38 cease to apply to an amendment to the approved regional strategy plan; and 20
  - (b) the Minister must cause each approved amendment to the approved regional strategy plan to be laid before each House of Parliament within 7 sitting days of that House after the amendment is approved under section 35; and 25
  - (c) an approved amendment does not take effect unless it is also approved by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that House. 30
- (2) The Minister must publish a notice of the approval of an amendment under sub-section (1) in the Government Gazette 35

specifying the place or places at which any person may inspect the amendment.

(3) An amendment approved under sub-section (1) comes into operation—

(a) when the notice of approval of the amendment is published in the Government Gazette; or

(b) on any later day or days specified in the notice.

**46E. Availability of amendment**

(1) The Minister must lodge the prescribed documents and a copy of every approved amendment to the approved regional strategy plan with every municipal council whose municipal district is wholly or partly within the region.

(2) The amendment must be lodged before notice of the approval of the amendment is published in the Government Gazette.

(3) The Minister and every municipal council whose municipal district is wholly or partly within the region must make a copy of an approved amendment to the regional strategy plan and any documents lodged with it available at their respective offices during office hours for any person to inspect free of charge for two months after the amendment comes into operation and after that period on payment of the prescribed fee.

(4) The Minister and every municipal council whose municipal district is wholly or partly within the region must keep a copy of the approved regional strategy plan incorporating all amendments to it available at their respective offices during office hours for any person to inspect free of charge.

*Planning Authorities Repeal***46F. *Planning schemes to comply with approved regional strategy plan***

Despite anything to the contrary in this Act, the Minister must not approve an amendment to a planning scheme under section 35 in relation to the region if the amendment is inconsistent with the approved regional strategy plan.

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**46G. *Works to be in conformity with approved regional strategy plan***

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(1) Subject to sub-section (3), a government department, public authority or municipal council must not carry out works in the region which are not in conformity with the approved regional strategy plan.

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(2) If a government department, public authority or municipal council considers that any works or undertakings which are not in conformity with the approved regional strategy plan should be carried out, the department, authority or council may make submissions with respect to the proposed works and undertakings to the Premier.

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(3) After considering any submission under sub-section (2), the Premier, on the advice of the Minister, may, despite anything in any other Act, by Order prohibit, either absolutely or on such terms as he or she thinks fit, or restrict or regulate the carrying out of the works or undertakings or any part of them specified in the Order.’

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