

# Central Gippsland (Brown Coal Land Compensation) Bill

## EXPLANATORY MEMORANDUM

The provisions of this Bill apply to land in the brown coal area as defined, which is acquired or taken by the Crown or any public authority for the purposes of brown coal extraction, other than land acquired or taken pursuant to Section 23 (1) of the State Electricity Commission Act to which the provisions of Section 23 (2) of that Act apply.

*Clause 1* provides for the title and coming into operation of the Act.

*Clause 2* sets down the interpretation of certain terms used in the Bill including "Brown coal area".

*Clause 3* Sub-clause (1) provides that 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 shall be determined—

- (a) as if there were no brown coal likely to be extracted from that land or any other land in the brown coal area or within ten kilometres of the boundary of that area;
- (b) as if any planning control the primary purpose of which relates to the conservation or utilisation of brown coal in the brown coal area had not been imposed;
- (c) as if there had not been publication by or on behalf of the Crown or any public authority of a proposal to carry out works or undertakings in the brown coal area in connection with the extraction or use of brown coal which would involve the acquisition or taking of land by the Crown or any public authority;
- (d) as if works or undertakings carried out in the brown coal area or within ten kilometres of the boundary of that area on or after the prescribed date (12 April 1978) in connection with the use or extraction of brown coal had not been carried out;
- (e) as if use and development of land in the brown coal area had proceeded in the manner in which it could be reasonably anticipated to have proceeded had there not been any possibility of land in the area being acquired or taken for the purposes of brown coal extraction.

Sub-clause (2) provides for the provisions of the Lands Compensation Act to apply.

Sub-clause (3) requires that where pursuant to sub-clause (1) (b) any planning control is disregarded the market value shall be determined on the basis that in lieu of that control there is in force such planning control as would likely have been in force had there not been brown coal in the area.

Sub-clause (4) provides that in the event of dispute as to the planning control likely to have been in force the matter shall be determined by such one of the chairmen of the Town Planning Appeals Tribunal as the Minister appoints for that purpose and that determination shall be final and without appeal.

Sub-clause (5) excludes from the provisions of this Act land in the brown coal area acquired or taken pursuant to section 23 (1) of the State Electricity Commission Act to which the provisions of section 23 (2) of that Act apply.

By Authority: F. D. ATKINSON, Government Printer, Melbourne

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