

LEGISLATIVE ASSEMBLY

Read 1^o 22 April, 1969.

(Brought in by Sir William McDonald and Mr. Porter).

A BILL

Relating to certain Lands in the Cities of Melbourne
and South Melbourne.

WHEREAS by Order in Council dated the 3rd day of February, 1914 certain Crown lands in the City of Melbourne were permanently reserved as a site for ornamental purposes and were vested in the corporation of the City of Melbourne by Order in Council of the 13th day of November, 1917 pursuant to the provisions of paragraph (b) of sub-section (1) of section 4 of the *Prince's Bridge Approach Act 1900* : Preamble.

10 And whereas by an Order in Council dated the 8th day of May, 1905 certain Crown lands in the City of Melbourne were permanently reserved as a site for a memorial statue of Her late Majesty Queen Victoria and a public garden and Crown grant dated the 9th day of November, 1905 entered in the Register Book of the Office of Titles volume 3136 folium 066 was issued in respect thereof :

15 And whereas by an Order in Council dated the 5th day of August, 1913 certain Crown lands in the City of Melbourne were permanently reserved as a site for a public park for the recreation and amusement of His Majesty's subjects and people designated the Alexandra Park and Crown grant dated the 18th day of December, 20 1917 entered in the Register Book of the Office of Titles volume 4083 folium 583 was issued in respect thereof :

And whereas by an Order in Council dated the 7th day of May, 1957 certain Crown lands in the Cities of Melbourne and South Melbourne were permanently reserved as a site for a National Art Gallery and Cultural Centre and pursuant to the provisions of section 5 of the *National Art Gallery and Cultural Centre Act 1956* Crown grant dated the 30th day of July, 1957 entered in the Register Book of the Office of Titles volume 8141 folium 100 was issued in respect thereof : 5

And whereas the Melbourne and Metropolitan Board of Works proposes to construct a road for vehicular and pedestrian traffic to underpass St. Kilda-road in the City of Melbourne between Alexandra-avenue and City-road including a connexion to Sturt-street in the City of South Melbourne together with necessary approaches and associated works and portions of the said reserved Crown lands are required therefor : 10 15

And whereas it is expedient to make provision for the Melbourne and Metropolitan Board of Works to enter upon and use portions of the said Crown lands as indicated approximately by black hatching on the plans in the First Second and Third Schedules and by black hatching and cross-hatching on the plan in the Fourth Schedule for the purpose of carrying out the said works : 20

And whereas it is expedient to provide that on completion of the said works—

- (a) the permanent reservation and vesting so far as they relate to the Crown lands indicated approximately by black hatching on the plan in the First Schedule be revoked ; 25
- (b) the permanent reservations and Crown grants so far as they respectively relate to the Crown lands indicated approximately by black hatching on the plans in the Second Third and Fourth Schedules be revoked ; and 30
- (c) other provision be made in respect of the Crown lands indicated approximately by black cross-hatching on the plan in the Fourth Schedule : 35

Be it therefore 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 to say) :— 40

Short title.

1. This Act may be cited as the *Melbourne (St. Kilda-road Underpass) Lands Act 1969.*

2. Notwithstanding

2. Notwithstanding anything contained in the *Land Act* 1958 or in any other Act or law or in any Order proclamation reservation or grant affecting the said lands it shall be lawful for the Melbourne and Metropolitan Board of Works its servants agents and workmen and all other persons by it authorized so far as is necessary for or in connexion with the construction of the St. Kilda-road underpass and associated works to enter into and upon and to use such portion or portions of the lands as are indicated approximately by black hatching and cross-hatching on the plans in the First, Second, Third and Fourth Schedules.

Power to Board to enter upon and use reserved lands.

3. Upon submission to the Minister of Lands of a plan or plans of survey signed by the Surveyor-General showing areas of lands on which the Melbourne and Metropolitan Board of Works has carried out the works required in the construction of the St. Kilda-road underpass and associated works reserved as aforesaid and corresponding as nearly as practicable with the areas indicated approximately by black hatching and cross-hatching on the plans in the First, Second, Third and Fourth Schedules and upon the Minister of Lands being satisfied that the lands described in the plan or plans of survey do so correspond the Minister may cause a description of the lands shown in the plan or plans of survey to be published in the *Government Gazette* and thereupon—

Recommendation to Governor in Council partially to revoke Orders in Council.

(a) the descriptions of the lands indicated by black hatching and cross-hatching on the plans in the First, Second, Third and Fourth Schedules shall be deemed to be amended so far as is necessary to accord with the descriptions so published ;

(b) the Minister of Lands may recommend to the Governor in Council that—

(i) the lands indicated on such plans (as so amended) by black hatching be made available for the said works ;

(ii) the lands indicated on the plan in the Fourth Schedule (as so amended) by black cross-hatching be used for the said works in addition to the purposes for which the land has been permanently reserved and granted.

4. (1) The Governor in Council may on receiving any such recommendation in respect of lands referred to in sub-paragraph (i) of paragraph (b) of section 3 by proclamation published in the *Government Gazette* revoke and make null and void so far as they relate to any land referred to in the recommendation—

Partial Revocation Orders in Council.

(a) the Order in Council dated 3rd February, 1914 permanently reserving certain lands in the City of Melbourne as a site for ornamental purposes ;

(b) the

- (b) the Order in Council dated 13th November, 1917 vesting the land referred to in paragraph (a) in the corporation of the City of Melbourne ;
- (c) the Order in Council dated 8th May, 1905 permanently reserving certain lands in the City of Melbourne as a site for a memorial statue of Her late Majesty Queen Victoria and for a public garden ; 5
- (d) the Crown grant dated 9th November, 1905 entered in the Register Book of the Office of Titles volume 3136 folium 066 ; 10
- (e) the Order in Council dated 5th August, 1913 permanently reserving certain lands in the City of Melbourne as a site for a public park for the recreation and amusement of His Majesty's subjects and people to be designated the Alexandra Park ; 15
- (f) the Crown grant dated the 18th December, 1917 entered in the Register Book of the Office of Titles volume 4083 folium 583 ;
- (g) the Order in Council dated 7th May, 1957 permanently reserving certain lands in the Cities of Melbourne and South Melbourne as a site for a National Art Gallery and Cultural Centre ; 20
- (h) the Crown grant dated 30th July, 1957 entered in the Register Book of the Office of Titles volume 8141 folium 100. 25
- (2) On the day on which the proclamation revoking any Order in Council in respect of any such land is published in the *Government Gazette*—
- (a) every other Order in Council or proclamation so far as it reserves or affects or purports to reserve or affect the land to which the said proclamation relates shall also be revoked ; and 30
- (b) notwithstanding anything in any Act such land shall become land of the Crown freed and discharged from all trusts encumbrances reservations limitations and restrictions whatsoever and from every estate or interest therein. 35
5. The Governor in Council may on receiving any such recommendation in respect of the lands referred to in sub-paragraph (ii) of paragraph (b) of section 3 by proclamation published in the *Government Gazette* make provision whereby so far as concerns any land referred to in the recommendation and defined in the proclamation such land may be maintained and used for the purposes associated with the St. Kilda-road underpass notwithstanding anything to the contrary in any Act Crown grant or other Order relating to such land. 40 45

Governor in Council may make provision in relation to land referred to in 3 (b) (ii).

6. The Registrar of Titles is hereby authorized and directed to make all such entries and endorsements upon any Crown grant duplicate Crown grant or other document as may be necessary or expedient in consequence of the provisions of this Act and the holder of any duplicate Crown grant or other document shall produce the same to the Registrar of Titles for that purpose.

Registrar of Titles authorized to make entries on Crown grants and other documents.

7. No person or body of persons corporate or unincorporate shall be entitled to receive or shall receive from Her Majesty any money or consideration or compensation in respect of or in any manner whatsoever arising out of any act matter or thing under this Act.

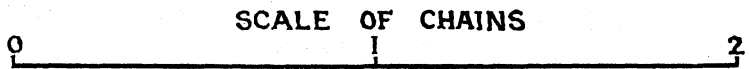
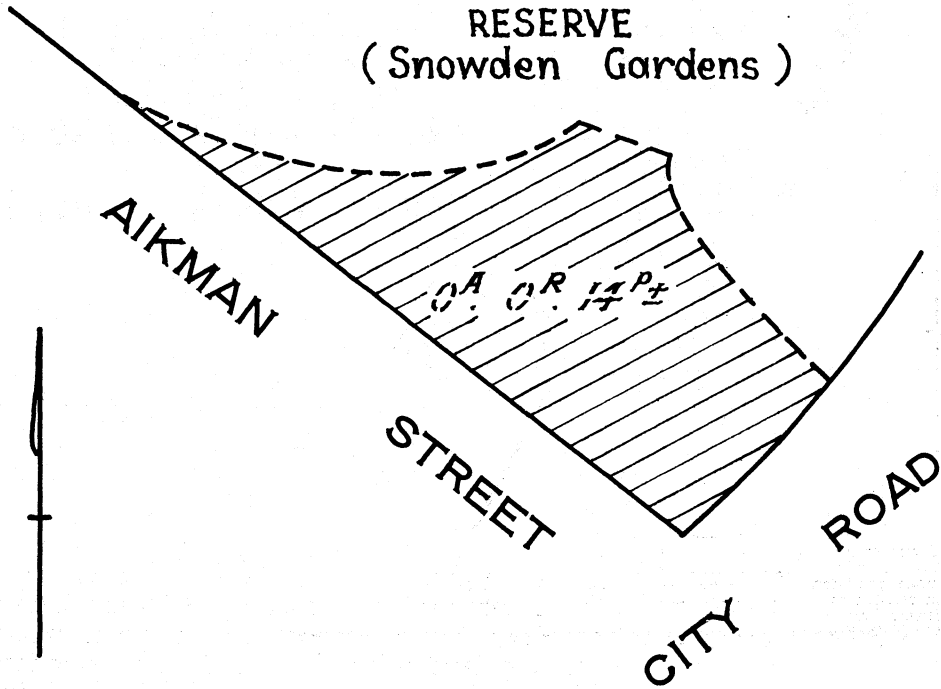
No person entitled to receive compensation under this Act.

SCHEDULES.

FIRST SCHEDULE.

Plan of portion of land in the City of Melbourne, Parish of Melbourne South, reserved as a site for ornamental purposes.

ORNAMENTAL PURPOSES RESERVE (Snowden Gardens)

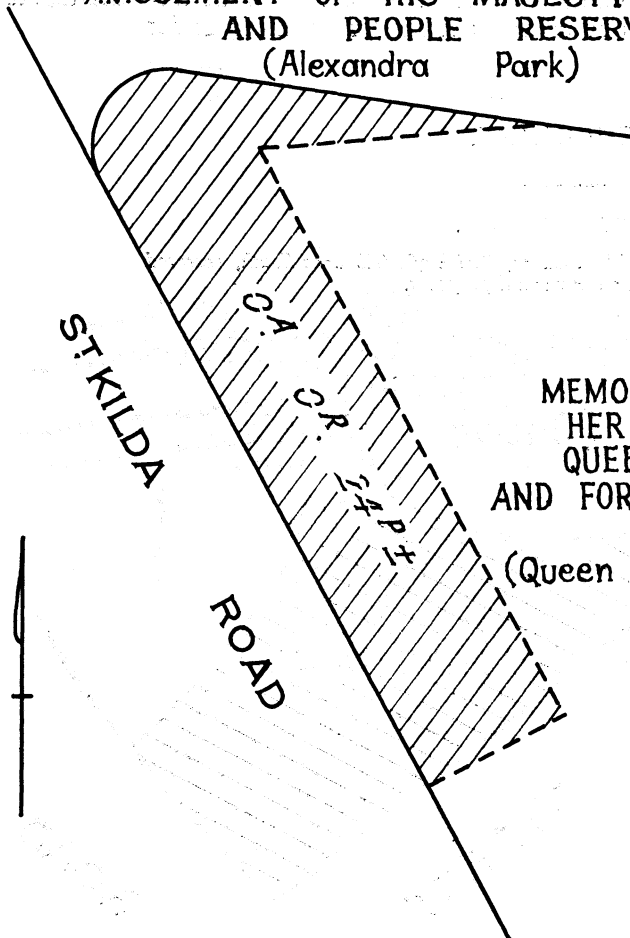


SCHEDULES—continued.

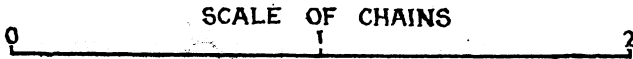
SECOND SCHEDULE.

Plan of portion of land in the City of Melbourne, Parish of Melbourne South, reserved as a site for a memorial statue of Her late Majesty Queen Victoria and for a public garden.

PUBLIC PARK FOR THE RECREATION AND AMUSEMENT OF HIS MAJESTY'S SUBJECTS AND PEOPLE RESERVE (Alexandra Park)



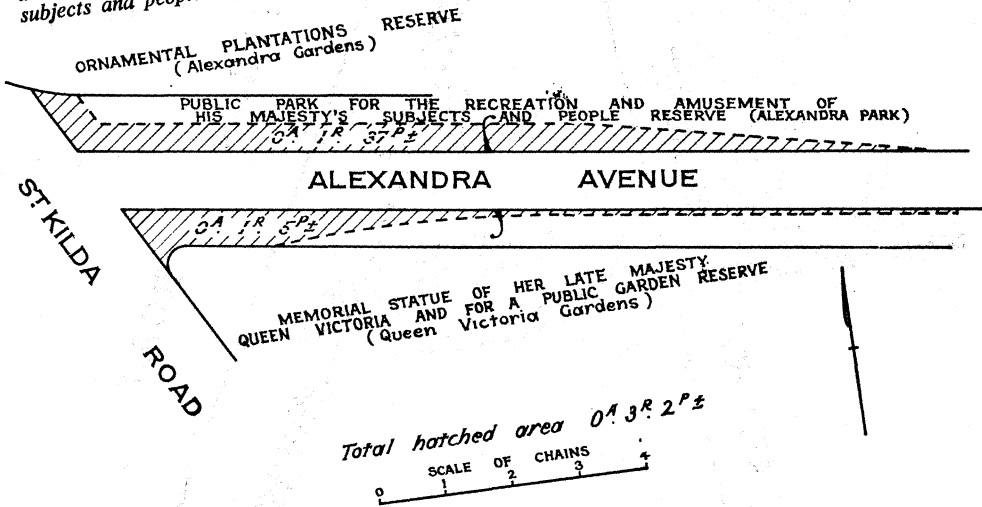
MEMORIAL STATUE OF HER LATE MAJESTY QUEEN VICTORIA AND FOR A PUBLIC GARDEN RESERVE (Queen Victoria Gardens)



SCHEDULES—continued.

THIRD SCHEDULE.

Plan of portion of land in the City of Melbourne, Parish of Melbourne South, reserved as a site for a Public Park for the Recreation and Amusement of His Majesty's subjects and people and designated the Alexandra Park.



SCHEDULES—continued.

FOURTH SCHEDULE.

Plan of land in the Cities of Melbourne and South Melbourne, Parish of Melbourne South, reserved as a site for a National Art Gallery and Cultural Centre.

