

TOWN AND COUNTRY PLANNING AMENDMENT (NO. 2) BILL

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Friday, the 7th Day of October 1966

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Hon. Mr ALLEN, in Committee, to move the following amendments:

Clause 2, subclause (1): To insert, after paragraph (k) and following line 44 on page 4, the following paragraph:

(kk) By inserting, after the definition of the term "operative", the following definition:
 " 'Owner', in relation to any property which is the subject of an application for departure, includes any person who has agreed to purchase that property conditionally upon the departure being granted: "

Clause 2: To insert, after subclause (2) and following line 34 on page 5, the following subclause:

(2A) Section 2 of the principal Act (as amended by subsection (7) of section 2 of the Town and Country Planning Amendment Act 1957) is hereby further amended by repealing subsection (5), and substituting the following subsection:

"(5) For the purposes of this Act, the Minister shall be deemed to have and always to have had financial responsibility for—

"(a) Every State highway:

"(b) Every motorway and limited access road under the control of the National Roads Board:

"(c) Every other public work whatsoever, except a local work within the meaning of the Public Works Act 1928."

Clause 2: To omit subclause (4), and substitute the following subclause:

(4) The following enactments are hereby consequentially repealed:

(a) Subsection (7) of section 2 of the Town and Country Planning Amendment Act 1957:

(b) Section 2 of the Town and Country Planning Amendment Act 1961.

Clause 53: To omit subclause (3).

EXPLANATORY NOTE

Clause 2, subclause (1): The new *paragraph (kk)* defines the term "owner", in relation to any property which is the subject of an application for departure, as including any person who has agreed to purchase that property conditionally upon the departure being granted.

Clause 2: Section 21 (6) of the principal Act relates to public works for which the Minister has financial responsibility, and section 2 (5) of that Act declares that the Minister shall be deemed to have financial responsibility for every public work other than a local work within the meaning of the Public Works Act 1928. Difficulty has arisen in connection with the position of State highways, and of motorways and limited access roads under the control of the National Roads Board. The new *subclause (2A)* rewrites the said section 2 (5) so as to declare that these shall be deemed to be public works for which the Minister is deemed to have financial responsibility. The final amendment is consequential on the new *subclause (2A)* and provides for an additional repeal.

Clause 53: It is proposed to omit subclause (3) which rewrites clause 7 of the Second Schedule and affects provisions in district schemes relating to lighting and water supply. The present provision is the subject of proceedings now before the Town and Country Planning Appeal Board, and it seems undesirable to change the rules while the proceedings are pending.
