



Victoria Government Gazette

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MELBOURNE AND METROPOLITAN BOARD OF
WORKS ACT 1958
SEWERAGE DISTRICTS ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-eighth day of February 1984

PRESENT:

His Excellency the Governor of Victoria	
Mr Simpson	Mr Crabb
Mrs Toner	Mr Walker

TRANSFER AND VESTING OF LANDS EASEMENTS
WORKS PROPERTY RIGHTS AND OBLIGATIONS FROM
THE LILLYDALE SEWERAGE AUTHORITY TO THE
MELBOURNE AND METROPOLITAN BOARD OF
WORKS, ADJUSTMENT OF LIABILITIES AND THE
VARIATION OF EXISTING ORDERS IN COUNCIL TO
INCLUDE PART OF THE SHIRE OF LILLYDALE IN THE
METROPOLIS FOR SEWERAGE PURPOSES

Whereas the Lillydale Sewerage Authority (hereinafter referred to as "the Sewerage Authority") is a Sewerage Authority within the meaning of section 3 of the *Sewerage Districts Act 1958* and whereas under the provisions of section 19A of the said *Sewerage Districts Act 1958* the Governor in Council may by order transfer to the Board any land easements works property powers rights liabilities and obligations of any other Sewerage Authority and may by the same or any subsequent Order or Orders—

- (a) adjust the respective liabilities of the Authorities as he thinks fit in consequence of the transfer of the said land easements works property powers rights liabilities and obligations, and
- (b) where the Authority has no further function abolish the Authority.

And whereas under the provisions of section 3 of the *Melbourne and Metropolitan Board of Works Act 1958* (hereinafter referred to as "the said Act") the Governor in Council may on the application of the Board by Order published in the *Government Gazette* provide pursuant to the provisions of such section for the inclusion in the metropolis of any land.

Now therefore His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council of the said State in pursuance of the hereinbefore recited powers does hereby declare order and direct that—

1. There shall be transferred from the Sewerage Authority to the Board as on and from 1 March 1984 (hereinafter referred to as "the operative date")—

- (a) (i) all the property and works of the Sewerage Authority including and without limiting the generality of such expression all the property and works of the Sewerage Authority and all other sewers pipes and branches together with all interests rights benefits and advantages owned by vested in possessed by or accruing to the Sewerage Authority in the works aforesaid or in or over any lands including all survey plans drawings designs manholes pumping plant treatment plant effluent drains and ancillary equipment used or intended to be used by the Sewerage Authority for the purpose of providing sewerage services;

- (ii) all rights and liabilities in any lands or easements owned by vested in or existing in favour of the Sewerage Authority—including any lands or easements in the process of being acquired as at the operative date;
- (iii) all powers obligations and rights of the Sewerage Authority in relation to the provision by it of sewerage services;
- (b) the ownership of all the works of sewerage hereinafter described.

2. In consequence of the transfers aforesaid the respective liabilities of the Board and the Sewerage Authority be adjusted by transferring as on and from the operative date the amounts shown in the records of the Sewerage Authority at that date to the records of the Board to the intent that such amounts shall be, as on and from the operative date, the responsibility of the Board.

3. All loans made or the balance of such loans available to the Sewerage Authority as at the operative date be taken over by the Board on the terms and conditions applying to such loans immediately prior to the operative date.

4. All moneys due and payable to the Sewerage Authority as at the operative date in respect of the supply of sewerage services shall by this Order and as on and from the operative date be due and payable to the Board.

5. As on and from the operative date—

- (a) the Order in Council made on 1 July 1969 and published in the *Government Gazette* dated 9 July 1969 including parts of the then Shire of Croydon and the Shires of Lillydale and Sherbrooke (as well as parts of other municipalities) in the metropolis for water supply purposes as varied by the Orders in Council made respectively:
 - (i) On 6 July 1971 and published in the *Government Gazette* dated 7 July 1971;
 - (ii) On 19 July 1977 and published in the *Government Gazette* dated 27 July 1977;
 - (iii) On 17 March 1981 and published in the *Government Gazette* dated 25 March 1981; and
 - (iv) On 15 December 1981 and published in the *Government Gazette* dated 16 December 1981;
- (b) the Order in Council made on 11 May 1971 and published in the *Government Gazette* dated 19 May 1971 including parts of the Shires of Lillydale and Sherbrooke in the metropolis for water supply purposes; and
- (c) the Order in Council made on 29 September 1981 and published in the *Government Gazette* dated 30 September 1981 including part of the Shire of Lillydale in the metropolis for water supply purposes—

as each of the aforesaid Orders in Council were varied and further varied (as the case may be) by the Order in Council made on 20 December 1983 and published in the *Government Gazette* dated 21 December 1983 including part of the Shire of Lillydale (as well as parts of other municipalities) in the metropolis for water supply sewerage and drainage purposes shall be further varied by the inclusion of the land described in the Schedule hereto within the area of control of the Melbourne and Metropolitan Board of Works for sewerage purposes and that consequent upon such variation Part III. of the said Act shall extend and apply to such land.

6. In the survey descriptions of the land described in the Schedule hereto each lodged plan referred to shall be deemed to refer to a plan of subdivision duly lodged and registered at the Office of Titles in Melbourne except where expressly described otherwise.

THE SCHEDULE

All that piece of land in the Shires of Lillydale and Sherbrooke commencing at a point on the Yarra River on the production of the eastern alignment of Homestead Road, in the Parish of Warrandyte; thence southerly along the last mentioned alignment to the northern alignment of Paynes Road; thence easterly and south-easterly along the northern and north-eastern alignments of the last mentioned road to the boundary between the Parishes of Warrandyte and Yering; thence southerly along the last mentioned boundary to the north-western corner of lot 34 on lodged plan No. 9202; thence easterly along the northern boundary of the last mentioned lot to the western alignment of Arthur Road; thence generally southerly along the last mentioned alignment and a line in continuation to the southern alignment of Black Springs Road; thence easterly along the last mentioned alignment to a point on the prolongation of the eastern boundary of lot 2073 on lodged plan No. 95407; thence southerly by a line, to the north-western corner of lot 1, lodged plan No. 133468; thence southerly and easterly along the western and southern boundary of the last mentioned lot and a line across the Old Melbourne Road to the south-western corner of lot 2, lodged plan No. 83005; thence further easterly along the southern boundary of the last mentioned lot and a line across Maroondah Highway to the north-west corner of lot 1, lodged plan No. 114113 being on the southern alignment of Sheeps Road; thence easterly along the last mentioned alignment to the western alignment of Manchester Road; thence southerly along the last mentioned alignment to a point in line with the northern boundary of lodged plan No. 76439; thence easterly by a line and along the last mentioned boundary to the western boundary of Crown allotment 18 Parish of Mooroolbark; thence northerly along the last mentioned boundary to a point 50.09 metres along the Crown allotments north-west corner; thence easterly to a point on the eastern alignment of Landscape Drive 50.62 metres south of the northern boundary of Crown allotment 18; thence generally northerly along the last mentioned alignment to the northern boundary of Crown allotment 18; thence easterly along the last mentioned alignment and a line in extension thereof to the eastern alignment of Mooroolbark Road; thence southerly along the last mentioned alignment and a line in continuation to the southern alignment of Hull Road; thence easterly along the last mentioned alignment to the north-eastern corner of lot 39 on lodged plan No. 72947; thence generally southerly along the eastern boundary of the last mentioned lot to the northern boundary of the Melbourne and Metropolitan Board of Works Silvan-Preston Pipe Track Reserve; thence easterly along the last mentioned boundary and a line in continuation to the eastern alignment of Edinburgh Road; thence generally southerly along the last mentioned alignment to the north-west corner of lot 83, lodged plan No. 12372; thence easterly along the northern and southerly along the eastern boundaries of the last mentioned lot and lot 84 to the northern alignment of Thomas Crescent; thence southerly by a line to the north-east corner of lot 107 and further southerly along the rear boundaries of the lots facing Edinburgh Road and Thomas Crescent to the south-eastern corner of lot 116; thence westerly along the southern boundary of the last mentioned lot and a line across Thomas Crescent to the south-eastern corner of lot 96; thence westerly along the southern boundary of the last mentioned lot and a line in continuation across Edinburgh Road to the western alignment of the said Edinburgh Road, being the eastern boundary of Crown allotment 22c three, Parish of Mooroolbark; thence southerly and westerly along the eastern and southern boundaries of the last mentioned allotment and further westerly and southerly along the northern and western boundaries of lodged plan No. 39468 to the south-western corner of the last-mentioned lodged plan; thence by a line through Crown allotments 24A one and 24A two to the most southern corner of the last mentioned allotment and a line in continuation across Cambridge Road to the northern boundary of lodged plan No. 22914; thence westerly and southerly along the northern and western boundaries of the last mentioned lodged plan and further

southerly and south-westerly along the eastern and south-eastern boundaries of lodged plan No. 54689 and a line in continuation to the north-western corner of lodged plan No. 43444; thence south-easterly along the south-western boundary of the last mentioned lodged plan and a line in continuation to the southern alignment of Henry Street; thence south-westerly along the last mentioned alignment and a line in continuation to the eastern alignment of Trevallyn Road; thence south-westerly by a line across Trevallyn Road and along the southern alignment of Walker Road to the eastern alignment of Montrose Road; thence south-easterly along the last mentioned alignment to the northern alignment of Mt Dandenong Road; thence north-easterly and south-easterly along the last mentioned alignment and a line in continuation to the south-eastern alignment of Sheffield Road; thence generally southerly along the boundary of lodged plan No. 5688 to the most western corner of lot 17 on the last mentioned lodged plan; thence south-westerly by a line across Old Coach Road to the angle in the eastern boundary of lot 1 on lodged plan No. 5941; thence southerly and south-westerly along the rear boundary of lots 1 to 4 inclusive to the most southern angle of the last mentioned lot; thence north-westerly by the south-western boundary of the said lot 4 to the south-eastern alignment of Sheffield Road; thence south-westerly along the last mentioned alignment to the western alignment of Lower View Road; thence southerly along the last mentioned alignment to the most northern angle of the lot one on lodged plan No. 6622; thence south-westerly along the rear boundary of lots 1 to 10 inclusive to the south-western angle of the last mentioned lot; thence westerly by the boundary of the last mentioned lodged plan to Sheffield Road aforesaid; thence generally south-westerly along the south-eastern alignment of Sheffield Road to the north-western corner of lot 13 on lodged plan No. 8712; thence easterly by the northern boundary of the last-mentioned lot to the north-eastern corner of lot 13 aforesaid; thence south-westerly along the rear boundary of lots 13 to 6 inclusive along a line across Montrose Parade and lots 5 to 1 inclusive to the south-western corner of lot 36; thence easterly along the southern boundary of the last mentioned lot to a point on a line being the continuation of the rear boundary of lots 11 to 1 inclusive on lodged plan No. 6142; thence south-westerly along the last mentioned line and the rear boundary to the last mentioned lots to the northern alignment of Glasgow Road; thence easterly along the last mentioned alignment to the western alignment of Rowe Street; thence southerly by a line across Glasgow Road aforesaid to the north-western corner of Crown allotment 52A, Parish of Mooroolbark and further southerly along the western boundary of the last mentioned Crown allotment to the northern boundary of the Doongalla Native Game Sanctuary; thence westerly and generally southerly along the northern and western boundaries of the last mentioned Sanctuary to the municipal boundary of the Shire of Lillydale; easterly, southerly and generally easterly along the last mentioned municipal boundary to a point on the production of the western boundary of lodged plan No. 5762; thence southerly by a line and along the last mentioned boundary to the northern boundary of lot 6; thence easterly along the last mentioned boundary and a line in continuation to the eastern alignment of Lumeah Avenue; thence southerly along the last mentioned alignment to a point on the production of the southern boundary of the aforesaid lot 6; thence easterly by a line to the south-western corner of lot 30 on lodged plan No. 10414; thence further easterly along the southern boundary of the last mentioned lot, a line across Olinda Crescent, the southern boundary of lot 4 and a line in continuation to the western alignment of Everest Crescent; thence northerly along the last mentioned alignment to a point on the production of the northern boundary of lot 1 on lodged plan No. 8508; thence easterly by a line and along the last mentioned boundary to the eastern boundary of the said lot 1; thence northerly by a line on the production of the last mentioned boundary to the municipal boundary of the Shire of Lillydale; thence generally easterly and south-easterly along the last mentioned municipal boundary to the southern alignment of Mernda Road; thence generally south-westerly along the last mentioned alignment and the south-eastern alignment of Upper Coonara Road to the eastern alignment of Foster Road; thence southerly along the last mentioned alignment to the northern boundary of a reserve; thence easterly along the last mentioned boundary to the western boundary of Crown allotment 48, section C, Parish of Monbulk; thence southerly by the last mentioned boundary to the

south-western corner of that Crown allotment; thence south-easterly by a line across Holden Road to the north-western corner of Crown allotment 65; thence generally easterly along the northern boundary of the last mentioned Crown allotment and Crown allotments 66 and 67 to the north-eastern boundary of the last mentioned Crown allotment; thence south-easterly along the last mentioned boundary and a line in continuation to Sassafras Creek; thence easterly and generally south-easterly along the last mentioned creek to a point in line with the northern alignment of Gerber Road; thence north-easterly, northerly and south-easterly by a line, the last mentioned alignment and a line in continuation to the municipal boundary of the Shire of Lillydale; thence southerly, north-easterly, northerly and westerly along the last mentioned municipal boundary to the point of commencement.

And the Honourable David Ronald White, Her Majesty's Minister of Water Supply for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council
