

CROWN LANDS (MISCELLANEOUS PROVISIONS).

No. 14 of 1972.

AN ACT to make provision for certain matters relating to certain Crown lands and other lands and to amend the *Crown Lands (Miscellaneous Provisions) Act 1970*. [17 July 1972.]

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 1972*. Short title and citation.

(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).

2 Section eighty-five of the Principal Act applies to the lease described in the first schedule as if that lease were a grazing lease granted under Division II of Part XI of that Act. Lease of Crown land at Three Hummock Island to J. M. and H. E. Alliston.

3 The Commissioner may grant to the Bridport Golf Club Inc. a lease for a term of fifty years of the land described in the second schedule. Lease of land at Bridport to Bridport Golf Club Inc.

4 The Commissioner may grant to the Swan Motor Inn Pty. Ltd. a lease for a term of fifty years of the land described in the third schedule. Lease of land at Swansea to Swan Motor Inn Pty. Ltd.

5—(1) All public rights of passage over the lands described in Part I and Part II of the fourth schedule are extinguished. Closure of highway at Devonport and sale or lease of site to Ampol Petroleum Ltd.

(2) The Commissioner may lease the land described in Part I of the fourth schedule to Ampol Petroleum Limited and may sell to that Company the land described in Part II of that schedule.

6 The Commissioner may sell to the Electrolytic Zinc Company of Australasia Limited the land described in the fifth schedule. Sale of Crown land at Tullah to the Electrolytic Zinc Company of Australasia Ltd.

7 The Commissioner may sell to The Master Butchers Limited the land described in the sixth schedule. Sale of Crown land at Glenorchy to The Master Butchers Limited.

8 The Commissioner may sell to the Baptist Union of Tasmania the land described in the seventh schedule. Sale of Crown land at Hellyer to the Baptist Union of Tasmania.

Closure of road at Launceston and sale of site to Wilcox Moffin Limited.

9 All public rights of passage over the land described in the eighth schedule are extinguished and the Commissioner may sell that land to Wilcox Moffin Limited.

Closure of road at Bell Bay and sale of site to Tasmanian Electro Metallurgical Co. Pty. Ltd.

10 All public rights of passage over the land described in the ninth schedule are extinguished and the Commissioner may sell that land to Tasmanian Electro Metallurgical Company Proprietary Limited.

Closure of road at Fingal and sale of site to Fingal Pastoral Pty. Ltd.

11 All public rights of passage over the lands described in the tenth schedule are extinguished and the Commissioner may sell those lands to Fingal Pastoral Proprietary Limited.

Closure of road at Latrobe and sale of site to M. G. Elliston Pty. Ltd.

12 All public rights of passage over the land described in the eleventh schedule are extinguished and the Commissioner may sell that land to M. G. Elliston Proprietary Limited.

Closure of Fitzwilliam Street, Launceston.

13 All public rights of passage over the land described in the twelfth schedule are extinguished.

Sale of Crown land at Orford to Bruce Archer Cottier.

14 The Commissioner may sell to *Bruce Archer Cottier* of Hobart in Tasmania the land described in the thirteenth schedule.

Sale of Crown land at Bicheno to Arthur Edward Jones.

15—(1) Subject to this section, the Commissioner may sell to *Arthur Edward Jones* of Bicheno in this State the land described in the fourteenth schedule.

(2) An adhesion order within the meaning of section four hundred and seventy-seven A of the *Local Government Act 1962* with respect to the land referred to in subsection (1) of this section and the land comprised in certificate of title registered volume 3109 folio 36 registered in the name of *Arthur Edward Jones* is, on the lodgement with the Recorder of Titles of the memorandum of transfer by way of grant executed in pursuance of subsection (1) of this section, deemed to have been made under that Act.

(3) When registering the transfer by way of grant executed in pursuance of subsection (1) of this section the Recorder of Titles shall also register the adhesion order referred to in this section as if it were an adhesion order made under the *Local Government Act 1962*.

(4) When registering the adhesion order referred to in this section the Recorder of Titles shall register a consolidated certificate of title to all the land referred to in this section, noting the adhesion order thereon, and, for that purpose, may call in and cancel, in accordance with section one hundred and thirty-six of the *Real Property Act 1862*, certificates of title to any piece.

(5) Subsection (8) of section four hundred and seventy-seven A of the *Local Government Act 1962* is of no application to an adhesion order deemed to have been made under this section.

(6) If a transfer of the fee simple of the land comprised in certificate of title registered volume 3109 folio 36 is lodged in the office of the Recorder of Titles before registration of the adhesion order under subsection (3) of this section, any sale made by the Commissioner under subsection (1) of this section, whether before or after

that lodgement, is void and any transfer by way of grant executed in pursuance of that sale, and any certificate of title registered pursuant to that transfer by way of grant, is cancelled by force of this subsection.

16—(1) Subject to subsection (2) of this section, the Governor may, in the name and on behalf of Her Majesty, convey and alienate the land described in the fifteenth schedule to the Warden, Councillors, and Electors of the Municipality of Port Cygnet.

Grant of Crown land at Cygnet to the Municipality of Port Cygnet.

(2) No land shall be conveyed and alienated under this section except subject to such conditions and rights (which may include the reservation to Her Majesty of the right to resume that land on the breach of any such condition) as the Director of Lands is satisfied are necessary to ensure that suitable accommodation is kept or made available on that land for use for purposes necessary for the administration of justice.

17 Section fifteen of the *Crown Lands (Miscellaneous Provisions) Act 1970* is amended by omitting therefrom the word "seven" and substituting therefor the word "two".

Amendment of the *Crown Lands (Miscellaneous Provisions) Act 1970*.

18 The Commissioner of Crown Lands may grant a lease, for a term of ninety-nine years at an annual rent of one dollar (if demanded), of the land described in the sixteenth schedule for the purposes of its use by the Tamar Rowing Club.

Lease of land to Tamar Rowing Club.

19 On the surrender to Her Majesty of all the estate held by *William Clark Hodgman*, of Kingston in this State, and C.H.I. (Tas.) Pty. Ltd. in the land described in Part I of the seventeenth schedule the Commissioner may, in the name and on behalf of Her Majesty, convey and alienate to the said *William Clark Hodgman* and C.H.I. (Tas.) Pty. Ltd., as tenants in common, the land described in Part II of that schedule for an estate in fee simple.

Exchange of land at Kingston with *W. C. Hodgman* and C.H.I. (Tas.) Pty. Ltd.

20 The Mayor, Aldermen, and Citizens of the City of Launceston (in this section referred to as the "corporation") may surrender to Her Majesty all the estate of the corporation in the land described in Part I of the eighteenth schedule and, on that estate being so surrendered, the Commissioner may, in the name and on behalf of Her Majesty, convey and alienate to the corporation the land described in Part II of that schedule for an estate in fee simple.

Exchange of land with Launceston Corporation.

21 The Commissioner may sell to Derby Products Pty. Ltd. the land described in the nineteenth schedule.

Sale of land at Glenorchy to Derby Products Pty. Ltd.

22 The Governor may, in the name and on behalf of Her Majesty, convey and alienate to St. Michaels Association Incorporated, for an estate in fee simple, the land described in the twentieth schedule.

Grant of land at Launceston to St. Michaels Association Incorporated.

Sale of land at Triabunna to Fish Protein Concentrate (Tas.) Pty. Ltd.

23—(1) The Commissioner may sell to Fish Protein Concentrate (Tas.) Pty. Ltd. the land described in the twenty-first schedule.

(2) The conveyance and alienation of any land under this section shall reserve to Her Majesty the right to resume that land—

- (a) if, within such period as the Governor may require, it is not used for an approved purpose; or
- (b) if, having been used for such a purpose, it is no longer being so used.

(3) For the purposes of this section, an “approved purpose” means—

- (a) the processing of fish; or
- (b) any operation or activity approved by the Governor necessary for the carrying on of any industry.

Supplementary provisions.

24—(1) Where power is given to the Commissioner under this Act to sell any land that land shall, except as otherwise provided therein, be so sold at a price determined by the Director of Lands.

(2) Except as otherwise provided in this Act, any lease granted by the Commissioner under this Act shall be for such term and at such rental and shall contain such covenants and conditions and confer such rights as may be determined by the Director of Lands.

(3) Where in the conveyance and alienation of any land under this Act the right is reserved to Her Majesty to resume that land section sixty-nine 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) of this section, section sixty-nine 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 that Act in respect of the exercise of a right to resume land created pursuant to any provision of this Act.

(5) Subsection (2) of section seventy of the Principal Act applies to the conveyance and alienation of land pursuant to this Act 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.

(6) Except as otherwise provided in this Act, the prescribed survey and grant fees shall be paid before any land is conveyed or alienated under this Act.

(7) Except as otherwise provided in this Act, 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.

(8) Subject to the foregoing provisions of this Act, any land that vests in Her Majesty, or over which any 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.

(9) 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.

THE FIRST SCHEDULE.

(Section 2.)

THREE HUMMOCK ISLAND.

The Indenture made the first day of June 1965 between the Commissioner of the one part and *John Melvill Alliston* and *Honor Eyres Alliston* of Three Hummock Island in Tasmania of the other part whereby eighteen thousand acres at Three Hummock Island was demised and leased to *John Melvill Alliston* and *Honor Eyres Alliston* for the full term of twenty-one years from the first day of April 1965.

THE SECOND SCHEDULE.

(Section 3.)

TOWN OF BRIDPORT.

All that area of Crown land containing 66 acres 2 roods 20 perches as the same is shown on Plan of Survey No. 3358.

THE THIRD SCHEDULE.

(Section 4.)

TOWN OF SWANSEA.

All that area of Crown land containing 25 $\frac{6}{10}$ perches as the same is shown on Plan of Survey No. 3572.

THE FOURTH SCHEDULE.

(Section 5.)

TOWN OF DEVONPORT.

PART I.

All that area of Crown land containing 31 $\frac{9}{10}$ perches as the same is shown on Plan of Survey No. 2877.

PART II.

All that area of Crown land containing 1 rood 16 $\frac{9}{10}$ perches as the same is shown on Plan of Survey No. 2877.

THE FIFTH SCHEDULE.

(Section 6.)

TOWN OF TULLAH.

All that area of Crown land containing 34 $\frac{8}{10}$ perches as the same is shown on Plan of Survey No. 3696.

THE SIXTH SCHEDULE.

(Section 7.)

CITY OF GLENORCHY.

All that area of Crown land containing 1 rood 20 $\frac{3}{10}$ perches as the same is shown on Plan of Survey No. 3375.

THE SEVENTH SCHEDULE.

(Section 8.)

TOWN OF HELLYER.

All that area of Crown land containing 9 acres 3 roods 39 $\frac{5}{10}$ perches as the same is shown on Survey Diagram Volume 305 Folio 18.

THE EIGHTH SCHEDULE.

(Section 9.)

CITY OF LAUNCESTON.

All that area of Crown land containing 1 rood 9 $\frac{7}{10}$ perches as the same is shown on Plan of Survey No. 3561.

THE NINTH SCHEDULE.

(Section 10.)

LAND DISTRICT OF DORSET.

PARISH OF CRANBOURNE.

0A. 3R. 33 $\frac{5}{10}$ P.

Commencing at the north west angle of 1 acre 3 roods 0 perches purchased by the Marine Board of Launceston and bounded on the west by 6 chains 24 $\frac{3}{10}$ links northerly along part of 10,223 acres acquired by the Commonwealth of Australia for the purposes of the Australian Aluminium Production Commission on the north west by 5 chains 48 $\frac{4}{10}$ links north easterly again along that land on the north east by 1 chain 8 $\frac{4}{10}$ links south easterly along a road one chain wide on the south east by 5 chains 61 $\frac{2}{10}$ links south westerly along 10,223 acres aforesaid on the east by 4 chains 55 $\frac{4}{10}$ links southerly again along that land and thence again on the south east by 1 chain 20 $\frac{1}{10}$ links south westerly along 1 acre 3 roods 0 perches aforesaid to the point of commencement as the same is shown on Survey Diagram Volume 97 Folio 24 P. W. Roads.

LAND DISTRICT OF DORSET.

PARISH OF CRANBOURNE.

2A. 2R. 5 $\frac{5}{10}$ P.

Commencing at the south west angle of 1 acre 2 roods 7 $\frac{6}{10}$ perches purchased by the Marine Board of Launceston and bounded on the south by

33 chains 79 $\frac{2}{10}$ links westerly along part of 10,223 acres acquired by the Commonwealth of Australia for the purposes of the Australian Aluminium Production Commission on the north west by 96 links north easterly along a road 75 links wide on the north by 33 chains 79 $\frac{2}{10}$ links easterly along 10,223 acres aforesaid and thence on the south east by 96 links south westerly along 1 acre 2 roods 7 $\frac{6}{10}$ perches aforesaid to the point of commencement as the same is shown on Survey Diagram Volume 97 Folio 24 P. W. Roads.

THE TENTH SCHEDULE.

(Section 11.)

LAND DISTRICT OF CORNWALL.

PARISH OF EVERCREECH.

19A. 3R. 6 $\frac{2}{10}$ P.

Commencing at the north west angle of 100 acres 0 roods 0 perches purchased by R. G. Talbot and bounded on the east by 79 chains 67 $\frac{5}{10}$ links southerly along that land along 99 acres 3 roods 25 perches and 100 acres 0 roods 0 perches purchased by R. G. Talbot on the south by 13 chains 49 links westerly along 100 acres 0 roods 0 perches purchased by R. G. Talbot again on the east by 31 chains 62 links southerly again along that land and along 640 acres 0 roods 0 perches purchased by W. Talbot again on the south and on the south west by 33 chains 91 links westerly and north westerly in several bearings along a Reserved Road and along 100 acres 0 roods 0 perches purchased by R. G. Talbot on the west by 1 chain 4 $\frac{5}{10}$ links northerly again along the Reserved Road aforesaid on the north east by 33 chains 1 $\frac{1}{2}$ links south easterly in three bearings again along that last mentioned land again on the west by 31 chains 12 $\frac{5}{10}$ links northerly again along that land again on the south by 8 chains 43 $\frac{5}{10}$ links westerly again along that land again on the west by 1 chain northerly along Crown land on the north by 21 chains 92 $\frac{5}{10}$ links easterly along 48 acres 0 roods 12 perches purchased by The Tasmanian Permanent Executors and Trustees Association Limited again on the west by 78 chains 67 $\frac{5}{10}$ links northerly again along that land along 50 acres 0 roods 27 perches along 50 acres 0 roods 22 perches along 25 acres 1 rood 25 perches and purchased by The Tasmanian Permanent Executors and Trustees Association Limited thence again on the north by 1 chain easterly along a Reserved Road to the point of commencement as the same is shown on Survey Diagrams Volume 18 Folio 7 Excess Area Roads Volume 60 Folio 19 Roads and Volume 20 Folio 33 Cornwall.

THE ELEVENTH SCHEDULE.

(Section 12.)

TOWN OF LATROBE.

2A. 2R. 29 $\frac{6}{10}$ P.

Commencing at the south east angle of Lot 4 Section D purchased by J. R. Barton on Fenton Street and bounded on the east by 1 chain southerly along that street on the south by 26 chains 88 links westerly along 160 acres purchased by J. Thomas on the west by 1 chain northerly along Cotton Street thence on the north by 26 chains 85 links easterly along Lot 1 Section D purchased by C. J. Kent along Lot 2 Section D purchased by W. Harkness along Lot 3 Section D purchased by J. Dooley and along Lot 4 Section D aforesaid to the point of commencement as the same is shown on Survey Diagram Volume N 10 Folio 16.

THE TWELFTH SCHEDULE.

(Section 13.)

CITY OF LAUNCESTON.

0A. 0R. 32 1/10P.

Commencing at the north eastern angle of 1 acre 0 roods 11 9/10 perches acquired for a plant depot on Eardley Street and bounded on the north west by 18 feet 3½ inches north easterly along that street on the north east by 486 feet 4 inches south easterly along 0 acres 2 roods 21 6/10 perches acquired for a plant depot along 13 5/10 perches surrendered to the Crown for a Public Works Plant Depot along 22 perches acquired for Public Works Plant Depot and along part of 0 acres 2 roods 24 perches granted to J. Goodyer and W. Hart on the south east by 18 feet 4½ inches south westerly along Melbourne Street and thence on the south west by 484 feet 5½ inches north westerly along 0 acres 1 rood 34 perches and 15 2/10 perches surrendered to the Crown for plant depot and along 1 acre 0 roods 11 9/10 perches aforesaid to the point of commencement as the same is shown on Survey Diagram Volume 176R Folio 23 Volume 293 Folio 20 and Volume 285 Folio 10.

THE THIRTEENTH SCHEDULE.

(Section 14.)

TOWN OF ORFORD.

All that area of Crown land containing 1 8/10 perches as the same is shown on Plan of Survey No. 3731.

THE FOURTEENTH SCHEDULE.

(Section 15.)

TOWN OF BICHENO.

All that area of Crown land containing 2 roods 19 3/10 perches as the same is shown on Plan of Survey No. 3608.

THE FIFTEENTH SCHEDULE.

(Section 16.)

TOWN OF CYGNET.

All that area of Crown land containing 1 rood 1 3/10 perches as the same is shown on Survey Diagram Volume K.3, Folio 29.

THE SIXTEENTH SCHEDULE.

(Section 18.)

CITY OF LAUNCESTON.

All that area of Crown land containing 31 6/10 perches as the same is shown on Plan 3557.

THE SEVENTEENTH SCHEDULE.

(Section 19.)

PART I.

TOWN OF KINGSTON.

All that area of land containing 2 roods 18 $\frac{7}{10}$ perches as the same is shown on Plan 3045 and being part of the land comprised in Certificate of Title Volume 2427 Folios 81A and D.

PART II.

TOWN OF KINGSTON.

All that area of Crown land containing 2 roods 23 $\frac{3}{10}$ perches as the same is shown on Plan 3045.

THE EIGHTEENTH SCHEDULE.

(Section 20.)

PART I.

CITY OF LAUNCESTON.

All that area of land containing 3 roods 23 perches as shown on Plan 597/25D filed and registered in the office of the Recorder of Titles at Hobart.

PART II.

CITY OF LAUNCESTON.

All that area of Crown land containing 2 acres 0 roods 27 $\frac{8}{10}$ perches as shown on Plan 3920.

THE NINETEENTH SCHEDULE.

(Section 21.)

CITY OF GLENORCHY.

All that area of Crown land containing 1 rood 24 perches as the same is shown on Plan 3822.

THE TWENTIETH SCHEDULE.

(Section 22.)

CITY OF LAUNCESTON.

All that area of Crown land containing 1 acre 2 roods 23 $\frac{1}{10}$ perches as the same is shown on Plan 3928.

THE TWENTY-FIRST SCHEDULE.

(Section 23.)

TOWN OF TRIABUNNA.

All that area of Crown land containing 1 acre 3 roods 4 perches as the same is shown on Plan 3925.