



ANNO TRICESIMO
 ELIZABETHAE SECUNDAE REGINAE
 VICTORIA

Urban Renewal (Amendment) Act 1981

No. 9552

An Act to amend the *Urban Renewal Act 1970*, the *Housing Act 1958* and the *Local Government Act 1958*.

[Assented to 19 May 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

Short title.

1. (1) This Act may be cited as the *Urban Renewal (Amendment) Act 1981*.

Principal Act
 No. 8052 as
 amended by
 Nos. 8339, 9019,
 9425.

(2) The *Urban Renewal Act 1970* is in this Act referred to as the Principal Act.

Commence-
 ment.

(3) This Act shall come into operation on the day on which it receives the Royal Assent.

Amendment of
 No. 8052 a. 2.
 Interpretation.

2. In section 2 of the Principal Act in the interpretation of "renewal authority" the expression "authorized by the Governor in Council pursuant to section 755A of the *Local Government Act 1958* to prepare and implement urban renewal proposals" is repealed.

Amendment of
 No. 8052 a. 3.
 Preparation of
 plan.

3. (1) In section 3 (1) of the Principal Act the words "may cause the area to be defined on a map and" are repealed.

(2) In

(2) In section 3 (2) of the Principal Act for paragraphs (a), (b), (c), (d) and (e) there shall be substituted the following paragraphs:

Procedure before recommendation.

- “(a) cause an area to be defined;
- (b) set out the nature and condition of the existing use of the land in the area;
- (c) identify the reasons why the area requires renewal; and
- (d) outline possible changes in the area should a proposal be prepared.”.

(3) In section 3 (3) of the Principal Act the expression “after considering the report of the Town and Country Planning Board and submissions made under sub-section (2)” is repealed.

Recommendation by Minister.

(4) In section 3 of the Principal Act sub-section (4) is repealed.

Repeal of provisions as to consultation.

4. (1) In section 4 (1) of the Principal Act—

Amendment of No. 8052 s. 4.

(a) after paragraph (a) there shall be inserted the following paragraph:

Notice of preparation of proposal.

“(aa) the Department of Planning;”;

(b) the conjunction “and” between paragraphs (d) and (e) is repealed; and

(c) after paragraph (e) there shall be inserted the following expression:

“and

(f) any member of the Legislative Council or of the Legislative Assembly of whose electoral province or district the area concerned forms part.”.

(2) In section 4 (2) of the Principal Act—

Matters to be considered in preparing proposal.

(a) in paragraph (b) for the words “or buildings” there shall be substituted the words “buildings or spaces”; and

(b) after paragraph (b) there shall be inserted the following paragraphs:

“(ba) to the significance of the area in the context of its urban character;

(bb) to the opinions of owners and occupiers of property in the area regarding suggestions for the future development of the area;”.

(3) In section 4 (3) of the Principal Act—

(a) in paragraph (b) (iii) for the words “or buildings” there shall be substituted the words “buildings or spaces”; and

(b) in

(b) in paragraph (d) for the words "continue to reside" there shall be substituted the word "remain".

(4) After section 4 (3) of the Principal Act there shall be inserted the following sub-sections:

"(4) If the renewal authority is of opinion that there is no benefit to be gained from completion of the proposal for the whole or any part of the area for which it is authorized to prepare an urban renewal proposal the renewal authority shall notify the Minister in writing that the renewal authority wishes to terminate the preparation of the proposal in relation to the whole or some part of the area under consideration.

(5) Upon receiving any notification given under sub-section (4) the Minister shall refer the matter to the Governor in Council for consideration.

(6) The Governor in Council may order that the preparation of the urban renewal proposal so far as it relates to the whole or any part of the area under consideration be terminated and that the renewal authority cease to be authorized to prepare an urban renewal proposal in respect of the whole of that area or such part.

(7) Every such Order shall be published—

- (a) in the *Government Gazette*;
- (b) twice in a daily newspaper circulating generally throughout Victoria; and
- (c) twice in a newspaper circulating principally in the neighbourhood concerned—

and a copy of the notice so published shall be sent by post to every member of the Legislative Council or of the Legislative Assembly in whose electoral province or district the area under consideration or any part thereof is situate."

5. (1) In section 5 (1) of the Principal Act after the word "proposal" there shall be inserted the words "and its adoption".

(2) In section 5 (2) of the Principal Act—

- (a) after the expression "(b)" there shall be inserted the word "stating"; and
- (b) in paragraph (c)—
 - (i) for the words "all persons" there shall be substituted the words "any public authority or any corporation, company, firm, group, organization, association or person directly"; and

(ii) for

Amendment of
No. 8052 s. 5.
Availability of
proposal for
inspection.

Publication of
notice of
proposal.

(ii) for the words "three months" there shall be substituted the expression "30 days".

(3) In section 5 of the Principal Act for sub-sections (3) and (4) there shall be substituted the following sub-sections:

"(3) The renewal authority shall as soon as practicable convene a compulsory conference of all those persons or bodies making objections or submissions who have stated that they wish to be heard, whether by themselves or their representatives, in respect of those objections or submissions.

Renewal
authority
to convene
compulsory
conference.

(4) Where pursuant to the provisions of this Part a renewal authority is required to convene a compulsory conference the renewal authority shall appoint a person to preside at the conference which shall consider the objections and submissions made and make recommendations thereon to the renewal authority."

(4) In section 5 (7) of the Principal Act after the words "served on the" there shall be inserted the words "public authority, corporation, company, firm, group, organization, association or".

(5) After section 5 (7) of the Principal Act there shall be inserted the following sub-section:

"(7A) Any notice referred to in sub-section (7) shall be served not less than 60 days after the day fixed for the hearing of the objection or submission."

(6) In section 5 (8) of the Principal Act after the words "address of the" there shall be inserted the words "public authority, corporation, company, firm, group, organization, association or".

(7) In section 5 (11) of the Principal Act—

(a) for paragraph (a) there shall be substituted the following paragraphs:

"(a) where a proposal as so adopted recommends the preparation of the planning scheme or an amended planning scheme for the whole or any part of the proposed urban renewal area—send a copy of the proposal as so adopted to the Secretary for Planning together with a copy of the objections and submissions made relating to the scheme and a statement of the renewal authority's decision on those objections and submissions;

(aa) obtain and consider the report of the Secretary for Planning on planning scheme matters contained in the proposal adopted but if the Secretary for Planning fails to report to the

Minister within 90 days after receiving a request from the Minister to furnish such a report the Minister may proceed to consider approval of the proposal without first considering the report of the Secretary for Planning.”;

and

(b) in paragraph (b) after the words “give any” there shall be inserted the words “public authority, corporation, company, firm, group, organization or”.

(8) In section 5 (13) of the Principal Act for the word “person” there shall be substituted the words “public authority, corporation, company, firm, organization or person directly”.

Amendment of
No. 8052 s. 6.
Preparation of
planning
scheme.

6. In section 6 of the Principal Act after the words “urban renewal area” there shall be inserted the words “and preparation of a planning scheme or an amended planning scheme is necessary to facilitate the implementation of all or any part of the proposal.”.

Amendment of
No. 8052 s. 7.
Implementation
of proposal.

7. In section 7 of the Principal Act—

(a) after the word “required” there shall be inserted the words “to enable implementation of all or any part of the proposal to proceed”; and

(b) at the end of the section there shall be inserted the words “or portion of the proposal, as the case may be.”.

Amendment of
No. 8052 s. 8.
Powers of
renewal
authority.

8. (1) In section 8 (7) of the Principal Act for the words “and the Governor in Council” there shall be substituted the words “but the Governor in Council”.

(2) After section 8 (8) of the Principal Act there shall be inserted the following sub-section:

“(9) Where any property is situated in an area where a renewal authority—

(a) has been authorized to prepare an urban renewal proposal in respect of an area and the proposal is being prepared or has been submitted to but not approved by the Minister; or

(b) is preparing an amendment to an urban renewal proposal or has submitted such an amendment to the Minister which has not been approved by him—

and the owner of the property is experiencing difficulties in selling or disposing of the property the authority may, at the request of the owner and with the consent of the Minister, purchase the property.”.

9. After

9. After section 8 of the Principal Act there shall be inserted the following section:

New section inserted.

“8A. (1) When the implementation of an urban renewal proposal is complete or the renewal authority determines not to proceed with any further implementation of the proposal in the area the renewal authority shall so notify the Minister in writing.

Notice to Minister when implementation completed.

(2) On receiving any notification given under sub-section (1) the Minister shall refer the matter to the Governor in Council.

(3) The Governor in Council may by Order declare that the implementation of the urban renewal proposal is terminated and that the area in respect of which the proposal is made ceases to be an urban renewal area.

(4) Notice of the making of every Order under sub-section (3) shall be published—

(a) in the *Government Gazette*;

(b) twice in a daily newspaper circulating generally throughout Victoria; and

(c) twice in a newspaper circulating principally in the neighbourhood of the area concerned—

and a copy of the notice so published shall be sent by post to every member of the Legislative Council or of the Legislative Assembly in whose province or district the area under consideration or any portion thereof is situate.”.

10. In section 11 (1) of the Principal Act for the word “authorities” there shall be substituted the word “authority’s”.

Amendment of No. 8052 s. 11.

11. In section 12 (1) of the Principal Act—

(a) (i) for the words “on which a building is situated” there shall be substituted the words “or any municipality”;

(ii) after the word “owner” there shall be inserted the words “or municipality”;

(b) for the words “repairs alterations or renovations” (where first occurring) there shall be substituted the words “works required under an urban renewal proposal”; and

(c) for the words “repairs alterations or renovations (where second occurring) there shall be substituted the word “works”.

Amendment of No. 8052 s. 12.

Loans by renewal authority.

12. Section 14 of the Principal Act is hereby repealed.

Repeal of provisions as to consultation.

13. In section 75A of the *Housing Act* 1958, in sub-section (1) and sub-section (8) for the word “Commission” (where respectively occurring) there shall be substituted the word “Minister”.

Amendment of No. 6275 s. 75A.

Reprinted to No. 9246.

14. The

Amendment of
No. 6299.
Reprinted to
No. 8781 and
subsequently
amended by
Nos. 8794, 8811,
8862, 8875, 8893,
8958, 8970, 9019,
9022, 9078, 9079,
9116, 9126, 9129,
9143, 9148, 9159,
9162, 9178, 9180,
9182, 9212, 9224
and 9225.

14. The *Local Government Act 1958* is hereby amended as follows:

- (a) In section 436 (2) in paragraph (d) the expression "where it is authorized under section 755A to be a renewal authority," is repealed;
- (b) Section 755A is repealed; and
- (c) In section 755B for the expression "Subject to section 755A where" there shall be substituted the word "Where".