

LEGISLATIVE ASSEMBLY

Read 1^o 12 December 1979

(Brought in by Mr Lieberman and Mr Maclellan)

A BILL

To make Provision with respect to the Compensation payable for certain Land in Central Gippsland, and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the **Legislative Assembly** of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Central Gippsland (Brown Coal Land Compensation) Act 1979*. Short title.

(2) This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

10 2. In this Act unless inconsistent with the context or subject-matter— Interpretation.

“Brown coal area” means that area which is comprised by the aggregate of the areas to which the interim development orders mentioned in the Schedule apply at the commencement of this Act. “Brown coal area.”

15 “Planning control” in relation to any land means any prohibition or restriction on or regulation of the use or development of that land imposed by or under any planning scheme or interim development order. “Planning control.”

"Prescribed
date."

"Prescribed date" means 12 April 1978.

"Public
authority."

"Public authority" has the same meaning as in section 3 (1)
of the *Town and Country Planning Act* 1961.

Principles for
determining
market value
of land within
the brown
coal area.

3. (1) Subject to sub-sections (3), (4) and (5) and notwithstanding
anything in the *Lands Compensation Act* 1958 or the *Town and*
Country Planning Act 1961, where any land within the brown coal
area is acquired or taken by the Crown or any public authority
for the purposes of brown coal extraction, the market value of that
land shall be determined—

- (a) as if brown coal which is likely to be extracted was not
situated in, on or under that land or any other land in the
brown coal area or any land within ten kilometres of the
boundary of any part of the brown coal area; 10
- (b) as if any planning control which is in force in relation
to that land on the date on which the notice to treat is
given or, in the absence of such a notice, on the date on
which the parties enter into an agreement with respect
to the purchase of the land (being a planning control
the primary purpose of which relates to the conservation
or utilization of brown coal situated in, on or under
land in the brown coal area) had not been imposed; 15 20
- (c) as if there had not been any publication by or on behalf
of the Crown or any public authority of any notice or
statement relating to a proposal to carry out any works
or undertakings in the brown coal area for or in
connexion with the extraction or use of brown coal
(being a proposal which would involve the acquisition
or taking of land in the brown coal area by the Crown
or any public authority); 25
- (d) as if any works or undertakings carried out in the brown
coal area or on any land within ten kilometres of the
boundary of any part of the brown coal area by the
Crown or any public authority on or after the prescribed
date for or in connexion with the extraction or use of
brown coal had not been carried out; and 30 35
- (e) as if the use and development of land in the brown coal
area had proceeded as from the prescribed date in the
manner in which it could be reasonably anticipated to
have proceeded had there not been any possibility of
any land in the brown coal area being acquired or taken
by the Crown or any public authority for the purposes
of brown coal extraction. 40

(2) Subject

5 (2) Subject to sub-section (1), the *Lands Compensation Act* 1958 shall, with such adaptations as are necessary, apply with respect to any acquisition or taking of land in the brown coal area by the Crown or any public authority for the purposes of brown coal extraction.

10 (3) Where pursuant to paragraph (b) of sub-section (1) any planning control in force in relation to any land is disregarded the market value of that land shall be determined on the basis that there is in force in relation to that land in lieu of the planning control so disregarded such planning control as would likely have been in force in relation to that land had there not been any brown coal in, on or under that land or any other land in the brown coal area.

15 (4) In the event of any dispute arising between the parties as to the planning control which would likely have been in force in relation to any land had there not been any brown coal in, on or under that land or any other land in the brown coal area the matter shall be determined by such one of the chairmen of the divisions of the Town Planning Appeals Tribunal established under the
20 *Town and Country Planning Act* 1961 as is appointed by the Minister from time to time for the purposes of this section and the decision of the person so appointed on that matter shall be final and without appeal.

25 (5) Nothing in this Act shall apply to any land within the brown coal area which is acquired or taken pursuant to section 23 (1) of the *State Electricity Commission Act* 1958 being land to which the provisions of section 23 (2) of that Act apply.

SCHEDULE

- Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'A' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'B' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'C' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'D' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'E' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'F' Interim Development Order.

