



## PORT PHILLIP CONSERVATION COUNCIL INC.

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24 May 1999

Hon. Marie Tehan MLA  
Minister for Conservation and Land Management

Dear Mrs Tehan,

### **Resolution of Doubts re Boundaries of Certain Freehold Land Adjoining Port Phillip Crown Land**

Port Phillip Conservation Council Inc. has noted recent press accounts of statements by the Government that it will not proceed any further with resolution of perceived uncertainties over the boundary between certain freehold land adjoining Port Phillip Bay and the public land and waters of the Bay. It appears that these statements have been made about a freehold title at the Point King beach that has been the subject of questions in State Parliament. It was further suggested that the Government did not favour court proceedings as these might worsen or entrench the present situation.

Port Phillip Conservation Council Inc. understands that a major aspect of the Point King issue was the existence of a freehold title that expressed land boundaries that were not simply distances and bearings from fixed reference points, but also included a reference to 'the margins of Port Phillip Bay'. PPCC Inc. considers that it is absolutely unsatisfactory and intolerably archaic for freehold land to continue to be specified in such a loose manner.

We consider that this is an important matter of principle in the land management of this State. We propose that the title in question and any other titles that are similar should be restructured by Act of Parliament, and any compensation paid, if necessary, to settle the matter. Such an Act could apply to all freehold land in Victoria, but it should certainly be applied to freehold land adjoining coastal public land. It might appear to be distasteful to be paying compensation for land whose ownership is doubtful, but such action has the great long term merit of finally settling a matter that, unresolved, could be far more expensive for the public in the long run. As the payment, and amount (if any), of compensation would presumably under such an Act be required to be the subject of judicial decision, it might be the case that such payment could be smaller than might be expected. The amount would obviously be limited to much less than the readily ascertainable total value of the whole freehold title in question.

We are aware of Victorian amending legislation such as the *Chelsea Lands Act 1981* that has restructured such freehold land in previous years.

We ask that you advise us whether you would be prepared to pursue the avenue of a legislative solution to this issue along the lines we have suggested, please.

Yours sincerely,

Stephen Morey  
Secretary  
Port Phillip Conservation Council Inc.