



VICTORIA GOVERNMENT GAZETTE

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No. 64]

FRIDAY, FEBRUARY 25

[1955

LEGISLATIVE COUNCIL.

THE Honorable the President has this day issued a Writ for the Election of a Member to serve in the Legislative Council of Victoria for the Monash Province, and the following arrangements have been made for the Election:—

Day before or on which Nomination is to be made	Tuesday, 15th March, 1955 (up till 12 o'clock noon).
Polling	Saturday, 2nd April, 1955.
Writ to be returned on or before	Tuesday, 19th April, 1955.

ROY S. SARAH,
Clerk of the Legislative Council.

Legislative Council,
Melbourne, 25th February, 1955.



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No. 65]

TUESDAY, MARCH 1

[1955

Town and Country Planning Acts.

MELBOURNE AND METROPOLITAN BOARD OF WORKS.

INTERIM DEVELOPMENT ORDER.

WHEREAS by the Town and Country Planning Acts (such Acts being hereinafter referred to as "the said Acts") provision is made, *inter alia*, for the making of an Interim Development Order as therein appears: And whereas the Melbourne and Metropolitan Board of Works (hereinafter referred to as "the Board") is a responsible authority under the provisions of the said Acts: And whereas in manner prescribed the twelfth day of September One thousand nine hundred and fifty was determined and notified by the Board as being the date of the commencement of the preparation of a planning scheme for the whole of the metropolitan area: And whereas the Board has prepared a planning scheme in respect of the whole of the metropolitan area which is to be cited as the Melbourne Metropolitan Planning Scheme 1954 copies whereof have been deposited at the office of the Board and at the office of the Town and Country Planning Board and as to so much of the scheme as relates to land in the municipal district of any municipality at the office of such municipality: Now the Board by virtue of the powers conferred by the said Acts and of every other power enabling it in that behalf and subject to the approval of the Governor in Council as provided in the said Acts hereby makes the following Interim Development Order:—

1. In this Order (including the foregoing recitals)—

(a) "The Board" means the Melbourne and Metropolitan Board of Works.

"Planning Scheme" means the planning scheme for the metropolitan area constituted by the Ordinance and the planning scheme map, copies of which have been deposited in accordance with the provisions of the Town and Country Planning Acts.

"Planning Scheme Map" means the maps comprised in the planning scheme marked "Melbourne Metropolitan Planning Scheme 1954" and bearing serial numbers 1-80 (inclusive).

"The Ordinance" means the Melbourne Metropolitan Planning Scheme Ordinance comprised in the planning scheme.

"Zone" means any area prescribed in the planning scheme map in which land is to be used for specified purposes and the use of land for any other purposes prohibited restricted or regulated.

"Reserved land" means any land reserved under Part III. of the Ordinance.

“Main Road Reservation” means land reserved under Division 1 of Part III. of the Ordinance for the purposes of a main road whether existing or proposed.

“Secondary Road Reservation” means land reserved under Division 1 of Part III. of the Ordinance for the purposes of a secondary road whether proposed or existing.

- (b) Words importing the singular shall be deemed to include the plural, and words importing the plural shall be deemed to include the singular.
- (c) Words or expressions used herein shall have the same meaning as the same words or expressions when used in the planning scheme.
- (d) Unless inconsistent with the context or subject matter hereof the *Acts Interpretation Act 1928* as amended by any subsequent Act or Acts shall be deemed to apply to this Order as though this Order was an Act of Parliament.

2. The use or development of any land, and the erection construction or carrying out of any buildings or works on any land, included in the planning scheme otherwise than in conformity with this Order is prohibited: Provided that—

- (a) Notwithstanding the foregoing prohibition, the Board may permit, subject to such conditions as are specified in the permit, such use or development of any land or the erection construction or carrying out of such buildings or works which apart from the permit would be in conflict or not in conformity with this Order as the Board thinks proper.
- (b) Nothing in this Order shall prevent the continuance of the use of any land or buildings for the purposes for which any such land or buildings were lawfully used immediately before the coming into operation of the Order.
- (c) Without affecting the generality of the immediately preceding proviso, nothing in this Order shall prevent—
 - (i) The use of unused land for the purpose for which it was last lawfully used within fifteen months prior to the coming into operation of this Order;
 - (ii) The use of land upon which immediately prior to the coming into operation of this Order any building or works was lawfully being constructed for the purpose for which such building or works was lawfully being constructed, and
 - (iii) The use of land in respect of which a contract for the construction of any building or works which could lawfully have been constructed had been entered into and all necessary consents and permits had been obtained and were operative immediately prior to the coming into operation of this Order, for the purpose for which such building or works was to be constructed.

This proviso shall not apply to reserved land or to land which abuts on a main road reservation or on a secondary road reservation.

3. Land to which this Order applies may only be developed and buildings or works may only be erected, constructed or carried out thereon if the use of such land for the purpose of such development or for the purpose for which such buildings or works are to be erected, constructed or carried out is permitted by or pursuant to this Order.

4. Subject to Clause 6 hereof, land situated within a Zone prescribed in the planning scheme as a Rural Zone—

- (i) may be used for any of the purposes specified in Column 2 of Section 1 of the Table to Clause 7 of the Ordinance;
- (ii) may be used for any of the purposes specified in Column 3 of Section 1 of the said Table provided that the condition or conditions set forth in such Table opposite such purpose are complied with and shall not be used for any of such purposes unless the said condition or conditions are complied with;

- (iii) shall not be used for any of the purposes specified in Column 4 of Section 1 of the said Table unless the Board having regard to any condition set forth opposite such purpose in the said Column shall have granted a permit therefor;
- (iv) shall not be used for any of the purposes set forth in Column 5 of Section 1 of the said Table.

5. Subject to Clause 6 hereof, land (other than land within the municipal districts or those parts of municipal districts set forth in the Schedule hereto) which is situate in any Zone other than a Rural Zone—

- (i) may be used for any of the purposes specified in Column 2 of the Section of the Table to Clause 7 of the Ordinance in which such Zone is described;
- (ii) may be used for any of the purposes specified in Column 3 of the Section of the said Table in which such Zone is described provided that the condition or conditions set forth opposite such purpose are complied with and shall not be used for any of such purposes unless the said condition or conditions are complied with;
- (iii) shall not be used for any of the purposes specified in Column 4 of the Section of the said Table in which such Zone is described, unless the Board having regard to any condition set forth opposite such purpose in the said Column shall have granted a permit therefor;
- (iv) shall not be used for any of the purposes set forth in Column 5 of the Section of the said Table in which such Zone is described.

6. (a) This clause shall apply to land situate within any Zone.

(b) Unless a permit therefor shall have been granted by the Board—

- (i) Land which abuts on a main road reservation shall not be so subdivided as to provide direct access from any allotment to the main road reservation and neither shall any street road lane or passage be so made or laid out on such land that it will join with or intersect the said reservation, nor shall any means of access from such land to the said reservation be opened constructed formed laid out or used;
- (ii) No building except a dwelling (if permitted under or pursuant to Clause 4 or Clause 5 hereof) and no works shall be erected upon any land abutting on a main road reservation;
- (iii) No building except a dwelling (if permitted under or pursuant to Clause 4 or Clause 5 hereof) and no work shall be erected on any land abutting on a secondary road reservation.

7. Reserved land may be used—

- (a) For such purpose to which the Board having regard to the purpose for which the land is reserved may permit, or
- (b) Where such land is vested in a public authority, for any purpose for which such land can lawfully be used by the authority, or
- (c) For the purpose for which the land is reserved, and for no other purposes.

8. Any permit granted by the Board pursuant to Clauses 4 to 7 (inclusive) of this Order may be granted absolutely or subject to such condition or conditions as to the Board appears fit and where granted subject to a condition or conditions shall be of no force or effect whatsoever unless such condition or conditions are wholly observed.

SCHEDULE.

Municipal District	Part of Municipal District.
Brunswick ..	Whole
Camberwell ..	Whole
Coburg ..	Whole
Heidelberg ..	Whole
Malvern ..	Whole
Moorabbin ..	Whole
Nunawading ..	All that area of land within the Municipal District of the City of Nunawading bounded on the north side by Springfield-road, on the east side by Springvale-road, on the south side by Whitehorse-road and on the west side by Goodwin-street.
Preston ..	Whole
Richmond ..	Whole
Sandringham ..	All that area within the Municipal District of Sandringham which is bounded on the north side by Bay-road, on the east side by Reserve-road, on the south side by Cheltenham-road and on the west side by Bluff-road, being Portion 35 and part of Portion 34 of the Parish of Moorabbin, County of Bourke.
Berwick ..	All that piece of land situate within 20 chains on either side of the boundaries of the Princes Highway throughout the Shire of Berwick in so far as such land lies within the Metropolitan Area as defined by the Town and Country Planning Acts.
Broadmeadows	All that area of land comprising the Parish of Will Will Rook, and those portions of the Parishes of Doutta Galla, Jika-Jika, and Tullamarine, as are situated within the Shire of Broadmeadows.
Frankston and Hastings ..	The whole of the Frankston, Mt. Eliza and Seaford Ridings as at present constituted, in so far as such land lies within the Metropolitan Area as defined by the Town and Country Planning Acts.
Mulgrave ..	Whole
Werribee ..	Whole of the Altona Riding as at present constituted.

Dated this 1st day of February One thousand nine hundred and fifty-five.

The Common Seal of the Melbourne and Metropolitan Board of Works was affixed hereto in the presence of—

(SEAL) J. C. JESSOP, Chairman.
LOUIS THOMPSON, Member.
C. TRATHAN, Secretary.

Approved by the Governor in Council,
22nd February, 1955.

A. MAHLSTEDT,
Clerk of the Executive Council.