

South Melbourne Land Bill (No. 2)

No.

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LEGISLATIVE COUNCIL

Read 1° 18 November 1986

(Brought from the Legislative Assembly)

(No. 2)

A BILL

for

An Act to make provision for the redevelopment of part of the south bank of the Yarra River and for other purposes.

South Melbourne Land Act 1986

The Parliament of Victoria enacts as follows:

Purpose.

- 5 1. The purpose of this Act is to make provision for the use of Crown lands on part of the south bank of the Yarra River to facilitate the redevelopment of that area and for other purposes.

Commencement.

2. This Act comes into operation on the day on which it receives the Royal Assent.

Designated area.

- 10 3. In this Act, “designated area” means the land shown enclosed within the heavy black broken line on the plan in the Schedule.

Closure of roads.

- 15 4. (1) The Minister may recommend to the Governor in Council—
 (a) that the whole or part of any road within the designated area be closed; or

- (b) that any easement or restrictive covenant within the designated area be extinguished.
- (2) The Governor in Council may by Order give effect to a recommendation of the Minister under sub-section (1).
- (3) The Minister must, before making a recommendation to the Governor in Council— 5
- (a) cause notice of the Minister's intention to make that recommendation to be given to—
- (i) the owners of any land which the Minister considers is likely to be substantially affected by the carrying into effect of the recommendation; and 10
- (ii) the council of the municipality in which the land to which the recommendation relates is situated; and
- (b) give any owner or council notified an opportunity of making objections to the recommendation; and 15
- (c) have due regard to all those objections, if any, and to any other matter that may be prescribed.
- (4) On the publication of any Order in relation to roads—
- (a) the road or the part of the road closed ceases to be a road or a part of a road; and 20
- (b) all rights and interests existing or claimed in the land forming the road or the part of the road closed are extinguished; and
- (c) the land forming the road or the part of the road closed—
- (i) is freed from all limitations, restrictions and encumbrances; and 25
- (ii) becomes unalienated land of the Crown; and
- (iii) vests in the Minister.
- (5) On the publication of any Order extinguishing an easement or restrictive covenant, the easement or restrictive covenant is extinguished. 30
- (6) Any owner of land who is substantially affected by the carrying into effect of a recommendation of the Minister is entitled to be compensated.
- (7) The amount of compensation is to be agreed between the Minister and the owner, but if they cannot agree, the amount is to be determined as if the claim for compensation was a claim against a council under Part XLIV. of the *Local Government Act* 1958, and for this purpose, that Part applies to this section with any adaptations that are necessary. 35
- (8) If the land forming the part of any road closed by Order is not land under the operation of the *Transfer of Land Act* 1958, the publication of the Order brings the land under the operation of that Act. 40

5 (9) The Registrar of Titles must make all the endorsements or entries that are necessary to give effect to this Act on any Crown grant, certificate of title, plan of subdivision, duplicate or other document and may require the holder of any document which is required for the purposes of this sub-section to produce that document to the Registrar.

(10) The Registrar-General must make all the endorsements or entries that are necessary to give effect to this Act on any Crown grant or memorial.

Sale of land.

10 5. (1) The Minister may, after consultation with the Treasurer and the Minister administering the *Town and Country Planning Act 1961*, sell by—

(a) public auction; or

(b) public tender; or

15 (c) private treaty—

any Crown land within the designated area.

(2) Any land sold under sub-section (1) may be sold—

(a) at the price; and

(b) on any terms and conditions as to—

20 (i) the use, development or redevelopment of the land by the purchaser;

(ii) the time within which the land must be developed or redeveloped; and

(c) on any other terms and conditions—

25 that the Minister thinks fit.

(3) The assignment or transfer of any interest under a contract for the sale of land under this section before the land is granted is void, unless the Minister gives written consent to the assignment or transfer.

Issue of Crown grant.

30 6. (1) The Governor in Council may, on behalf of the Crown, grant any land sold under section 5 and may make the grant subject to conditions, covenants, exceptions and reservations.

(2) The Governor in Council may by Order vary or revoke any such condition, covenant, exception or reservation.

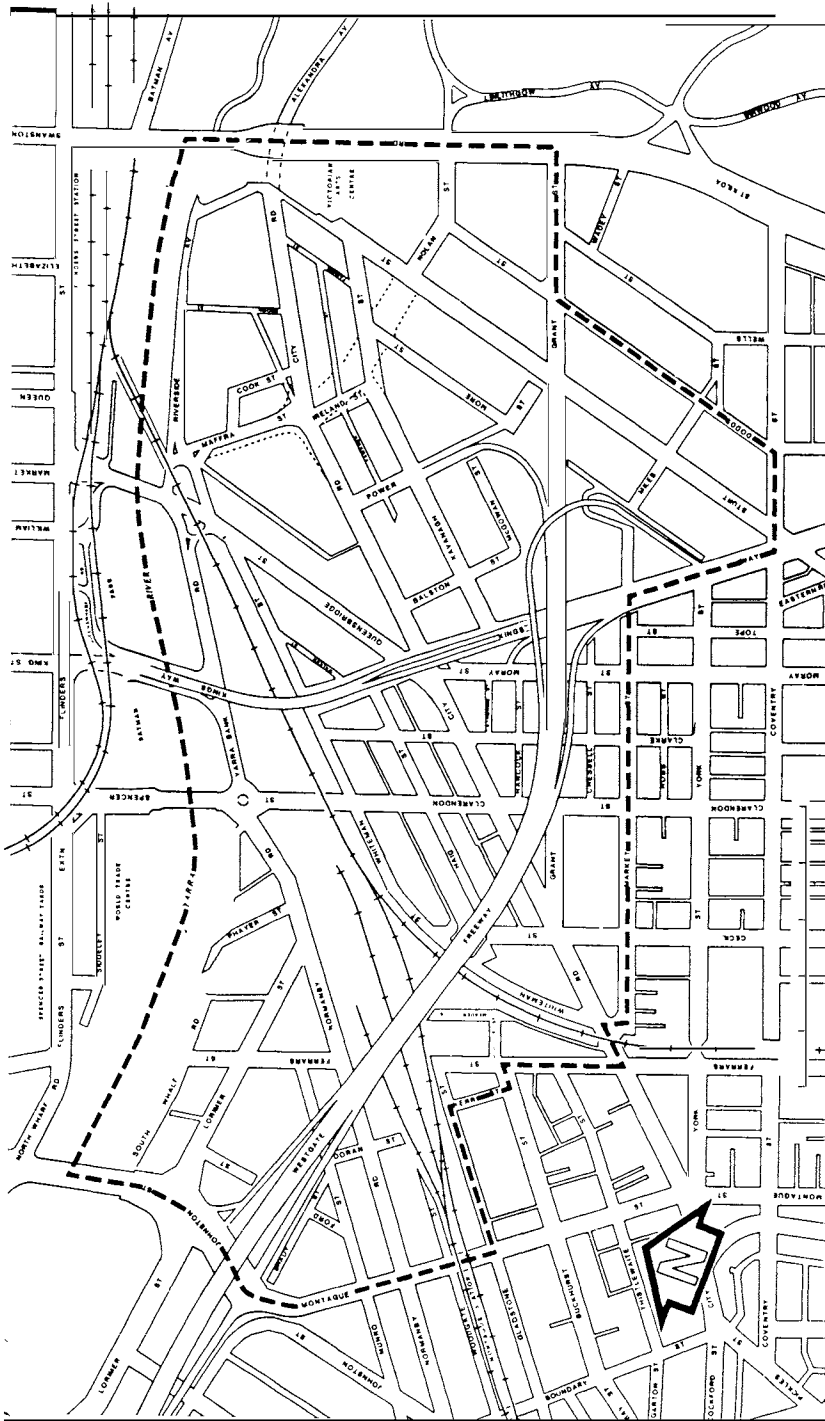
35 Arrangements with other persons.

7. For the purposes of developing or redeveloping any Crown land within the designated area, the Minister may enter into a partnership, joint venture or other arrangement with other persons.

Land Act 1958 and Crown Land (Reserves) Act 1978 not affected.

8. Nothing in this Act affects the operation of the *Land Act 1958* or the *Crown Land (Reserves) Act 1978*.

SCHEDULE





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