

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Thursday, the 7th Day of November 1968

TOWN AND COUNTRY PLANNING AMENDMENT BILL

Proposed Amendments

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

Clause 7, subclause (1): To omit the proposed subsection (3A), and substitute the following subsection:

“(3A) In allowing or refusing the application, the Council shall have regard to—

“(a) The suitability of the site for the proposed use determined by reference to the provisions of the operative district scheme; and

“(b) The likely effect of the proposed use on the existing and foreseeable future amenities of the neighbourhood, and on the health, safety, convenience, and the economic and general welfare of the inhabitants of the district.”

New Clause 7A: To insert, after clause 7, the following clause:

7A. Appeals in respect of conditional uses—Section 28D of the principal Act (as inserted by section 25 of the Town and Country Planning Amendment Act 1966) is hereby amended by adding the following subsection:

(3) In deciding any appeal under this section, the Board shall have regard to the matters set out in subsection (3A) of section 28c of this Act.

New Clause 9A: To insert, after clause 9, the following new clause:

9A. Works contrary to proposed change prohibited—Section 30B of the principal Act (as inserted by section 12 of the Town and Country Planning Amendment Act 1966) is hereby further amended by inserting in the proviso to subsection (1), after the word “Minister”, the words “or the Council”.

Clause 10, subclause (2): To omit the subclause, and substitute the following subclauses:

(2) Section 31 of the principal Act is hereby further amended by omitting from subsection (6) the words "be the district scheme of that Council", and substituting the words "be the operative district scheme of that Council. Notwithstanding anything to the contrary in this Act, anything done by that Council in operating the combined district scheme before the commencement of the Town and Country Planning Amendment Act 1968 that would have been valid if done after the commencement of that Act is hereby declared to have been done validly and effectually.

(3) Section 31 of the principal Act is hereby further amended by inserting in subsection (7), after the word "section", the words "until the combined scheme becomes operative and of providing any advisory services thereafter".

Clause 11: To omit from line 38 on page 4 the words "certifies that the land is not required", and substitute the words "requires that the land be no longer designated".

EXPLANATORY NOTE

Clause 7: This clause substitutes a new subsection (3A) of section 28c of the principal Act. The proposed new subsection, as included in the Bill, makes the public interest the paramount consideration in deciding conditional uses; but the amendment set out in this Supplementary Order Paper spells out separately the various matters which should be taken into account by the Council in deciding whether a conditional use should be allowed for a particular site.

The new clause 7A requires the Appeal Board, in deciding an appeal in respect of a conditional use, to take into account the same matters as the revised *clause 7* requires the Council to consider.

The new clause 9A amends the proviso to section 30B (1) to make it clear that the Council, as well as the other bodies mentioned in the proviso, can apply to the Appeal Board for an order permitting the carrying out of a work contrary to a proposed change in the district scheme.

Clause 10: The amendment extends the amendment to section 31 (6) contained in the Bill to validate departures granted and other action taken by the Councils operating under a combined scheme but acting individually in respect of each district covered by the operative scheme.

Clause 11: The amendment to the proposed substituted section 33A (2) deletes the reference to a "certificate" by the Minister, local authority, or Council that land is not required for the public work, and substitutes a reference to a "requirement" which accords more with other provisions of the Act, and uses the same expression to remove a designation as would be used when the designation was imposed.