



**CROWN LANDS (MISCELLANEOUS PROVISIONS)
(No. 2)**

No. 51 of 1974

ANALYSIS

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| <ol style="list-style-type: none"> 1. Short title and incorporation. 2. Closure of portion of Stieglitz Street at Fingal and sale of site to <i>E. & M. Barber</i>. 3. Closure of portion of Old Beach Road and sale to Director of Housing. 4. Sale of land at Enfield to <i>H. Dunn</i>. 5. Grant of land at St. Helens to St. Helens Golf Club Ltd. 6. Sale of Crown land at Burnie to <i>H. D. O'Brien</i>. | <ol style="list-style-type: none"> 7. Lease and sale of Crown land to <i>J. J. Kooistra</i>. 8. Closure of disused road at Premaydena and sale to <i>I. M. & J. A. Preston</i>. 9. Sale of land at Sandy Bay to Travellers Rest Hotel Limited. 10. Lease of land at Wynyard to Wynyard Bowling Club. 11. Supplementary provisions. |
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AN ACT to make provision for certain matters relating to certain Crown lands and to amend the Crown Lands (Miscellaneous Provisions) Act 1964.

[24 October 1974]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Crown Lands (Miscellaneous Provisions) Act (No. 2) 1974*. Short title and incorporation.

(2) This Act is incorporated and shall be read as one with the *Crown Lands Act 1935* (in this Act referred to as the Principal Act).

Closure of portion of Stieglitz Street at Fingal and sale of site to E. & M. Barber.

2 All public rights of passage over the Crown land described in Schedule I are extinguished and the Commissioner may sell that land to *Eric Barber* and *Mavis Barber*, both of Fingal in this State.

Closure of portion of Old Beach Road and sale to Director of Housing.

3 All public rights of passage over the Crown land described in Schedule II are extinguished and the Commissioner may sell that land to the Director of Housing.

Sale of land at Enfield to H. Dunn.

4 The Commissioner may sell the Crown land described in Schedule III to *Henry Dunn* of Campania in this State.

Grant of land at St. Helens to St. Helens Golf Club Ltd.

5 The Commissioner, on being satisfied that all payments required to be made under the contract of sale entered into between the Commissioner and *Walter Vincent Rodger* on 15th November 1939 in respect of the land described in Schedule IV, may convey and alienate that land to the St. Helens Golf Club Limited.

Sale of Crown land at Burnie to H. D. O'Brien.

6 The Commissioner may sell the Crown land described in Schedule V to *Horace Donough O'Brien* of Burnie in this State.

Lease and sale of Crown land to J. J. Kooistra.

7 Section 3 of the *Crown Lands (Miscellaneous Provisions) Act 1964* is repealed.

Closure of disused road at Premaydena and sale to I. M. & J. A. Preston.

8 All public rights of passage over the Crown land described in Schedule VI are extinguished and the Commissioner may sell that land to *Ian Michael Preston* and *Judith Ann Preston* both of Lindisfarne in this State.

Sale of land at Sandy Bay to Travellers Rest Hotel Limited.

9 The Commissioner may sell the Crown land described in Schedule VII to the Travellers Rest Hotel Limited for the sum of \$26 000.

10 The Commissioner may lease to the Wynyard Bowling Club for a term not extending beyond 50 years from 1st June 1972 the land described in Schedule VIII. Lease of land at Wynyard to Wynyard Bowling Club.

11—(1) Subject to subsection (2), where power is given to the Commissioner under this Act to sell any land, that land shall be sold, except as otherwise provided, at such price and on such terms as are determined by the Director of Lands. Supplementary provisions.

(2) The price of the Crown land referred to in section 6 that is determined by the Director of Lands under subsection (1) may be less the value of the tenant's improvements to that land as assessed by the Director of Lands.

(3) Where in the conveyance and alienation of land under any provision of this Act the right is reserved to Her Majesty to resume that land, section 69 of the *Lands Resumption Act 1957* applies to that right as it applies to a right referred to in subsection (1) of that section.

(4) In its application for the purposes of subsection (3), section 69 of the *Lands Resumption Act 1957* has effect as if—

- (a) the reference therein to the Minister were a reference to the Commissioner; and
- (b) the words “ and having thereon or annexed thereto a plan of the land to be resumed ” were omitted from subsection (1) thereof,

and no compensation is payable under the Act in respect of the exercise of a right to resume land created pursuant to any provision of this Act.

(5) Subject to this Act, any lease granted by the Commissioner under this Act shall be at such rental and shall contain such covenants and conditions and confer such rights as may be determined by the Director of Lands.

(6) Section 70 (2) of the Principal Act applies to the conveyance and alienation pursuant to any of the provisions of this Act of any land not under the *Real Property Act 1862* as it applies to the alienation of land pursuant to that section but nothing in this subsection shall be construed as affecting the operation of that section in relation to the sale of land pursuant to any of those provisions.

(7) The prescribed survey and grant fees shall be paid before any land is conveyed or alienated under this Act.

(8) Any fees payable under the *Real Property Act* 1862 in respect of the conveyance or alienation under this Act of land to any person shall be defrayed by that person.

(9) Subject to the foregoing provisions of this Act, any land over which public rights of passage are extinguished pursuant to any of those provisions shall be deemed to be Crown land within the meaning of the Principal Act.

(10) References in any of the Schedules to this Act to a plan or diagram by a number shall be construed as references to the plan or diagram so numbered and filed in the office of the Director of Lands at Hobart.

Schedule I

(Section 2)

TOWN OF FINGAL

All that area of Crown land containing 8 437 square metres as the same is shown on Plan 4208.

Schedule II

(Section 3)

LAND DISTRICT OF MONMOUTH PARISH OF FORBES

All those areas of Crown land comprising 4 231 square metres and 3 229 square metres as the same are shown on Plan 4141.

Schedule III

(Section 4)

TOWN OF ENFIELD

All that area of Crown land containing 2·018 hectares commencing at the south-east angle of 2 acres 1 rood 39 perches purchased by *M. Coghlin* on Kearney Street and bounded on the north by 191·10 metres westerly along 12 acres 1 rood 35 perches aforesaid to Henry Street on the south by 191·10 metres easterly along that street to Kearney Street aforesaid and thence on the east by 105·61 metres northerly along Kearney Street aforesaid to the point of commencement as the same is shown on Plan E/19.

Schedule IV

(Section 5)

LAND DISTRICT OF CORNWALL

PARISH OF EASTWOOD

All that area of Crown land containing 12·19 hectares as the same is shown on Survey Diagram Cornwall Volume 52 Folio 6.

Schedule V

(Section 6)

TOWN OF BURNIE

All that area of Crown land containing 2 236 square metres being the whole of the land contained in Certificate of Title Volume 2896 Folio 44 registered in the name of Her Majesty the Queen.

Schedule VI

(Section 8)

LAND DISTRICT OF PEMBROKE

PARISH OF TOGANEE

All that area of Crown land containing 6 657 square metres commencing at a point on the east boundary of Lot 16701 purchased by *F. R. Ridler* distant 229·67 metres southerly from the north-east corner of that Lot and bounded on the north-west by 340·54 metres south-westerly in several bearings along part of that Lot on the south-west by 21·24 metres south-easterly along a reserved road on the south-east by 321·19 metres north-easterly in several bearings again along part of Lot 16701 aforesaid and thence on the east by 32·71 metres northerly along Lot 22758 purchased by *F. R. Ridler* to the point of commencement as the same is shown on Survey Diagram Volume 21 Folio 3 Pembroke.

Schedule VII

(Section 9)

CITY OF HOBART

All that area of Crown land containing 475 square metres as the same is shown on Plan 3867.

Schedule VIII

(Section 10)

TOWN OF WYNYARD

All those areas of Crown land containing 3 998 square metres as the same is shown on Plan 3395 and 1 378 square metres or thereabouts as the same is shown on Plan 4532.