

Version No. 001
Bendigo (Rosalind Park) Lands Act 1951

Act No. 5551/1951

Version as at 8 October 1999

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Bendigo (Rosalind Park) Lands Act 1951

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An Act relating to the Reservations and Grant of certain Lands within and adjacent to Rosalind Park in the City of Bendigo.

Preamble

WHEREAS by the Orders in Council referred to in the First Schedule to this Act and by the **Sandhurst Public Buildings Act 1882** the lands referred to in the said First Schedule (which lands together comprise the reserve known as Rosalind Park in the city of Bendigo, hereinafter called "the park reserve", and certain public and governmental reserves within or adjacent to the park reserve) were reserved or purported to be reserved for the respective purposes set out in the said First Schedule:

AND WHEREAS by Crown grant registered in the Office of Titles volume 143 folium 28453 (as affected by the **Sandhurst Public Buildings Act 1882**) the area comprised in the said park reserve is vested in the Mayor Councillors and Burgesses of the Borough of Sandhurst (now the Mayor Councillors and Citizens of the City of Bendigo) for the purposes of the reservation thereof:

AND WHEREAS the Bendigo creek flows through a part of the said park reserve:

AND WHEREAS, in order that the said park reserve may be re-defined in accordance with a recent survey thereof, and that adjustments may be made between the boundaries of the said park reserve and those of the other public and governmental reserves therein and adjacent thereto, and in order that the lands now comprised in those

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other reserves may be more conveniently used for varying public and governmental purposes from time to time as occasion requires, it is expedient—

that the hereinbefore recited Orders in Council and Crown grant so far as they relate to any of the lands in the said First Schedule should be revoked;

that the **Sandhurst Public Buildings Act 1882** so far as it relates to any of the lands in the said First Schedule or in the Fourth Schedule to this Act should be repealed;

that the said lands should become unalienated Crown lands;

that the land described in the Second Schedule to this Act (being the said park reserve re-defined and adjusted as hereinbefore mentioned) may be reserved as a site for public recreation and drainage; and

that the lands described in the Third Fourth and Fifth Schedule to this Act may be reserved for the respective purposes hereinafter provided:

BE IT THEREFORE ENACTED by the King'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):

1. Short title and commencement

This Act may be cited as the **Bendigo (Rosalind Park) Lands Act 1951** and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2. Reservations of lands in First and Fourth Schedules

- (1) Subject to sub-section (5) of this section, the Orders in Council specified in the First Schedule to this Act and all other Orders in Council or proclamations reserving or affecting or purporting to reserve or affect any of the lands referred to in the said First Schedule, so far as they refer to any of the said lands, are hereby revoked.
- (2) The **Sandhurst Public Buildings Act 1882**, so far as it relates to any of the lands or any part of any of the lands referred to in the said First Schedule or in the Fourth Schedule to this Act, is hereby repealed.
- (3) The hereinbefore recited Crown grant entered in the register book of the Office of Titles volume 143 folium 28453 is hereby revoked made void and annulled.
- (4) The lands referred to in the said First and Fourth Schedules shall, subject to the next succeeding sub-section, be and be deemed to be unalienated lands of the Crown freed and discharged from all trusts encumbrances reservations limitations and restrictions whatsoever and from every estate or interest therein.
- (5) Nothing in the foregoing provisions of this section shall be deemed or taken to determine or affect the operation of any proclamation under the **Gaols Act 1928** or any corresponding previous enactment with respect to any of the lands or any part of any of the lands referred to in the said First or Fourth Schedules.

3. Reservation of lands in Second, Third, Fourth and Fifth Schedules

- (1) The Governor in Council may pursuant to the Land Acts—
 - (a) reserve the land described in the Second Schedule to this Act (being the park reserve re-defined and adjusted as aforesaid) as a site for public recreation and drainage;
 - (b) reserve the land described in the Third Schedule to this Act as a site for governmental purposes;
 - (c) reserve the land described in the Fourth Schedule to this Act as a site for governmental purposes; and
 - (d) reserve the land described in the Fifth Schedule to this Act as a site for a baby health centre.
- (2) Notwithstanding the reservation of the land described in the said Second Schedule as a site for public recreation and drainage the said land shall be and remain subject to rights of foot-way and carriage-way in favour of persons lawfully going to and from the land described in the said Third Schedule, in connexion with its use as a site for governmental purposes, along a route adjacent to the north-western boundary of the land described in the said Third Schedule.

4. Authority and direction to Registrar of Titles to make necessary cancellations etc.

The Registrar of Titles is hereby authorized and directed to make all such cancellation of or entries upon any Crown grant or other document and upon the duplicate of any Crown grant or other document as may be necessary or expedient by reason of the operation of this Act and any person having possession of any such Crown grant or

document or the duplicate of any such Crown grant or document shall produce the same to the Registrar of Titles for that purpose.

5. No liability to attach to Crown

No person or body of persons whomsoever or whatsoever shall be entitled to receive or shall receive from the Crown any money or compensation or consideration whatsoever in respect of or in any manner whatsoever arising out of any act matter or thing.

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SCHEDULES

FIRST SCHEDULE

LANDS OF WHICH THE RESERVATIONS AND CROWN GRANTS ARE REVOKED BY THIS ACT

<i>Situation and Area of Land</i>	<i>Instrument and Date of Reservation</i>	<i>Description of Land by Gazette or Act</i>	<i>Purpose of Reservation</i>	<i>Particulars of Registration of Crown Grant (if any)</i>	<i>Kind of Reservation</i>	<i>Area being Revoked</i>
At Bendigo (formerly Sandhurst)— 60a. 1r. 7½p.	Order in Council of 27th July, 1863	Government Gazette of 21st August, 1863, page 1830	Public Recreation	Volume 143, Folium 28453	Permanent	The whole
At Bendigo (formerly Sandhurst)— 6½p.	Order in Council of 26th October, 1863	Government Gazette of 6th November, 1863, pages 2501-2	Purposes of Recreation	No Crown Grant issued	Permanent	The whole
At Bendigo (formerly Sandhurst)— 1a. Or. 28½p.	Order in Council of 10th October, 1864	Government Gazette of 18th October, 1864, page 2338	Purposes of Public Recreation	No Crown Grant issued	Temporary	The whole
City of Bendigo (formerly Sandhurst)— 2a. Or. 18¾op.	The Sandhurst Public Buildings Act 1882, No. 725, 29th June, 1882	Second Schedule to Act No. 725	Place for the recreation and amusement of Her Majesty's subjects and people	Volume 143, Folium 28453	Act No. 725	The portion remaining after the excision of 16¾op. by the Bendigo Land Act 1935, No. 4291
City of Bendigo— 0a. 3r. 39p.	Order in Council of 25th August, 1911	Government Gazette of 26th July, 1911, page 3902; 30th August, 1911, page 4429	Public Recreation	No Crown Grant issued	Permanent	The whole
City of Bendigo (formerly Sandhurst)— 4a. 1r. 29p.	Order in Council of 2nd October, 1871	Government Gazette of 6th October, 1871, page 1701	Public Buildings	No Crown Grant issued	Temporary	The whole

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Sch. 1

<i>Situation and Area of Land</i>	<i>Instrument and Date of Reservation</i>	<i>Description of Land by Reference to Government Gazette or Act</i>	<i>Purpose of Reservation</i>	<i>Particulars of Registration of Crown Grant (if any)</i>	<i>Kind of Reservation</i>	<i>Area being Revoked</i>
At Bendigo (formerly Sandhurst)— 5a. 3r. 18p.	Order in Council of 1st August, 1864	Government Gazette of 23rd August, 1864, page 1837	Gaol Purposes	No Crown Grant issued	Permanent	The portion remaining after the excision affected by the Bendigo Land Act 1909 , No. 2204
City of Bendigo (formerly Sandhurst)— 0a. 1r. 33p.	Order in Council of 17th January, 1872	Government Gazette of 26th January, 1872, page 186	Gaol Purposes	No Crown Grant issued	Permanent	The portion remaining after the excision affected by the Bendigo Land Act 1909 , No. 2204
City of Bendigo (formerly Sandhurst)— 0a. 2r. 13p.	Order in Council of 28th May, 1884	Government Gazette of 6th June, 1884, page 1593	The use of the Police Department	No Crown Grant issued	Temporary	The portion remaining after the excision of 1r. 4p. by Order in Council of 2nd December, 1940 (Government Gazette of 4th December, 1940, page 4211)
City of Bendigo (formerly Sandhurst)— 1a. 3r. 7p.	Order in Council of 4th February, 1882	Government Gazette of 10th February, 1882, page 329	Public Purposes (State School application No. 1976)	No Crown Grant issued	Temporary	The whole
City of Bendigo (formerly Sandhurst)— 0a. 1r. 4p.	Order in Council of 28th May, 1884	Government Gazette of 6th June, 1884, page 1593	Public Purposes (State School application No. 1976)	No Crown Grant issued	Temporary	The whole

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<i>Situation and Area of Land</i>	<i>Instrument and Date of Reservation</i>	<i>Description of Land by Reference to Government Gazette or Act</i>	<i>Purpose of Reservation</i>	<i>Particulars of Registration of Crown Grant (if any)</i>	<i>Kind of Reservation</i>	<i>Area being Revoked</i>
City of Bendigo— 1a. 1r. 14p.	Order in Council of 29th May, 1911	Government Gazette of 29th March, 1911, page 1812; 7th June, 1911, page 2660	Purposes of the Bendigo Continuation School	No Crown Grant issued	Permanent	The whole
City of Bendigo— 4a. 2r. 21p.	Order in Council of 28th October, 1913	Government Gazette of 5th November, 1913, page 4827	High School Purposes	No Crown Grant issued	Temporary	The whole
Parish of Sandhurst, City of Bendigo— 0a. 2r. 17p.	Order in Council of 9th December, 1926	Government Gazette of 15th December, 1926, page 4825	Educational Purposes	No Crown Grant issued	Temporary	The whole
Parish of Sandhurst, City of Bendigo— 0a. 1r. 4p.	Order in Council of 2nd December, 1940	Government Gazette of 4th December, 1940, page 4211	State School Purposes	No Crown Grant issued	Temporary	The whole
Parish of Sandhurst, City of Bendigo— 16 ³ / ₁₀ p.	Order in Council of 26th August, 1935	Government Gazette of 28th August, 1935, page 2241	Baby Health Centre	No Crown Grant issued	Temporary	The whole
City of Bendigo (formerly Sandhurst)— 7 ² / ₁₀ p.	Order in Council of 10th August, 1874	Government Gazette of 13th March, 1874, page 535; 21st August, 1874, page 1566	Right of Way Purposes	No Crown Grant issued	Permanent	The whole

SECOND SCHEDULE

**Preamble,
section 3.**

LAND WHICH MAY BE RESERVED AS A SITE FOR PUBLIC RECREATION AND DRAINAGE PURPOSES

Sixty-three acres one rood nine and two-tenths perches, more or less, City of Bendigo, Parish of Sandhurst, County of Bendigo in the two separate parts hereinafter described viz.:

- (1) Fifty-one acres, one rood, twenty-five and two-tenths perches, more or less:

Commencing at the intersection of the north-eastern side of View-street and the south-eastern side of Barnard-street; bounded thence by the south-eastern side of Barnard-street bearing N. 57° 4' E. twenty-six chains seventy-five and one-tenth links; thence by the south-western side of Park-road bearing S. 43° 4' E. nine chains twenty-two and one-tenth links, S. 38° 41' E. four chains sixty-nine and two-tenths links, S. 18° 33' E. three chains ninety-three and four-tenths links, S. 8° 5' E. fifty-four and six-tenths links, S. 21° 23' E. seventy-seven and nine-tenths links, S. 49° 21' E. fifty-five and three-tenths links, S. 38° 56' E. thirteen and seven-tenths links, S. 33° 43' E. thirteen and seven-tenths links, S. 28° 7' E. thirteen and eight-tenths links and S. 19° 29' E. one chain twenty-eight and one-tenth links; thence by the north-western side of Bridge-street bearing S. 20° 26' W. four chains forty-one and five-tenths links; thence by the north-western side of Pall Mall bearing S. 21° 14' W. three chains eighty-eight and one-tenth links, S. 23° 27' W. twelve and two-tenths links, S. 25° 53' W. twelve links, S. 27° 13' W. twelve and two-tenths links, S. 28° 59' W. twelve links, S. 30° 43' W. twelve and two-tenths links, S. 32° 16' W. twelve and one-tenth links, S. 34° 50' W. twelve and two-tenths links, S. 36° 17' W. twelve and two-tenths links, S. 38° 41' W. twelve and one-tenth links, S. 39° 54' W. twelve and two-tenths links, S. 41° 48' W. twelve and two-tenths links, S. 44° 47' W. eleven and nine-tenths links and S. 47° 47' W. twenty-four and seven-tenths links; thence by the north-eastern side of Bull-street bearing N. 42° 5' W. three chains forty-three and five-tenths links; thence by lines bearing S. 49° 4' W. one chain forty-nine and four-tenths links, S. 47° 29' W. one chain and seven-tenths of one link, S. 45° 22' W. one chain eight and six-tenths links, S. 44° 36' W. ninety-seven and eight-tenths links, S. 43° 53' W. one chain and two-tenths of one link, S. 43° 23' W. ninety-eight and five-tenths links and S. 42° 42' W. one chain fifty and six-tenths links; thence by the south-western side of Williamson-street bearing S. 42° 9' E. three chains eight links; thence by the north-western

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side of Pall Mall bearing S. 47° 49' W. six chains twelve and four-tenths links, S. 51° 26' W. twelve and two-tenths links, S. 54° 19' W. twelve and one-tenth links, S. 58° 4' W. twelve and one-tenth links, S. 62° 2' W. twelve and one-tenth links, S. 64° 29' W. twelve and one-tenth links, S. 68° 44' W. twelve and one-tenth links, S. 68° 58' W. six and four-tenths links, S. 73° 37' W. eleven and seven-tenths links, S. 79° 7' W. six and two-tenths links, S. 79° 16' W. twelve and two-tenths links, S. 82° 5' W. twelve and two-tenths links, S. 84° 54' W. twelve and one-tenth links, S. 89° 39' W. twelve and one-tenth links, N. 87° 5' W. twelve and one-tenth links, N. 85° 25' W. eight and six-tenths links and N. 79° 56' W. seven and five-tenths links; thence by lines bearing N. 26° 16' E. one chain sixty-five and six-tenths links, N. 63° 44' W. one chain, S. 26° 16' W. one chain forty-four and six-tenths links, S. 64° 36' E. thirteen and three-tenths links and S. 25° 44' W. twenty-seven and six-tenths links; thence by the north-western side of Pall Mall bearing N. 55° 4' W. thirteen and seven-tenths links and N. 48° 52' W. thirty-six links; thence by the north-eastern side of View-street bearing N. 43° 11' W. two chains forty-seven links; thence by a line bearing N. 47° 8' E. two chains fifty-one links; thence by a line and the north-eastern boundary of allotment 1, section 89C bearing N. 43° 20' W. one chain eighteen and eight-tenths links; thence by the north-eastern boundaries of allotments 9, 9C and the site permanently reserved as a Temperance Hall by Order in Council of the 9th December, 1872 (vide Government Gazette of 27th December, 1872 page 2330) bearing N. 0° 10' W. seventy-eight links and N. 43° 17' W. two chains eighty-four and five-tenths links; thence by the north-eastern side of Park-lane bearing N. 43° 48' W. one chain ninety-two and five-tenths links; thence by the north-eastern boundary of allotment 6A bearing N. 43° 17' W. one chain thirty-eight and nine-tenths links; thence by the north-eastern boundary of allotment 4 bearing N. 43° 11' W. one chain seventy-seven and six-tenths links; thence by the north-eastern boundary of allotment 1C bearing N. 43° 3' W. one chain ninety-nine and four-tenths links; thence by a line and the north-eastern boundary of allotment 11 bearing N. 43° 17' W. two chains; thence by the north-western boundary of allotment 11 bearing S. 46° 40' W. three chains one and two-tenths links and thence by the north-eastern side of View-street bearing N. 32° 47' W. eleven chains twenty-four links to the south-eastern side of Barnard-street, being the point of commencement, excepting therefrom the area described in the Third Schedule to this Act.

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- (2) Eleven acres three roods twenty-four perches, more or less:

Commencing on the south-eastern side of Barnard-street where the south-western side of Water-street abuts thereon; bounded thence by the south-western side of Water-street bearing S. 65° 52' E. six chains forty-two and seven-tenths links; thence by the north-western side of a right-of-way bearing S. 24° 50' W. three chains two and seven-tenths links; thence by a line and the south-western boundaries of allotments 16 and 13, section 25C bearing S. 65° 46' E. three chains forty-nine links; thence by the north-western side of Bridge-lane bearing S. 15° 27' W. seven chains twenty-five and four-tenths links, S. 18° 46' W. one chain twelve and one-tenth links and S. 22° 10' W. three chains four and three-tenths links; thence by the north-eastern side of Park-road bearing N. 75° 18' W. fifty-five and four-tenths links, N. 1° 5' E. ninety-one and seven-tenths links, N. 12° 45' W. twenty-five links, N. 20° 20' W. thirty-five links, N. 24° 31' W. thirty-five links, N. 26° 43' W. fifty links, N. 29° 22' W. fifty links, N. 33° 59' W. forty links, N. 38° 20' W. three chains fifteen and six-tenths links and N. 43° 42' W. ten chains seventy-four and one-tenth links and thence by the south-eastern side of Barnard-street bearing N. 56° 59' E. seven chains eighty-four and five-tenths links to the south-western side of Water-street, being the point of commencement.

THIRD SCHEDULE

LAND WHICH MAY BE RESERVED AS A SITE FOR
GOVERNMENTAL PURPOSES

Thirteen acres one rood fifteen perches, more or less, City of Bendigo, Parish of Sandhurst, County of Bendigo, in the three separate parts hereinafter described, viz.:

- (1) Five acres twelve perches, more or less:

Commencing at a point on the south-western side of Park-road distant nine chains twenty-two and one-tenth links from the point on the south-eastern side of Barnard-street where the south-western side of Park-road abuts thereon; bounded thence by the south-western side of Park-road bearing S. 38° 41' E. four chains sixty-nine and two-tenths links and S. 18° 33' E. three chains ninety-three and four-tenths links; and thence by lines bearing S. 80° 2' W. one chain ninety-three and one-tenth links, N. 80° 53' W. twenty-five and seven-tenths links, N. 55° 43' W. twenty-nine and five-tenths links, S. 64° 33' W. three chains thirty-seven and five-tenths links, N. 40° 6' W. one chain eighty and nine-tenths links, N. 7° 56' W. fifty-two and three-tenths links, N. 40° 3' W. five chains forty-eight and two-tenths links, N. 52° 15' E. one chain twenty-four and two-tenths links, S. 40° 4' E. thirty-two and two-tenths links, N. 50° 0' E. one chain ninety-seven and one-tenth links, N. 79° 58' E. two chains sixty-one and four-tenths links and N. 49° 56' E. ninety-eight and four-tenths links to a point on the south-western side of Park-road being the point of commencement.

- (2) Four acres two roods twenty-three perches, more or less:

Commencing at a point bearing S. 52° 15' W. and distant seventy-seven and eight-tenths links from the most westerly angle of the area described in part (1) of this Schedule and bounded thence by lines bearing S. 40° 9' E. three chains fifty and six-tenths links, S. 47° 31' E. one chain forty-eight and two-tenths links, S. 40° 19' E. one chain sixty-six and nine-tenths links, S. 39° 49' E. one chain seventy-two and eight-tenths links, S. 11° 28' W. one chain sixty-nine and six-tenths links, S. 62° 45' W. one chain ninety-five and eight-tenths links, S. 75° 5' W. two chains fifty-three and one-tenth links, N. 35° 17' W. four chains twenty-seven and one-tenth links, N. 40° 37' W. three chains eighty-six and one-tenth links and N. 52° 15' E. five chains one and nine-tenths links to the point of commencement.

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- (3) Three acres two roods twenty perches, more or less:

Commencing at a point bearing S. 52° 15' W. and distant fifty-four links from the most westerly angle of the area described in part (2) of this Schedule and bounded thence by lines bearing S. 41° 4' E. two chains ninety-three and one-tenth links, S. 42° 28' E. one chain twenty-two and six-tenths links, S. 38° 23' E. seventy-eight and five-tenths links, S. 35° 25' E. three chains sixteen and two-tenths links, S. 36° 13' E. ninety-two and eight-tenths links, S. 56° 5' W. three chains thirty links, N. 84° 36' W. one chain four and five-tenths links, N. 37° 58' W. four chains ninety-one links, N. 37° 36' W. three chains eighteen and two-tenths links and N. 52° 15' E. three chains ninety-four and one-tenth links to the point of commencement.

FOURTH SCHEDULE

**LAND WHICH MAY BE RESERVED AS A SITE FOR
GOVERNMENTAL PURPOSES**

Two roods twenty-six perches more or less, City of Bendigo, Parish of Sandhurst, County of Bendigo, as hereinafter described, viz.:

Commencing at the intersection of the south-western side of Bull-street and the north-western side of Pall Mall; bounded thence by the north-western side of Pall Mall bearing S. 47° 51' W. two chains two and five-tenths links; thence by the north-eastern side of a right-of-way bearing N. 42° 6' W. one chain twenty-six and four-tenths links, N. 45° 25' W. thirty-nine and four-tenths links, N. 42° 5' W. forty-seven and seven-tenths links and S. 48° 1' W. three links; thence by lines bearing N. 42° 2' W. one chain eight links, N. 45° 22' E. one chain seven and nine-tenths links and N. 47° 29' E. one chain and thence by the south-western side of Bull-street bearing S. 42° 5' E. three chains twenty-six and eight-tenths links to the north-western side of Pall Mall, being the point of commencement.

FIFTH SCHEDULE

**Preamble,
 section 3.**

**LAND WHICH MAY BE RESERVED AS A SITE FOR A BABY
 HEALTH CENTRE**

Twenty-six and nine-tenths perches, more or less, City of Bendigo, Parish of Sandhurst, County of Bendigo, as hereinafter described, viz:

Commencing at a point on the north-western side of Pall Mall bearing S. 32° 47' E. eleven chains twenty-four links, S. 43° 11' E. sixteen chains thirteen and five-tenths links, S. 48° 52' E. thirty-six links and S. 55° 4' E. thirteen and seven-tenths links from the intersection of the north-eastern side of View-street and the south-eastern side of Barnard-street; bounded thence by lines bearing N. 25° 44' E. twenty-seven and six-tenths links, N. 64° 36' W. thirteen and three-tenths links, N. 26° 16' E. one chain forty-four and six-tenths links, S. 63° 44' E. one chain and S. 26° 16' W. one chain sixty-five and six-tenths links and thence by the north-western side of Pall Mall bearing N. 77° 41' W. twenty-five and three-tenths links, N. 70° 18' W. twenty-five and three-tenths links, N. 61° 53' W. twenty-five and three-tenths links and N. 55° 4' W. eleven and six-tenths links to the point of commencement.



ENDNOTES

1. General Information

The **Bendigo (Rosalind Park) Lands Act 1951** was assented to on 4 September 1951 and came into operation on 7 January 1952: Government Gazette 19 December 1951 page 8500.

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Endnotes

2. Table of Amendments

There are no amendments made to the **Bendigo (Rosalind Park) Lands Act 1951** by Acts and subordinate instruments.

Endnotes

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3. Explanatory Details

No entries at date of publication.