

Land (Further Miscellaneous Matters) Bill

EXPLANATORY MEMORANDUM

PART 1

Clause 1 states the purposes of the Act which are to revoke the permanent reservations of part of a recreation reserve at Sebastopol, a railway reserve at North Bendigo, part of Albert Park Reserve, part of Lions Park at Lilydale, part of the Dookie Agricultural College Reserve, and to repeal and amend various Acts relating to Crown land.

Clause 2 provides for the various provisions of the Act to come into operation on the day of receipt of Royal Assent with the exception of the following:

- (a) Part 4 dealing with Albert Park land which will operate from a day or days to be proclaimed;
- (b) Section 15 which is to come into operation on a day to be proclaimed being a day after declaration by the Minister that none of the provisions of Part 4 have been proclaimed and that Melbourne's Olympics bid is unsuccessful;
- (c) Section 16 which comes into operation on the day on which the Governor in Council by order under section 14 (3) revokes part of Dookie Agricultural College Reserve, closes portions of the Midland Highway and permanently reserves Crown Land at Dookie as a site for the conservation of an area of natural interest;
- (d) Section 18 which is to operate from a day to be proclaimed.

PART 2

Clause 3 revokes the recreation reserve at Sebastopol as specified in Item 1 of Schedule 1 to the extent that it applies to land hatched on the plan of Schedule 2 to enable that land to be proclaimed as a road. The clause makes consequential amendments in respect of the appointment of the Committee of Management and the regulations which apply to the Reserve.

PART 3

Clause 4 revokes the railway reserve at North Bendigo specified in Item 2 of Schedule 1. It further provides that despite this revocation the land concerned remains vested in the Public Transport Corporation. The clause also removes any doubts that the revocation could have any effect on the continuance of leases of the land.

PART 4

Clause 5 provides for the revocation of Albert Park Reserve specified in Item 3 of Schedule 1 to the extent that it applies to the land shown hatched on the plan in Schedule 3. The clause enables the revocation to be effected by an order of the Governor in Council which is to contain a Plan of Survey of the land signed by the Surveyor General. The Clause also provides that the Order in Council does not affect any interest in, licence, right or agreement which existed before the publication of the order in the *Government Gazette*.

Clause 6 provides that on the date of publication of the Order in Council in the Government Gazette the part of the land to which the Order relates is deemed to be permanently reserved under the *Crown Land (Reserves) Act 1978* as a site for public recreation.

Clause 7 sub-clause (1) provides for the revocation of the appointment of the Committee of Management for the land to be reserved for public recreation upon its reservation under this part.

In sub-clause (2) it provides the alternative of deeming the existing Committee of Management for that land to remain as the Committee of Management for that land upon its reservation by Order under this Part.

Sub-clause (3) ensures that the existence or continuity as an incorporated body of the Albert Park Reserve is not affected by any action taken under this section.

Clause 8 provides that for the purpose of facilitating the development of a sporting complex on the land to be reserved for public recreation under this Part, the Minister may purchase or compulsorily acquire any existing interest in that land.

Clause 9 provides that any interest in land acquired by the Minister under this Part is vested in the Crown.

PART 5

Clause 10 revokes the reservation for Lions Park at Lilydale specified in Item 4 of Schedule 1 to the extent that it applies to the land shown hatched on the Plan in Schedule 4.

Clause 11 provides that the land shown hatched on the Plan in Schedule 4 is deemed to be unalienated land of the Crown.

Clause 12 states that the appointment of the Committee of Management is revoked for the land specified in Item 4 of Schedule 1 and that regulations made for the reserve no longer apply to that land.

PART 6

Clause 13 provides power for the Roads Corporation of Victoria to enter and use land forming part of the Dookie Agricultural College reserve and specified in Item 1 of Schedule 5 for or in connection with the construction of a road to become part of the Midland Highway.

Clause 14 sub-clause (1) directs the Roads Corporation to publish in the *Government Gazette* a Notice of Completion of the road-works. Sub-clause (2) sets out the actions to be effected before the Minister may recommend to the Governor in Council that an order be made under section 3. The actions are:

- (a) Registration of transfer and surrender to the Crown of freehold land proposed to be reserved for the conservation of an area of natural interest.
- (b) The entering into an agreement under section 45 (3) of the *Transport Act 1983* by the Roads Corporation and
- (c) The notification in the *Government Gazette* referred to in sub-clause (1).

Sub-clause (3) authorises the Governor in Council by Order to—

- (a) revoke the Dookie Agricultural College Reserve as to the land specified in Item 2 of Schedule 5
- (b) close the roads specified in Item 3 of schedule 5 and
- (c) permanently reserve the land specified in Item 4 of schedule 5 for the conservation of an area of natural interest.

Sub-clause (4) sets out the effect of the Order under Sub-clause (3) as follows:

- (a) Deems land excised from the Dookie Agricultural College Reserve to be unalienated Land of the Crown freed from all trusts, reservations, estates etc;
- (b) Continues the Roads Corporation's right to use the land excised from the Dookie Agricultural College Reserve for construction of the road deviation until that land becomes a highway under the *Transport Act 1983*;
- (c) Removes all rights to use as a road the roads closed by the Order under Sub-clause (3)
- (d) Declares that the land permanently reserved for the conservation of an area of natural interest is reserved in accordance with the Order under Sub-clause (3).

PART 7

Clause 15 repeals the *Dookie Agricultural College Land Act 1972*.

Clause 16 repeals the *Bendigo Aerodrome Act 1973*.

Clause 17 amends section 2 (4) of the *Albert Park Land Act 1972* to provide that the land shown by hatching on the Plan in Schedule 3 is not included in the reserve after the commencement of this section. The clause also provides that the *Albert Park Land Act 1972* continues to apply to leases of land existing prior to this section's commencement.

Clause 18 states that the Crown is not liable for any compensation arising out of anything done under this Act other than any in relation to the Dookie land in an agreement under section 45 of the *Transport Act 1983* or any under Part 4 dealing with the Albert Park land.

Clause 19 directs the Registrar of Titles to make amendments to records under the *Transfer of Land Act 1958*.

Schedule 1 sets out the land in respect of which the permanent reservations are revoked by this Act.

Schedule 2 plan of Sebastopol Land.

Schedule 3 plan of Albert Park land.

Schedule 4 plan of Lilydale land.

Schedule 5 identifies the parcels of land referred to in Part 6—Dookie Land of this Bill as parcels numbered on plans lodged in the Central Plan Office.

