

LEGISLATIVE ASSEMBLY

(As sent to the Legislative Council)

A BILL

for

An Act to make Provision with respect to the
Compensation payable for certain Land in Central
Gippsland, and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and
with the advice and consent of the Legislative Council and
the Legislative Assembly of Victoria in this present Parliament
assembled and by the authority of the same as follows (that is
5 to say):

1. (1) This Act may be cited as the *Central Gippsland (Brown Coal Land Compensation) Act 1980*. Short title.

(2) This Act shall come into operation on the day on which it
receives the Royal Assent. Commence-
ment.

10 2. In this Act unless inconsistent with the context or
subject-matter— Interpretation.

“Brown coal area” means that area which is comprised by
the aggregate of the areas to which the interim
development orders mentioned in the Schedule apply
at the commencement of this Act. “Brown coal
area.”

15 “Planning control” in relation to any land means any
prohibition or restriction on or regulation of the use or
development of that land imposed by or under any
planning scheme or interim development order. “Planning
control.”

"Prescribed date."

"Prescribed date" means 12 April 1978.

"Public authority."

"Public authority" has the same meaning as in section 3 (1) of the *Town and Country Planning Act 1961*.

Principles for determining market value of land within the brown coal area.

3. (1) Subject to sub-sections (3), (4) and (5) and notwithstanding anything in the *Lands Compensation Act 1958* or the *Town and Country Planning Act 1961*, where any land within the brown coal area is acquired or taken by the Crown or any public authority for the purposes of brown coal extraction, the market value of that land shall be determined— 5

(a) as if brown coal which is likely to be extracted was not situated in, on or under that land or any other land in the brown coal area or any land within ten kilometres of the boundary of any part of the brown coal area; 10

(b) as if any planning control which is in force in relation to that land on the date on which the notice to treat is given or, in the absence of such a notice, on the date on which the parties enter into an agreement with respect to the purchase of the land (being a planning control the primary purpose of which relates to the conservation or utilization of brown coal situated in, on or under land in the brown coal area) had not been imposed; 15 20

(c) as if there had not been any publication by or on behalf of the Crown or any public authority of any notice or statement relating to a proposal to carry out any works or undertakings in the brown coal area for or in connexion with the extraction or use of brown coal (being a proposal which would involve the acquisition or taking of land in the brown coal area by the Crown or any public authority); 25

(d) as if any works or undertakings carried out in the brown coal area or on any land within ten kilometres of the boundary of any part of the brown coal area by the Crown or any public authority on or after the prescribed date for or in connexion with the extraction or use of brown coal had not been carried out; and 30 35

(e) as if the use and development of land in the brown coal area had proceeded as from the prescribed date in the manner in which it could be reasonably anticipated to have proceeded had there not been any possibility of any land in the brown coal area being acquired or taken by the Crown or any public authority for the purposes of brown coal extraction. 40

(2) Subject

(2) Subject to sub-section (1), the *Lands Compensation Act 1958* shall, with such adaptations as are necessary, apply with respect to any acquisition or taking of land in the brown coal area by the Crown or any public authority for the purposes of brown coal extraction.

(3) Where pursuant to paragraph (b) of sub-section (1) any planning control in force in relation to any land is disregarded the market value of that land shall be determined on the basis that there is in force in relation to that land in lieu of the planning control so disregarded such planning control as would likely have been in force in relation to that land had there not been any brown coal in, on or under that land or any other land in the brown coal area.

(4) In the event of any dispute arising between the parties as to the planning control which would likely have been in force in relation to any land had there not been any brown coal in, on or under that land or any other land in the brown coal area the matter shall be determined by such one of the chairmen of the divisions of the Town Planning Appeals Tribunal established under the *Town and Country Planning Act 1961* as is appointed by the Minister from time to time for the purposes of this section and the decision of the person so appointed on that matter shall be final and without appeal.

(5) Nothing in this Act shall apply to any land within the brown coal area which is acquired or taken pursuant to section 23 (1) of the *State Electricity Commission Act 1958* being land to which the provisions of section 23 (2) of that Act apply.

SCHEDULE

Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'A' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'B' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'C' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'D' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'E' Interim Development Order.
Central Gippsland (Brown Coal Deposits) Planning Scheme—Area 'F' Interim Development Order.

