

LEGISLATIVE COUNCIL

Read 1° 4 April 1984

(*Brought in by the Honourable R. A. Mackenzie*)

No. 3

A BILL

To facilitate the construction of floodlight towers and the operation of floodlights at the ground known as the Melbourne Cricket Ground, to amend the *Melbourne Cricket Ground Act 1933*, and for other purposes.

WHEREAS by an Order in Council dated 9 June 1873 certain lands being the lands described in the Second Schedule to the *Melbourne Cricket Ground Act 1933* were pursuant to the *Land Act 1869* permanently reserved as a site for a public park:

Preamble.
Government Gazette, 13 June 1873, p. 1059.
No. 4149.

5 And whereas by a Crown grant dated 9 June 1873 and entered in the register book of the Office of Titles volume 600 folium 119902 the said lands and the buildings for the time being thereon were granted to the Board of Land and Works and the mayor aldermen councillors and citizens of the city of Melbourne upon trust to be at all times thereafter
10 maintained and used as land for a public park and offices and conveniences connected therewith and for no other purpose whatsoever:

And whereas by the *Melbourne Cricket Ground Act 1933* the said Order in Council and the said Crown grant so far as they related to the lands described in the Third and Fourth Schedules to that Act were
15 revoked:

And whereas pursuant to the said Act the land described in the Fifth Schedule to that Act was by Order in Council of 20 February 1934 permanently reserved as a site for the Melbourne Cricket Ground and was by a Crown grant dated 4 December 1933 and entered in the

Government Gazettes, 24 January 1934, p. 114; 28 February 1934, p. 531.

register book of the Office of Titles volume 5925 folium 1184828 granted to certain persons upon trust for the public to be maintained and used as and for a place for playing at cricket and for conveniences connected therewith and when not required for cricket for such other purposes not inconsistent with the foregoing as the trustees think fit and for no other purpose whatsoever: 5

And whereas it is expedient to make provision for the construction and operation of floodlights at the Melbourne Cricket Ground:

Nos. 5614, 6854 and 9990.

And whereas certain adjustments to the boundaries of the hereinbefore recited lands were made by or pursuant to the *Melbourne Cricket Ground Act 1951*, the *Melbourne Cricket Ground Act 1962* and the *Melbourne Cricket Ground Act 1983*: 10

And whereas it is also expedient to make further adjustments to the boundaries of the hereinbefore recited land:

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): 15

Short title, construction and citation.
Nos. 4149, 5614, 5781, 6144, 6454, 7468 and 9990.

1. This Act may be cited as the *Melbourne Cricket Ground Act 1984* and shall be read and construed as one with the *Melbourne Cricket Ground Act 1933*, the *Melbourne Cricket Ground Act 1951*, the *Melbourne Cricket Ground (Guarantee) Act 1954*, the *Melbourne Cricket Ground (Trustees) Act 1957*, the *Melbourne Cricket Club (Guarantee) Act 1958*, the *Melbourne Cricket Ground (Guarantees) Act 1966* and the *Melbourne Cricket Ground Act 1983*, which Acts, and this Act may be cited together as the Melbourne Cricket Ground Acts. 20 25

Commencement.

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

Trustees of Melbourne Cricket Ground authorized to construct floodlight towers and operate the floodlights.

3. (1) Notwithstanding anything to the contrary in the *Town and Country Planning Act 1961* or in any planning scheme, interim development order or local development scheme made thereunder, the trustees may, subject to the conditions contained in sub-section (2), construct floodlight towers on the Melbourne Cricket Ground and operate the floodlights affixed to those floodlight towers. 30.

(2) The following conditions upon the construction of floodlight towers shall apply: 35

- (a) The maximum number of floodlight towers which may be constructed is six;
- (b) The maximum height of a floodlight tower shall be 78.5 metres above the ground level of the part of the ground upon which the floodlight tower is constructed; and 40
- (c) No floodlight tower or any building or works associated with a floodlight tower shall be erected except in such a

location and in accordance with such plans and specifications as are approved by the Minister for Conservation, Forests and Lands and the Minister for Planning and Environment.

5 (3) The floodlights affixed to the floodlight towers may only be operated on such day or days and in conjunction with such activities as are approved by Order of the Governor in Council.

10 (4) Notwithstanding sub-section (3), the floodlights affixed to the floodlight towers may, with the consent of the Minister for Conservation, Forests and Lands and in accordance with any conditions the Minister for Conservation, Forests and Lands may attach to that consent, be operated on any day for the purposes of aligning, testing, commissioning or repairing the floodlights.

15 (5) Notwithstanding sub-section (3), ten days of cricket may played in conjunction with the operation of the floodlights affixed to the floodlight towers during the period from 1 November each year until 31 March in the following year without the approval of the Governor in Council.

20 (6) On any day when the floodlights affixed to the floodlight towers are to be operated other than for any of the purposes specified in sub-section (4)—

(a) vehicular traffic shall not be permitted to enter into or exit from the Yarra Park Reserve by way of Vale Street after 5 o'clock in the afternoon; and

25 (b) parking in the Yarra Park Reserve shall not be permitted within a distance of fifty metres from the western and southern alignments of Vale Street.

30 4. No action shall lie against any person by reason only of the construction of floodlight towers and the operation of floodlights affixed to those floodlight towers constructed and operated in accordance with this Act.

No action to lie for authorized construction and operation of floodlights.

5. (1) So far only as relates to the land delineated and shown hatched on the plan in the Schedule—

Additional land deemed part of site for Melbourne Cricket Ground.

(a) the Order in Council dated 9 June 1873 is revoked; and

35 (b) the Crown Grant entered in the Register Book of the Office of Titles in volume 600, folium 119902 is revoked, made void and annulled.

40 (2) The land delineated and shown hatched on the plan in the Schedule shall be deemed to be permanently reserved under section 4 (1) of the *Crown Land (Reserves) Act 1978* as a site for the Melbourne Cricket Ground and shall be included in and form part of the land reserved under the Order in Council dated 20 February 1934 and referred to in the Crown Grant entered in the Register Book of the Officer of Titles in volume 5925 folium 1184828.

(3) The Registrar of Titles is authorized and directed to make such entries in the Register Book as are necessary to give effect to sub-sections (1) and (2).

No compensation payable by Crown.

6. No compensation shall be payable by the Crown in respect of any act, matter or thing done or arising out of this Act. 5

Amendment of No. 4149, s. 9.

7. In section 9 (1) (a) of the *Melbourne Cricket Ground Act 1933* after the words "or parts thereof" there shall be inserted the expression "the hours during which the floodlights may be operated".

SCHEDULE

Section 5

AT EAST MELBOURNE
CITY OF MELBOURNE

