



CROWN LANDS (MISCELLANEOUS PROVISIONS) (No. 3)

No. 78 of 1975

ANALYSIS

1. Short title and incorporation.
2. Sale of land at Bellingham by public auction.
3. Sale of land at Queenstown to C. G. Kelly.
4. Grant of land at Montagu Bay to Clarence Council.
5. Closure of portion of Bulwer Street, Strahan and sale of site to The Mount Lyell Mining and Railway Company Ltd.
6. Closure of portions of Norton Street and Bury Street at Queenstown and sale of site to The Mount Lyell Mining and Railway Company Ltd.
7. Sale of land at Binalong Bay by public auction.
8. Supplementary provisions.

AN ACT to make provision for certain matters relating to certain Crown land.

[11 December 1975]

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 (No. 3) 1975*. Short title and incorporation.

(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).

Sale of land at Bellingham by public auction. **2** The Commissioner may sell the land described in Schedule I by public auction on such terms and conditions as are determined by the Director of Lands.

Sale of land at Queenstown to C. G. Kelly. **3** The Commissioner may sell the land described in Schedule II to Cromwell Gordon Kelly of Queenstown in this State.

Grant of land at Montagu Bay to Clarence Council. **4—(1)** Upon the surrender to the Crown by the Director of Housing of the land described in Schedule III, the Governor may, in the name and on behalf of Her Majesty, convey and alienate that land to the Warden, Councillors, and Electors of the municipality of Clarence for an estate in fee simple.

(2) The conveyance and alienation of any land pursuant to this section shall reserve to Her Majesty the right to resume that land if it is not being used for the purposes of a public hospital or for purposes reasonably ancillary thereto.

Closure of portion of Bulwer Street, Strahan and sale of site to The Mount Lyell Mining and Railway Company Ltd. **5** All public rights of passage over the land described in Schedule IV are extinguished and the Commissioner may sell that land to The Mount Lyell Mining and Railway Company Ltd.

Closure of portions of Norton Street and Bury Street at Queenstown and sale of site to The Mount Lyell Mining and Railway Company Ltd. **6** All public rights of passage over the land described in Schedule V are extinguished and the Commissioner may sell that land to The Mount Lyell Mining and Railway Company Ltd.

Sale of land at Binalong Bay by public auction. **7** The Commissioner may sell the land described in Schedule VI by public auction on such terms and conditions as are determined by the Director of Lands.

Supplementary provisions. **8—(1)** Where power is given to the Commissioner under this Act to sell any land, that land shall be sold at such price and on such terms as are determined by the Director of Lands.

(2) Where in the conveyance and alienation of land under any provision of this Act the right is reserved to Her Majesty to resume that land, section 69 of the *Lands Resumption Act 1957* applies to that right as it applies to a right referred to in subsection (1) of that section.

(3) In its application for the purposes of subsection (2), section 69 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.

(4) Section 70 (2) of the Principal Act applies to the conveyance and alienation pursuant to any of the provisions of this Act of any land not under the *Real Property Act* 1862 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.

(5) The prescribed survey and grant fees shall be paid before any land is conveyed or alienated under this Act.

(6) 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.

(7) Subject to the foregoing provisions of this Act, any land over which 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.

(8) References in any of the Schedules to this Act to a plan, diagram, or tracing by a number shall be construed as references to the plan, diagram, or tracing so numbered and filed in the office of the Director of Lands at Hobart.

SCHEDULE I

(Section 2)

TOWN OF BELLINGHAM

All those areas of Crown land being lots 36 to 55 inclusive as the same are shown on Plan 4578.

SCHEDULE II

(Section 3)

TOWN OF QUEENSTOWN

All that area of Crown land containing 151·8 square metres as shown in section T3 adjoining lots 3 and 4 on Plan Q6.

SCHEDULE III

(Section 4)

TOWN OF LINDISFARNE

All that area of land containing 2·289 hectares as shown on Certificate of Title Volume 2361 Folio 4.

SCHEDULE IV

(Section 5)

TOWN OF STRAHAN

All those areas of Crown land containing 5988 square metres and 1347 square metres as the same are shown on Land District Plan 322.

SCHEDULE V

(Section 6)

TOWN OF QUEENSTOWN

All that area of Crown land containing 2213 square metres shown on Plan 3763.

SCHEDULE VI

(Section 7)

TOWN OF BINALONG BAY

All that area of Crown land shown as lots 1 to 43 inclusive and lots 45 to 81 inclusive on Tracing number 355.