

1967

VICTORIA.



ANNO SEXTO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7627.

An Act relating to certain Lands at Fitzroy.

[12th December, 1967.]

WHEREAS certain land at Fitzroy having an area of 33 acres 3 roods and 23 perches was permanently reserved by Order in Council of the 24th day of October, 1881, as a site for public park and garden and by Crown grant dated 12th day of April, 1882, granted to the Board of Land and Works and the Mayor Councillors and Citizens of the City of Fitzroy and is known as Edinburgh Gardens :

Preamble.

G.G. 23rd
Sept., 1881,
p. 2669 ; 28th
Oct., 1881,
p. 2944.

C.G. vol. 1368
fol. 273446.

And whereas—

- (a) certain other land at Fitzroy was by Order in Council of the 19th day of June, 1883, permanently reserved as a site for public park and garden in addition to and adjoining the site permanently reserved for the same purpose by the said Order in Council of the 24th day of October, 1881, and was by Crown grant dated the same day granted to the Board of Land and Works and the Mayor Councillors and Citizens of the City of Fitzroy ;

G.G. 11th May
1883, p. 985 ;
22nd June,
1883, p. 1492.

Vol. 1480
fol. 295996.

- (b) the area of the land reserved by the said Order in Council of the 19th day of June, 1883, was 7 acres 3 roods and 37 perches but the area thereof specified in the said Crown grant is 8 acres and 17 perches :

And

And whereas each of the said Crown grants—

- (a) provides that the land thereby granted and the buildings for the time being thereon should be at all times thereafter maintained and used as and for a site for a public park and garden and offices and conveniences connected therewith and for no other purpose whatsoever ; and
- (b) contains a reservation of the use of all such parts of the land granted as should be required for making railways :

And whereas by a transfer registered in the Office of Titles on the 22nd day of June, 1888, an area of 7 acres 3 roods and 14⁴/₁₀ perches being part of the lands comprised in the said Crown grants was transferred to the Victorian Railways Commissioners :

G.G. 10th Oct.,
1917, p. 3208.

And whereas by Order in Council of the 2nd day of October, 1917, the council of the City of Fitzroy was appointed a committee of management of the Edinburgh Gardens :

And whereas—

- (a) the several pieces of land delineated on the plan in the First Schedule and having the areas indicated on the said plan are respectively used for the purposes of cricket and football bowls and tennis as indicated on the said plan and for purposes connected therewith ;
- (b) the land delineated and shown hatched on the plan in the Second Schedule is part of a Government road known as Freeman-street ;
- (c) the said land delineated and shown hatched on the plan in the Second Schedule is part of the piece of land delineated on the plan in the First Schedule used for the purposes of cricket and football but otherwise the several pieces of land delineated on the plan in the First Schedule are parts of the lands reserved as aforesaid which remain untransferred in the said Crown grants :

And whereas it is expedient—

- (a) that the land delineated and shown hatched on the plan in the Second Schedule be closed as a road and be included in the reservation made by the said Order in Council of the 24th day of October, 1881, and in the Crown grant dated the 12th day of April, 1882 ;

(b) that

- (b) that the appointment of the council of the City of Fitzroy as a committee of management of the Edinburgh Gardens be revoked and that the corporation of the municipality of Fitzroy be appointed a committee of management of the lands now comprised in the said Crown grants and the land described in the Second Schedule ;
- (c) that the said corporation be empowered to grant leases of the said pieces of land delineated on the plan in the First Schedule ; and
- (d) to make other provision as hereinafter enacted :

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) :—

1. This Act may be cited as the *Fitzroy (Edinburgh Gardens) Lands Act 1967*. Short title.

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

“Corporation” means the Mayor Councillors and Citizens of the City of Fitzroy. “Corporation.”

“Council” means the council of the City of Fitzroy. “Council.”

3. The hereinbefore recited Order in Council of the 19th day of June, 1883, shall be deemed to have been made in respect of the land having an area of 8 acres and 17 perches described in the hereinbefore recited Crown grant of the same date. Redefinition of land reserved as public park and garden by Order in Council of 19th June, 1883.

4. (1) The land delineated and shown hatched on the plan in the Second Schedule being part of the Government road known as Freeman-street shall cease to be part of a road and all rights easements or privileges existing or claimed either in the public or by any body or person whatsoever or whomsoever as incident to any past dedication or supposed dedication thereof or by any past user thereof or by any fiction of law shall cease and determine and the said land shall be deemed to be unalienated land of the Crown. Closure of part of Freeman-street.

(2) The hereinbefore recited Order in Council of the 24th day of October, 1881, and the hereinbefore recited Crown grant dated the 12th day of April, 1882, shall be deemed and taken for all purposes to relate also to the land referred to in sub-section (1). Redefinition of land reserved as public park and garden by Order in Council of 24th Oct., 1881.

5. The

Appointment
of corporation
in lieu
of Fitzroy
council as
committee of
management.

5. The hereinbefore recited Order in Council of the 2nd day of October, 1917, appointing the council a committee of management of the Edinburgh Gardens shall be revoked and the corporation shall be a committee of management of the lands remaining untransferred in or to be deemed by virtue of sub-section (2) of section 4 to be comprised in the said Crown grants dated the 12th day of April, 1882, and the 19th day of June, 1883.

Power to
corporation to
grant leases
of lands in
First Schedule.

6. (1) The corporation as the committee of management of the lands remaining untransferred in or to be deemed as aforesaid to be included in the said Crown grants may notwithstanding anything in the said Crown grants or in any Act from time to time grant leases of the whole or any part of each of the pieces of land delineated on the plan in the First Schedule for the purposes of the sport or recreation respectively indicated on the said plan or social activities or purposes connected therewith including the erection of buildings.

Conditions of
leases.

(2) A lease under this section—

- (a) shall be subject to such covenants conditions exceptions and reservations as the corporation thinks fit ;
- (b) shall be for a term not exceeding 21 years ; and
- (c) shall if the term exceeds three years be subject to approval by the Governor in Council.

Application
of rents.

(3) The moneys received by way of rent under any lease granted under this section shall be applied by the corporation towards the maintenance and improvement of the whole or any part of the lands of which it is committee of management under this Act except the parts leased or for such other purposes as the Minister of Lands in any particular case approves.

Authority and
direction to
Registrar of
Titles to make
necessary
cancellations
and entries.

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

Application of
No. 6299
s. 802A.

8. The provisions of section 802A of the *Local Government Act* 1958 shall apply in relation to the lands remaining untransferred or to be deemed by virtue of section 4 to be included in the said Crown grants dated the 12th day of April, 1882, and the 19th day of June, 1883.

No
compensation
payable by
Crown.

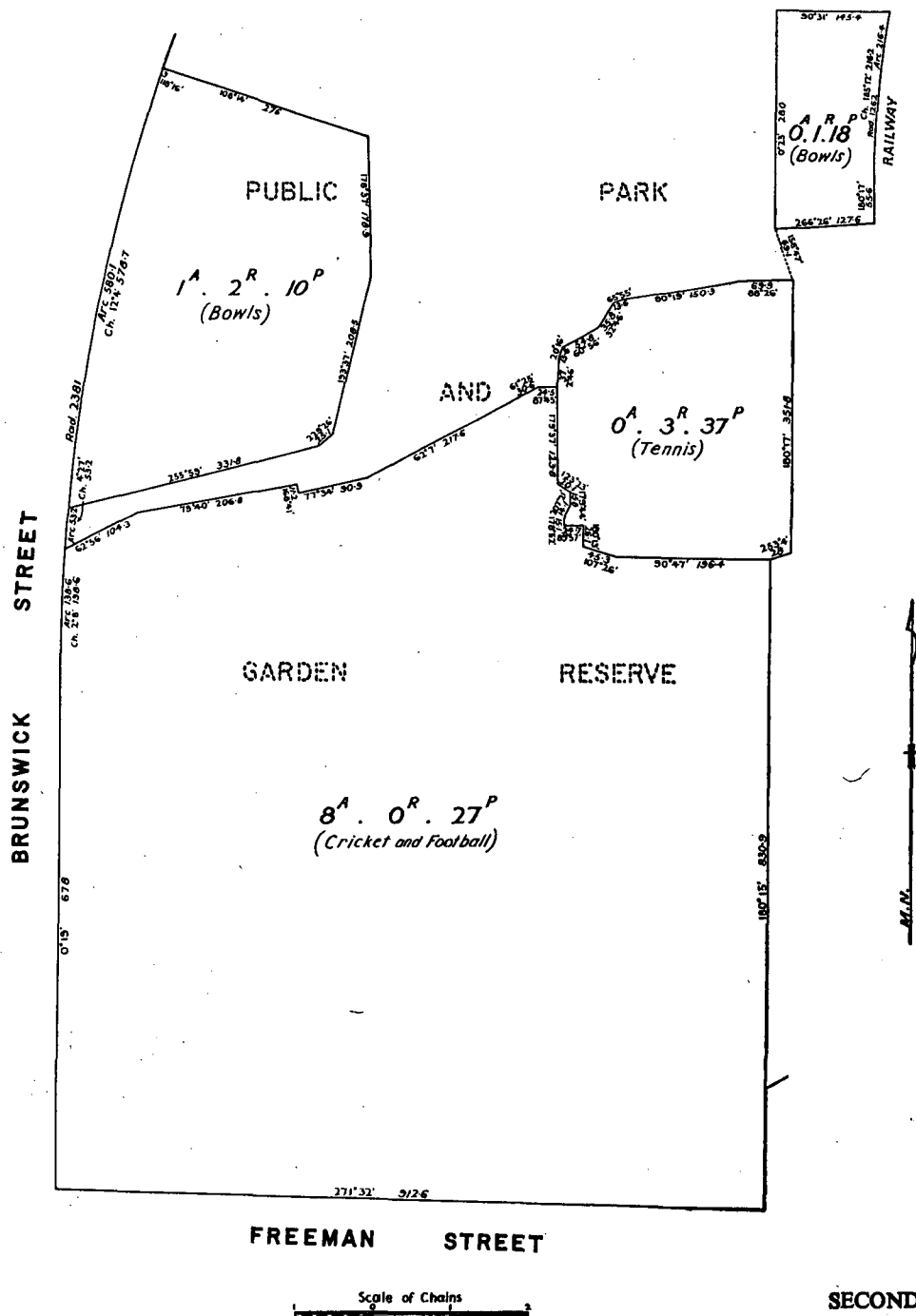
9. No person or body of persons whosoever or whatsoever shall be entitled to receive or shall receive from Her Majesty any money or consideration or compensation in respect of or in any manner whatsoever arising out of any act matter or thing under this Act.

FIRST

FIRST SCHEDULE.

Preamble.
Section 6.

Lands, being parts of the land permanently reserved by Order in Council of 24th October, 1881, as a site for public park and garden together with part of a Government road known as Freeman-street and now comprised in or by virtue of this Act to be deemed to be comprised in Crown grant volume 1368 folium 273446, in respect of which the corporation as committee of management thereof may grant leases pursuant to section 6 of this Act.



SECOND SCHEDULE.

Preamble.
Section 4.

Land being part of a Government road known as Freeman-street which is to be closed as a road and to be deemed to be included in the reservation of land as a site for public park and garden made by Order in Council of 24th October, 1881, and in Crown grant volume 1368 folium 273446.

