

# LEX LOCI'S TRAVELS

31 MAY 2016

*An ad-hoc one-pager from The Public Land Consultancy*

## Parkville Underground Station *... and the lost \$1.5 million.*

One of the new stations on the Melbourne Metro will be below Grattan Street, Parkville. Twenty-five metres below. The north face of the excavation will abut the main campus of the University of Melbourne; the south face will abut some Crown land with an interesting history. Well, Lex Loci thinks so.



**Above:** University square becomes an underground car park (December 2000).

**Question:** is a car park 'detrimental to' ornamental gardens? That's the test set by the *Crown Land (Reserves) Act 1978*.

**Answer:** You bet it is.

**Response:** the *Land (Reservations and other Matters) Act 1999*.

Photo courtesy of Equiset

In 1873 University Square was permanently reserved for 'ornamental gardens.' About the same time, the Victoria Bowling Club took control of part of the reserve under a 'permissive occupancy.' They should have taken a lease. A century and a quarter later their mistake was going to cost them \$1.5 million.

Fast forward to 1999. Melbourne University needed a car park to service its southern expansion into Carlton. The planners decided that the best place to put it was below the square.

An Act of Parliament was needed - not to evict the bowlers, but to get around the permanent reservation. The bowlers had no legal tenure.

**The permissive occupancy (or 'P.O.')** looked so impressive. Parchment, copperplate script, wax seals, the signature of some long-departed Lord Mayor... but worthless. According to the valuers, the Club could have expected \$2.5 million compensation - if it had held a lease. As it was, it collected \$1 million.

So the University's new law school now looks out over English elms and a stone-paved plaza.

In the not-so-distant future, when the legal undergrads saunter across the square, between their lecture theatres and their new underground station, we hope they cogitate on the niceties of Crown land law - and the failings of permissive occupancies.

**See you there! Lex Loci**