

Melbourne City Link (Further Amendment) Bill

EXPLANATORY MEMORANDUM

- Clause 1 sets out the purposes of the Bill. The main purpose of the Bill is facilitate the proposed "Exhibition Street Extension Project".
- Clause 2 provides for the commencement of the Bill. Clauses 1 and 2 will come into operation on Royal Assent. The remainder of the Bill will come into operation on days to be fixed by proclamation.
- Clause 3 defines the Principal Act as the **Melbourne City Link Act 1995**.
- Clause 4 amends section 3 of the Principal Act which contains definitions. New definitions of the "Extension Project area" and of the "Exhibition Street Extension Project" are inserted into the Principal Act. Several existing definitions related to leases over Link roads are amended to include roads leased in the Extension Project area.

The definition of the "Link control site" is substituted by sub-clause (3). This facilitates the construction of the control building for the City Link at a site in McGowan Street, South Melbourne, instead of at the site originally planned. The new definition affects the operation of sections 23 and 96 of the Principal Act, which provide that certain planning and rate exemptions do not extend to the Link control site.

- Clause 5 amends section 15 of the Principal Act by inserting a new sub-section (1AA). Section 15 authorises the parties to the Melbourne City Link Agreement to make amending agreements. The new sub-section will authorise amending agreements for purposes related to the implementation of the Exhibition Street Extension Project and its integration with the Melbourne City Link Project. Amending agreements may be revoked by either House of Parliament. The clause also makes minor statute law revision amendments to section 15 of the Principal Act.
- Clause 6 inserts a new Part 4A into the Principal Act to make provision for the Exhibition Street Extension Project. The new Part will contain the following Divisions and sections.
- Proposed Division 1 defines the scope of the Exhibition Street Extension Project and the Extension Project area.

Proposed new section 93A describes the "Exhibition Street Extension Project", namely, a road connection from Exhibition Street to the southern link of the Melbourne City Link Project near Punt Road.

Proposed new section 93B defines the "Extension Project area" by reference to the area shown on Legal Plan No. LEGL./97-29 lodged in the Central Plan Office. A copy of this Plan has been provided to the Parliamentary Library.

Proposed Division 2 provides for land to be obtained for the purposes of the Exhibition Street Extension Project.

Proposed new section 93C empowers the Governor in Council to revoke the whole part of any Crown land reservation within the Extension Project area. Upon the revocation taking effect, the land is freed from all encumbrances and interests and the appointment of any committee of management in respect of the reservation is also revoked.

Proposed new section 93D revokes part of the reservation under Part 5 of the **Melbourne and Olympic Parks Act 1985**. The land affected is shown coloured mauve on plan LEGL./97-29. Upon the revocation taking effect, the land is freed from all encumbrances and interests and the appointment of the Melbourne and Olympic Parks Trust is revoked to the extent that it applies to the land.

Proposed new section 93E revokes part of the Melbourne and Olympic Parks reservation referred to in Schedule 4 to the Principal Act. The land affected is shown coloured yellow on plan LEGL./97-29. Upon the revocation taking effect, the land is freed from all encumbrances and interests and the appointment of the Melbourne and Olympic Parks Trust is revoked to the extent that it applies to the land.

Proposed new section 93F empowers the Governor in Council to obtain public authority land in the Extension Project area for the purposes of managing any roadway or ancillary works constructed on the land for the Exhibition Street Extension Project.

Proposed Division 3 deals with the management of the Exhibition Street Extension.

Proposed new section 93G provides that, if an agreement is made for the Link corporation to operate, maintain and repair roads forming part of the Exhibition Street Extension Project, the Governor in Council may grant a

Crown lease accordingly. The requirements in respect of leases over the Exhibition Street Extension are similar to the requirements for leases for the Melbourne City Link Project under section 60 of the Principal Act.

Proposed new section 93H provides that the land specified in the lease as a road is open for vehicular use by the public and that the relevant provisions of the **Transport Act 1983** and the **Road Safety Act 1986** apply. This will not affect the grant or operation of the lease.

Proposed new section 93I provides for the exercise by the Link corporation of statutory road operation and maintenance and traffic management functions with respect to roads on leased land in the Exhibition Project area if an agreement so provides.

Proposed new section 93J provides that, if an agreement is made for the Link corporation to operate, maintain and repair roads forming part of the Exhibition Street Extension Project, and if that agreement also provides for the collection of tolls on the road, then Part 4 of the Principal Act applies to the collection of those tolls.

- Clause 7 inserts a new section 27A into the Principal Act. The proposed new section will revoke a small part of the Melbourne and Olympic Parks reservation for the purposes of the Melbourne City Link Project. The area, which is near the portal of the Domain Tunnel, is shown cross-hatched green on plan LEGL./97-31. A copy of this plan has been provided to the Parliamentary Library.
- Clause 8 makes a minor amendment to section 31A of the Principal Act. Its effect will be that an Order in Council under section 29 of the Principal Act which revokes a Crown land reservation may keep open a declared road over that land.
- Clause 9 creates rights to compensation for private interests in public land which is acquired for the Exhibition Street Extension Project. Compensation is to be determined in accordance with the **Land Acquisition and Compensation Act 1986**.
- Clause 10 amends sections 40, 43 and 44 of the Principal Act. Those provisions modify the application of the **Land Acquisition and Compensation Act 1986** in relation to acquisitions for the purposes of the Melbourne City Link Project. The proposed amendments ensure that the operation of the Regulations under that Act are also modified to the necessary extent.

- Clause 11 inserts a new section 44A into the Principal Act. The provision will clarify that unreserved Crown land may be used temporarily for the purposes of the Project without the need for a Project reservation.
- Clause 12 authorises the revocation of a construction licence (under section 56 of the Act) in part. This will facilitate the early release of surplus Project land for other purposes.
- Clause 13 amends section 64 of the Principal Act to exclude land which is leased under an agreement relating to the Exhibition Street Extension from the operation of certain Acts.
- Clause 14 amends section 67 of the Principal Act to require the Registrar of Titles is to make any recordings on the Register of Titles which are necessary because of the operation of the provisions relating to the acquisition of land for the Exhibition Street Extension Project. The clause also clarifies that the Registrar must make recordings for the purposes of the Act without requiring production of certificates of title.
- Clause 15 amends section 96 of the Principal Act to correct the citation of the **Water Industry Act 1994**.
- Clause 16 amends section 100 of the Principal Act to confer power on Ministers, public statutory authorities and local Councils to facilitate the Exhibition Street Extension Project.
- Clause 17 amends section 101 of the Principal Act. The effect of the amendment is that the power of the Governor in Council to issue directions to agencies is extended to include matters relating to the Extension Project area.
- Clause 18 amends section 102 of the Principal Act. The effect of the amendment is that the power of the Governor in Council to make binding determinations to resolve disputes between agencies is extended to include matters relating to the Exhibition Street Extension Project.
- Clause 19 amends section 103 of the Principal Act. The effect of the amendment is that local Councils may not exercise certain road and traffic management powers inconsistently with functions of the Link corporation under a lease over the Exhibition Street Extension.
- Clause 20 inserts a new Schedule 4 into the Principal Act. The Schedule specifies the Order in Council which reserved Melbourne and Olympic Parks land and which is partially revoked by clause 6 (proposed new section 93E) and clause 7 (proposed new section 27A).