

## Master plan objections— procedure

Objections to the latest Ministerial amendments in Melbourne's Master Plan must be made in writing to the Minister for Local Government, 61 Spring St., Melbourne.

The Board of Works' Chief Planner, Mr J. A. Hepburn, made this clear today.

He said objections could be in the form of a letter or on specially-prepared forms available at the Board, 110 Spring St., City, the Town & Country Planning Board, 179 Queen St., City, or Municipal Offices throughout the metropolitan area.

Any objection to the amended plan should contain this information:—

- The modification or alteration to which the objection relates.
- A full statement of the objection.
- The reasons for such objection, and
- Where the objection relates to any land a description of the land sufficient to enable its precise location to be determined.

**TOWN AND COUNTRY PLANNING  
ACT 1961**

**BOARD OF WORKS.**

**NOTICE OF DEPOSIT OF THE  
MELBOURNE METROPOLITAN  
PLANNING SCHEME**

**WITH MODIFICATIONS AND  
ALTERATIONS**

The Minister for Local Government having required that the Planning Scheme for the metropolitan area (the Melbourne Metropolitan Planning Scheme 1954) prepared by the Melbourne and Metropolitan Board of Works and submitted for the approval of the Governor in Council with the modifications and alterations made by the Board and the modifications and alterations which the Minister proposed to recommend to the Governor in Council be deposited for public inspection for a period of three months, NOW NOTICE IS HEREBY GIVEN that a copy of the said Melbourne Metropolitan Planning Scheme with the said modifications and alterations was on the 18th day of January 1965 deposited for public inspection at—

- (a) The office of the Melbourne and Metropolitan Board of Works, 110 Spencer Street, Melbourne.
- (b) at the office of the Town and Country Planning Board, 179 Queen Street, Melbourne, and
- (c) as to so much of the Planning Scheme as relates to land in the municipal district of any municipality at the office of such municipality, and may be inspected during office hours by any person free of charge.

Any person affected by any of the said modifications and alterations may within the period between the said 18th day of January 1965 and 23rd day of April 1965 (both dates inclusive) notify the Minister in writing of any objections thereto.

Objections should be forwarded to the Minister for Local Government at 61 Spring Street, Melbourne and should identify the modification or alteration to the Planning Scheme to which the objection relates, should set forth the reasons for such objection, and, where the objection relates to any land, the objector should state his interest therein and should furnish a description of the land sufficient to enable its precise location to be determined.

H. J. SNADDEN  
Secretary.

MELBOURNE and Metropolitan

**BOARD OF WORKS**

NOTICE is hereby given that after the publication of this advertisement in the Government Gazette and once in not less than two daily newspapers published in the metropolis, the Melbourne and Metropolitan Board of Works will proceed to compulsorily take (unless the same is in the meantime acquired by the Board from the owner or owners or other persons interested by mutual agreement) the land mentioned and described in the Schedule hereto.

The nature of the works in respect of which the land is proposed to be taken is for the purposes of constructing and maintaining a water supply reservoir.

A plan of the proposed works will be open for inspection at the offices of the Board, 110 Spencer Street, Melbourne, from the date hereof until the 5th day of March, 1965, during office hours.

The quantity of land which the Board requires for the purpose of such works and other particulars are set forth below.

The consent of the Governor in Council was duly obtained in terms of the Board's principal Act (No. 6310), on the 2nd day of December, 1964.

**SCHEDULE**

Firstly.—All that piece of land being part of Crown Portion 0 Section 9 part of Crown Allotment T Section 12 and part of Crown Portions U and V Section 13 Parish of Yuroke commencing at the north eastern corner of Crown Portion 0 aforesaid thence northerly by the eastern boundary of Crown Portion T aforesaid for 742 $\frac{1}{2}$  links thence north easterly by a line bearing 47 degrees 47 minutes for 673-3/10 links thence westerly by a line bearing 270 degrees 13 minutes 40 seconds for 2244-2/10 links and 244 degrees 19 minutes 30 seconds for 5105-8/10 links thence southerly by lines bearing 177 degrees 10 minutes 30 seconds for 3035 links and 148 degrees 5 minutes 30 seconds for 3160 links thence northerly by the eastern boundary of Crown Portion 0 aforesaid to the commencing point.

Secondly.—All that piece of land being part of Crown Portions M and N Section 8 Parish of Yuroke commencing at the south western corner of Crown Portion N aforesaid thence northerly along the western boundary thereof for 3985-7/10 links thence easterly by lines bearing 115 degrees 14 minutes for 3789-6/10 links 90 degrees 7 minutes for 2860-6/10 links and 51 degrees 49 minutes for 742-8/10 links thence northerly by a line bearing 348 degrees 56 minutes for 237-7/10 links thence easterly by a line bearing 90 degrees 7 minutes 40 seconds for 1050 $\frac{1}{2}$  links thence southerly by a line bearing 180 degrees 56 minutes for 14 $\frac{1}{2}$  links thence easterly by a line bearing 90 degrees 35 minutes for 240 links thence southerly by lines bearing 161 degrees 48 minutes for 197 links 180 degrees 46 minutes for 1538-6/10 links 181 degrees 20 minutes for 866 links and 215 degrees 39 minutes for 584 links thence westerly by a line bearing 270 degrees 7 minutes for 3616-2/10 links thence southerly by the eastern boundary of Crown Portion N for 13-9/10 links to the southern boundary thereof thence westerly by the southern boundary of the last mentioned Crown Portion for 4231-4/10 links to the commencing point.

Dated the 3rd day of February, 1965.

H. J. SNADDEN,  
Secretary.

MELBOURNE and Metropolitan

**BOARD OF WORKS**

Notice is hereby given that, after the publication of the advertisement in the Government Gazette and once in not less than two daily newspapers published in the metropolis, the Melbourne and Metropolitan Board of Works will proceed to compulsorily take (unless the same is in the meantime acquired by the Board from the owner or owners or other persons interested by mutual agreement) the land mentioned and described in the Schedule hereto.

The nature of the works in respect of which the land is proposed to be taken is for the purposes in connection with main drainage improvement works.

A plan of the proposed works will be open for inspection at the offices of the Board, 110 Spencer Street, Melbourne from the date hereof until the 26th day of February, 1965, during office hours.

The quantity of land which the Board requires for the purpose of such works and other particulars are set forth below.

The consent of the Governor in Council was duly obtained in terms of the Board's principal Act (No. 6310), on the 22nd day of December, 1964.

**SCHEDULE.**

All that piece of land being parts of Crown Allotments 13, 14, 15, 16, 17, 18 and 20 Section 7 Parish of Mordialloc commencing at a point in the northern boundary of Bourke Road 247 feet 7½ inches east of the south-western corner of Crown Allotment 20 aforesaid thence northerly by a line bearing 358 degrees 8½ minutes for 647 feet 10 inches 320 degrees 40 minutes for 327 feet 11½ inches 360 degrees for 909 feet 8¼ inches 0 degrees 5½ minutes for 125 feet to the southern boundary of Kallay Street thence easterly by the last mentioned boundary for 33 feet thence northerly by the eastern boundary of Crown Allotment 13 aforesaid for 50 feet thence westerly by the northern boundary of Kallay Street for 33 feet thence northerly by a line west of and parallel to the eastern boundary of Crown Allotment 13 aforesaid to the northern boundary thereof thence easterly by that boundary and the northern boundary of Crown Allotment 14 aforesaid for 63 feet thence southerly by a line 30 feet east of and parallel to the western boundaries of Crown Allotments 14 and 16 aforesaid to the northern boundary of Sylvander Street thence westerly by the last mentioned boundary for 30 feet to the western boundary of the last mentioned street thence southerly by that boundary for 50 feet to the southern boundary of the last mentioned street thence easterly by the last mentioned boundary for 30 feet thence southerly by a line 30 feet east of and parallel to the western boundary of Crown Allotments 16 and 18 for 394 feet 8¼ inches thence southerly by lines bearing 140 degrees 40 minutes for 323 feet 11 inches and 173 degrees 8½ minutes for 673 feet 1¼ inches to the northern boundary of Bourke Road thence westerly by the last mentioned boundary for 63 feet 5½ inches to the commencing point.

DATED the 28th day of January One thousand nine hundred and sixty-five.

H. J. SNADDEN,  
Secretary.

CR:MG

3rd February, 1965

Mr. C. A. Whitman,  
27 Clissold Road,  
Wahroonga,  
New South Wales.

Dear Sir,

Metropolitan Planning Scheme

I desire to acknowledge receipt of your letter dated the 24th January, 1965, requesting advice regarding the availability of copies of the Metropolitan Planning Scheme and also requesting information regarding the possible subdivision of land in the Plenty-Yarrambat area.

As development of the area is being controlled by the Melbourne and Metropolitan Board of Works under its Interim Development Order your letter has been forwarded to that Authority for consideration and reply direct.

Yours faithfully,

(Sgd.) W. H. CRAIG

W. H. Craig,  
Secretary.

CR:MG

3rd February, 1965

The Secretary,  
Melbourne and Metropolitan Board of Works,  
110 Spencer Street,  
MELBOURNE.

Dear Sir,

Metropolitan Planning Scheme

The Board has received the attached letter from Mr.C.A. Whitman, 27 Clissold Street, Wahroonga, N.S.W. requesting advice regarding the availability of copies of the above planning scheme and also seeking information regarding the possible subdivision of land in the Plenty-Yarrambat area.

As the matter comes within the purview of your Board Mr. Whitman has been advised that his letter has been forwarded to you for consideration and reply direct.

Yours faithfully,

(Sqd.) W. H. CRAIG

W.H.Craig,  
Secretary.

Encl.

## You can check on master plan again

MELBOURNE'S revised master plan went on show yesterday — and attracted a steady stream of people at the Board of Works' office and the Town and Country Planning Board, 179 Queen St.

It is also displayed at local town halls.

Since the plan was drawn up 11 years ago 1800 modifications have been made to it as a result of objections.

It will be displayed for the next three months to let people see what changes have been made. Objections can now be made only to the modifications.

If you think your property could be affected, here is a guide to the plan:—

- It is a plan of the metropolitan area, drawn up by the Board of Works. It shows the way in which all land in the metropolitan area has been divided into zones, and what type of building is permitted in each zone.

- There are four types of residential zones. Zone A is for high-density development, including multi-storey flats. Zone B is for medium density,

with more space around the flats. Zone C is for normal suburban development, but some flats are generally permitted. Zone D is for semi-rural development with a minimum allotment size of one acre. Zone A1 controls development in St. Kilda Rd.

- A Reserved Living Zone comprises mainly un-subdivided land which will later become available for normal residential development. A board permit is required for both subdivision and development.

- The plan can be amended by planning schemes prepared by the board.

- If the plan prevents you from using your land as you wish, you are entitled to compensation, but this is normally only payable where your land has been reserved for public purposes — roads, railways, schools, open space, etc.

Sun 18.1.65

**TOWN AND COUNTRY  
PLANNING ACT 1961.  
MELBOURNE AND METROPOLITAN  
BOARD OF WORKS.  
NOTICE OF DEPOSIT OF THE  
MELBOURNE METROPOLITAN  
PLANNING SCHEME WITH  
MODIFICATIONS AND  
ALTERATIONS**

The Minister for Local Government having required that the Planning Scheme for the metropolitan area (the Melbourne Metropolitan Planning Scheme 1954) prepared by the Melbourne and Metropolitan Board of Works and submitted for the approval of the Governor in Council with the modifications and alterations made by the Board and the modifications and alterations which the Minister proposed to recommend to the Governor in Council be deposited for public inspection for a period of three months.

NOW NOTICE IS HEREBY GIVEN that a copy of the said Melbourne Metropolitan Planning scheme with the said modifications and alterations was on the 18th day of January, 1965, deposited for public inspection at—

- (a) The office of the Melbourne and Metropolitan Board of Works, 110 Spencer St., Melbourne;
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- (c) As to so much of the Planning Scheme as relates to land in the municipal district of any municipality at the office of such municipality, and may be inspected during office hours by any person free of charge.

Any person affected by any of the said modifications and alterations may within the period between the said 18th day of January, 1965, and the 23rd day of April, 1965 (both dates inclusive), notify the Minister in writing of any objections thereto.

Objections should be forwarded to the Minister for Local Government at 61 Spring St., Melbourne, and should identify the modification or alteration to the Planning Scheme to which the objection relates, should set forth the reason or reasons for such objection, and, where the objection relates to any land, the objector should state his interest therein and should furnish a description of the land sufficient to enable its precise location to be determined.

H. J. SNADDEN,  
Secretary.

Herald R. 1-65



**PUBLIC NOTICES**

**LAW NOTICES**

**A**FTER 14 clear days application will be made to the Supreme Court that Probate of the Will dated 28th December, 1963, of HENRY EDMOND HARDY late of 18 Thackeray Street, Elwood, Engineer, deceased be granted to ZAIDA ANNIE HARDY of 15 Mitford Street, St. Kilda, Widow, the Executrix appointed by the said Will.

CORR & CORR, 290 Latrobe Street, Melbourne, Solicitors.

**A**LFRED PARKER DRUMMOND late of 51 Beach Road, Mentone, Gentleman deceased. AFTER 14 clear days NATIONAL TRUSTEES EXECUTORS & AGENCY COMPANY OF AUSTRALASIA LIMITED of 95 Queen Street, Melbourne, will apply to the Supreme Court of Victoria for a Grant of LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED dated 28th February 1963 of the Estate of the said deceased the said Company having been duly authorised to make such application by GEORGE DRUMMOND of 40 Darlington Grove, Coburg, Storeman, one of the next of kin and a beneficiary entitled to share in the Estate of the said deceased.

D. CONDON & CO., 469 Little Collins Street, Melbourne, Solicitors.

**B**Y APPLICATION 1735 under SECTION 60 of THE TRANSFER OF LAND ACT 1958 GUALTIERO VACCARI of 525-527 Latrobe Street Melbourne Merchant who claims by adverse possession HAS APPLIED for an order vesting in him land on which is situate the premises known as 35 Bondi Road Bonbeach. The land claimed is part of Crown Allotment 145 Parish of Lyndhurst being the whole of the land in certificate of Title Vol. 5542 Fol. 242 at present standing in the name of WILLIAM ADOLF UEBERGANG. The above-described land is subject to Mortgage No. 620239 to Gualtiero Vaccari and Mortgage No. 620240 to SARAH ANN SAVAGE and the Applicant claims a Title discharged from such Mortgages. This Application may be granted after 21 days unless a Caveat be lodged. C. P. ALLEN, Registrar of Titles.

**PUBLIC NOTICES**

**D**R R. SHATIN has resumed practice and can be consulted at 55 Brighton Road, Elwood. Telephone 91-1525.

**T**OWN AND COUNTRY PLANNING ACT 1961  
MELBOURNE AND METROPOLITAN BOARD OF WORKS.  
NOTICE OF DEPOSIT OF THE MELBOURNE METROPOLITAN PLANNING SCHEME WITH MODIFICATIONS AND ALTERATIONS.

The Minister for Local Government having required that the Planning Scheme for the metropolitan area (the Melbourne Metropolitan Planning Scheme 1954) prepared by the Melbourne and Metropolitan Board of Works and submitted for the approval of the Governor in Council with the modifications and alterations made by the Board and the modifications and alterations which the Minister proposed to recommend to the Governor in Council be deposited

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- (c) as to so much of the Planning Scheme as relates to land in the municipal district of any municipality at the office of such municipality.

and may be inspected during office hours by any person free of charge.

Any person affected by any of the said modifications and alterations may within the period between the said 18th day of January 1965 and the 23rd day of April 1965 (both dates inclusive) notify the Minister in writing of any objections thereto.

Objections should be forwarded to the Minister for Local Government at 61 Spring Street, Melbourne and should identify the modification or alteration to the Planning scheme to which the objection relates, should set forth the reason or reasons for such objection, and, where the objection relates to any land, the objector should state his interest therein and should furnish a description of the land sufficient to enable its precise location to be determined.

H. J. SNADDEN,  
Secretary.

CONTD. NEXT COLUMN

TOWN AND COUNTRY PLANNING ACT 1961  
**MELBOURNE AND METROPOLITAN BOARD OF WORKS**

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H. J. SNADDEN,  
Secretary.

## Master Plan in final stage

**MELBOURNE'S** master plan, with 1800 modifications, will go for final exhibition on Monday for three months.

The modifications have been made from 4000 objections to the original plan since it was first exhibited in 1954.

Most of the objections were from people whose properties were in the path of development foreshadowed by the plan.

Announcing these details yesterday, the Minister for Local Government, Mr Hamer, said objections could now be lodged only to modifications to the plan since 1954.

When these had been considered the final plan would be submitted to the Governor - in - Council for adoption, probably in six months.

Mr Hamer said the master plan had regulated the growth and development of Melbourne for 10 years.

"Its value is apparent in the newer, outlying areas, but its effect is also gradually being felt in older, inner areas which grew originally without any overall plan," he said.

Mr Hamer said the board aimed to have at least 7½ acres of open space per 1000 people, and about

20,000 acres were reserved for this under the master plan.

He said 11,580 acres already existed and 8390 acres would need to be acquired.

So far, about 1750 acres had been acquired at a cost of more than £2 million and handed over to local councils for public use.

Properties had also been steadily bought for future freeways and main roads shown on the plan. These had cost £2.3 million.

The plan will be on show at the Board of Works office in Spencer St. and at the Town and Country Planning Board office in Queen St.

The Age, Friday, January 15, 1965 3

# PUBLIC TO SEE CITY PLAN MONDAY

## 20,000 Acres Set Aside for Parks

**M**MELBOURNE'S metropolitan master plan, which has been prepared by the Metropolitan Board, will go on final exhibition on Monday for three months.

The Minister for Local Government (Mr. Hamer) ordered the re-exhibition of the plan to enable the public to examine the 1800 modifications made since the plan was first exhibited in 1954.

More than 4000 objections to the original plan were considered in detail by the board and the present plan has incorporated these and other amendments.

Mr. Hamer said that objections could be lodged only to modifications to the plan made since 1954.

When these had been considered the final plan would be submitted to the Governor in Council for adoption—probably in about six months.

### Inner Areas

Mr. Hamer said the master plan had regulated the growth and development of Melbourne for the past 10 years.

Its value was apparent in the newer outlying areas, but its effect was gradually being felt in the older inner areas which had begun their growth without any overall plan.

Mr. Hamer said the areas reserved in the plan for recreation and gardens were being steadily acquired by the Metropolitan Board.

The aim was to have at least seven-and-a-half acres of open space per 1000 population and about 20,000 acres were reserved for this purpose.

Of these 11,580 acres already existed and 8390 would need to be acquired.

At present 750 acres had been acquired at a cost of more than £2 million and handed over to local councils for the use of the public.

Mr. Hamer added that properties also had been steadily purchased by the board for Melbourne's future freeways and main roads shown on the plan.

The cost of this to date was £2,300,000.

The plan may be inspected at the Metropolitan Board's office, 110 Spencer Street, City, at the Town and Country Planning Board office, 179 Queen Street, City, and at municipal offices.

# 1800 changes in city plan

Melbourne's master plan, completed and first exhibited 11 years ago, goes on exhibition again next Monday . . .

*So the public can consider 1800 modifications.*

That's the number of changes made since the first exhibition in 1954.

The Minister for Local Government, Mr Hamer, announced the re-exhibition today.

**It will be on show for three months.**

And Mr Hamer said objections to the 1800 modifications could be lodged from Monday.

## **FINAL . . .**

When these have been considered, the master plan in final form would be submitted to the Governor-in-Council for adoption.

This would probably be in about six months' time.

Mr Hamer said about 4000 objections to the original plan were considered by the Board of Works.

From these the modified plan emerged.

Mr Hamer said the master plan had regulated the growth and development of Melbourne for the last 10 years.

Its value was apparent in the newer outlying areas. Its effect was gradually being felt in the closer inner areas. They had grown originally without any overall plan.

The aim was to have at least 7½ acres of open space per 1000 population. About 20,000 acres were reserved for this.

● The plan can be inspected at the Board of Works, 110 Spencer St., the Town and Country Planning Board, 179 Queen St., and at municipality offices.

REFERENCE SHEET

PLANNING SCHEME/~~MUNICIPALITY~~

METROPOLITAN

VICTORIAN GOVERNMENT GAZETTE NO.

3

page 106

DATED

13<sup>th</sup> January 1965

PARTICULARS

Notice that scheme available for public inspection,  
with modifications & alterations proposed to be made

CR:MG

8th January, 1965


The Gazette Officer,  
Chief Secretary's Department,  
MELBOURNE.

Dear Sir,

I should be glad if you would arrange for the attached notice relating to the Ministerial Exhibition of the Melbourne Metropolitan Planning Scheme with Modifications and Alterations to be published in the Government Gazette of the 13th January, 1965.

The costs of publication are chargeable to the Board.

Yours faithfully,

  
W.H. Craig,  
Secretary.

Att.

TOWN AND COUNTRY PLANNING ACT 1961

MELBOURNE AND METROPOLITAN BOARD OF WORKS

NOTICE OF DEPOSIT OF THE MELBOURNE METROPOLITAN PLANNING SCHEME  
WITH MODIFICATIONS AND ALTERATIONS

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- (c) as to so much of the Planning Scheme as relates to land in the municipal district of any municipality at the office of such municipality;

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Any person affected by any of the said modifications and alterations may within the period between the said 18th day of January 1965 and the 23rd day of April 1965 (both dates inclusive) notify the Minister in writing of any objections thereto.

Objections should be forwarded to the Minister for Local Government at 61 Spring Street, Melbourne, and should identify the modification or alteration to the Planning Scheme to which the objection relates, should set forth the reason or reasons for such objection, and, where the objection relates to any land, the objector should state his interest therein and should furnish a description of the land sufficient to enable its precise location to be determined.

H. J. SNADDEN,  
SECRETARY.  
MELBOURNE AND METROPOLITAN  
BOARD OF WORKS.

Melbourne Metropolitan Planning Scheme 1954Correspondence

Letter of 6.1.65 from Secretary, Melbourne and Metropolitan Board of Works, advising that the Minister for Local Government by letter dated 15.12.64 has required the Board of Works to deposit for public inspection for a period of 3 months the planning scheme adopted on 20.10.59 with the modifications or alterations made by the Board of Works and the modifications or alterations which the Minister proposes to recommend to the Governor in Council and in this regard:-

Metropolitan Planning Scheme (Cont'd)

- (i) advising that it is proposed that the Ministerial Exhibition of the above planning scheme shall take place between 18.1.65 and 23.4.65 (both dates inclusive);
- (ii) requesting that the Board arrange for the requisite notice to be published in the Government Gazette in accordance with the draft attached;
- (iii) advising that the publishing of a similar notice in a newspaper will be arranged by the Board of Works; and
- (iv) advising details of the documents that will be deposited with the Board in connection with the re-exhibition of the planning scheme and indicating that such documents will be deposited with the Board during the week ending 16.1.65.

Received and noted and publication of the requested notice to be arranged accordingly and the planning scheme when received to be placed on public exhibition at the Board's office from 18.1.65 to 23.4.65.

MINISTERIAL EXHIBITION

AMENDMENTS TO PLANNING SCHEME ORDINANCE.

Page 10. "Petrol Filling Station" means land used for the purpose of fuelling motor vehicles, the sale of lubricants, accessories and parts, and the carrying out of routine servicing such as oiling, greasing and cleaning, and of running repairs but upon which no major repairs or panel beating is carried out and no petrol oil petroleum or other inflammable product for wholesale distribution is stored.

OK

3. Provision Fuel Dept.

Page 13. "Works" means any construction other than a building as hereinbefore defined and includes any alteration of the natural conditions or <sup>top</sup>topography of land not constituting the construction of a building as so defined.

OK

Note: It may be desirable to adopt a new definition of "building" as follows :-

"Building" includes any building whether temporary or permanent and any services constructed within the tenement upon which a building is or is intended to be constructed, but does not include plant or machinery comprised in a building.

OK

For Clause 2 (2) of the Board of Works amendments insert the following :-

- (a) Where the location of a boundary of any zone or of any reserved land is not precisely indicated in the Planning Scheme Map the responsible authority shall within two months of receiving an application from the owner of any land for a determination of such boundary insofar as his land is affected make such determination accordingly and notify the applicant in writing thereof;
- (b) If any part of the boundary of any zone or of any reservation (not being a reservation for a proposed main or secondary road or a proposed road widening) as shown on the Planning Scheme Map lies within

OK

no objection considered redundant + only restricts to (a)

twenty feet of any boundary of any land comprised in a certificate of title registered at the Office of Titles or of any land constituting an allotment on a plan of subdivision so registered the responsible authority shall, unless it considers that there are compelling reasons against it so doing, in the performance of the duty imposed by paragraph (a) hereof determine the boundary of the zone or reservation (as the case may be) to be coincidental with such boundary of such land.

For sub-clauses (2) and (3) of Clause 4 substitute the following :-

"(2) Land within the metropolitan area shall only be used or subdivided or otherwise developed and buildings or works shall only be erected constructed or carried out thereon in conformity with the Planning Scheme.

(3) No land shall be subdivided or otherwise developed and no building or works shall be erected constructed or carried out on any land within the metropolitan area if such land as subdivided or developed or such buildings or works as erected constructed or carried out cannot be used in conformity with the Planning Scheme."

*Done*

*OK*

*See p. 6  
Hobbs (4)*

Page 29.

Each required car parking space shall have a minimum area complying with the provisions of sub-clause (6) of Clause 28 hereof exclusive of access aisles or drives and shall be so sited that a car parked thereon shall not be visible from St. Kilda Road.

*OK*

Page 91.

Clause 11.

Notwithstanding anything to the contrary in this Ordinance any land situate in a Rural Zone which immediately prior to the approval date existed as a separate tenement may with the permission of the responsible authority be used for the purpose of a detached house, a residential

building, an educational establishment or an institutional home notwithstanding that either or both the area and the frontage of such tenement be less than that described in Column 3 of Section 1 of the Table to Clause 7 hereof.

Note: It is desirable to renumber all the sections in the Table to Clause 7.

? Re colouring of zones.

Page 101.

Clause 24 (5) (b) - Insert after "road" the words "which at the approval date is not occupied by a building."

Page 103.

Clause 25 (1).

I was under the impression that this was to be left pending some advice as to the outcome of the current inquiry concerning quarrying.

Generally I feel that the conditions presently described in Clause 25 are adequate. I cannot see any virtue in applying a general condition with regard to the filling up of the excavation. Such condition will not prevent the quarrying going on, as in almost all cases the quarrying will have ceased before the filling will commence. I would have thought that the greatest weapon the responsible authority could exercise would be the compulsory acquisition of the land if it could be said to be vacant and unoccupied (Section 40 of the Town and Country Planning Act) or the reservation of the land followed by acquisition.

Board

I suggest that Clause 25 of the Ordinance as adopted be retained subject however to the insertion before the words "continue to be used" of the words "save with the consent of the responsible authority."

As I understand the situation the Town and Country Planning Board desire to have the conditions governing petrol filling stations set out in the Ordinance so that persons may know whether or not the land can be used for the purpose and under what conditions, while the Board of Works desire some flexibility in conditions where the petrol filling station is a Column 4 use. It seems to

me that the views of each body could be met by substituting for the introductory portion of the Clause the following -

"(a) Where the use "Petrol Filling Station" is specified in <sup>a col</sup> (Column 2) of any Section of the Table to Clause 7 hereof such use shall be subject to compliance with the following conditions or such modifications thereof as the responsible authority may permit....."

No real objection

The only other amendment to the Clause which would seem to be necessary would be the substitution of the word "land" by the word "site".

Page 105. For Clause 26 (2) substitute the following -

"(2) The responsible authority may, subject to such conditions as it may then impose, permit land within any of the Zones specified in the preceding sub-clause to be used for a purpose permitted by or under the Planning Scheme or buildings or works to be erected constructed or carried out upon any such land notwithstanding that any buildings or works erected constructed or carried out or to be erected constructed or carried out are not or are not intended to be (as the case may be) set back from the boundary thereof abutting on any existing or new street or road for the distance specified in such sub-clause."

OK ✓

Page 111. Clause 33 (1). I feel that the words "where such land is reserved for public open space" could be subject to some challenge having regard to the legislation. As I understand Sections 40, 41, and 42 of the Town and Country Planning Act 1961 land is acquired by the responsible authority only when the authority determines to acquire it. (I am for the moment not adverting to Section 37 which affects only streets). However the responsible authority may be required to pay compensation with respect to reserved land if the person seeking compensation complies with the requirements of Section 42. Section 42, which

see cl 57 (3) 3(c) ||

requires as conditions precedent to the issue of a permit by the responsible authority the application for a permit and for the disallowance of an appeal to the Minister from the refusal or failure of the responsible authority to issue the permit, clearly contemplates that the authority will have discretion to grant a permit and, indeed clearly contemplates that notwithstanding the refusal or failure of the responsible authority to grant such a permit, the Minister may grant a permit.

*During I.A.O period*

Viewed in the light of this provision it seems to me that when land is reserved under a Planning Scheme that -

- (a) The reservation does no more than restrict the use of the land and confer upon a person interested therein the right to compensation for the loss or damage occasioned by the prevention of his using the land for a purpose not permitted by or under the Planning Scheme;
- (b) The reservation indicates the purpose for which the Board contemplates the land will be applied; and
- (c) The reservation is at all times subject to a permit being granted for the use or uses specified in the permit (particularly if subject to conditions).

A permit could be granted and the land remain reserved.

On the other hand a permit could be granted for such a purpose as made it clear that the reservation was abandoned.

||

Page 94.

I do not think that Clause 14 (1) (c) is too restrictive.

It is, after all, no more restrictive than the Uniform Building Regulations. To some extent it is a matter of trusting the body who is going to be responsible for administering the Planning Scheme. If that body became too petty, it would be soon apparant from the view of the Courts (should the matter be taken that far) that they did not propose to concern themselves with matters "de minimus".

*OK - as it is assumed that permit alteration is not required*

Two other matters merit consideration. One is the definition of "Industry" (page 7). It seems clear on re-reading that paragraph (c) governs the whole of the preceding portion of the definition and that in place of (c) there should be the word "and" inserted.

In order to make it abundantly clear that except in specified circumstances a permit to use land is deemed to include permission to erect or construct any appropriate building or structure, there should be inserted in Clause 4, at the end of sub-clause (3), a new sub-clause to the following effect -

"(4) Save where the permission or consent of the responsible authority is specifically required with respect to the subdivision or development of land or to the erection construction or carrying out of buildings or works the use of land for a purpose which is permitted by or under the provisions of this Ordinance shall be deemed to include the subdivision or development of such land and the erection construction or carrying out of buildings or works designed to enable such land to be used for such purpose."

*no objection  
proposed, save  
people being  
pushed around  
more.*

30th October, 1963.

Cable and Telegraphic Address:  
"METROPOLIS"



65/15  
**RECEIVED**

7 JAN 1965  
Telephone: 62 0221  
TOWN & COUNTRY  
PLANNING BOARD

ATM: JG

MELBOURNE AND METROPOLITAN  
**BOARD OF WORKS**

All correspondence to be  
addressed to the Secretary,  
Box 4342 G.P.O.—

110 Spencer Street,  
Melbourne, C.1.

In reply please quote

T.P.59/80

6th January, 1965.

Dear Sir,

The Minister for Local Government, by letter dated the 15th December, 1964, has required the Board to deposit the Planning Scheme adopted by the Melbourne Metropolitan Board of Works on the 20th October, 1959, with the modifications or alterations made by the Board and the modifications or alterations which the Minister proposes to recommend to the Governor in Council, for public inspection for a period of three months.

It is proposed to deposit the Scheme with the said modifications or alterations between the 18th January, 1965 and the 23rd April, 1965 (both dates inclusive).

It is requested that you arrange for the requisite notice to be published in the Government Gazette in accordance with the attached draft.

The publishing of a similar notice in a newspaper will be arranged by this Board.

The relevant documents and plans for depositing for public inspection will be forwarded to you during the week ending the 16th January, 1965, for exhibition at your office between the above dates in accordance with the Act. A copy of the "Explanatory Paper" is enclosed herewith.

The Planning Scheme consists of:-

- (i) The Ordinance, of which three copies will be forwarded.
- (ii) The Planning Scheme Map, comprising the maps marked "Melbourne Metropolitan Planning Scheme" and bearing the serial numbers 1 - 96 (inclusive) to each of which is added the suffix X.

In order to assist persons inspecting the Planning Scheme, the following documents will also be forwarded.

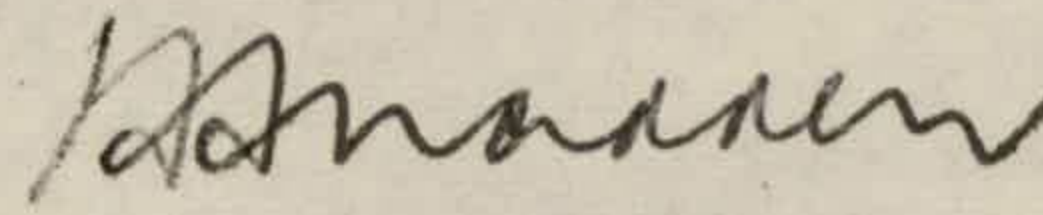
- (iii) The Ordinance as first exhibited, three copies.

cont.....

The Secretary,  
Town & Country Planning Board,  
179 Queen Street,  
MELBOURNE, C.1.

- (iv) Maps bearing serial numbers 1 - 96 (inclusive) to each of which is added the suffix Y. These maps show the zoning or reservation (as the case may be) in the Planning Scheme Map as first exhibited, where such zoning or reservation has been or is proposed to be modified or altered.
- (v) Explanatory Paper, 100 copies.
- (vi) Objection forms, 100 copies, for use by persons affected by the modifications or alterations to the Planning Scheme, who wish to notify the Minister in writing of any objections thereto.

Yours faithfully,



(H. J. Snadden)  
Secretary.