

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 20 March, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

An Act to enable the Council of the Shire of Port Stephens to sell certain lands at Soldiers Point and transfer the same free from all trusts affecting such lands; to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

69487 219—

WHEREAS

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

WHEREAS on the first day of January One thousand **Preamble.**
nine hundred and fifty-five the Council of the Shire
of Port Stephens (hereinafter referred to as "the Council")
entered into a contract for the purchase of Port Stephens
5 Naval Base lands situate at Soldiers Point Port Stephens
within the said Shire being land comprised in Certificate of
Title Volume 4440 Folio 65 : **AND WHEREAS** prior to
completion of such purchase part of the said land was sub-
divided providing (inter alia) at Soldiers Point two areas
10 (each as public garden and recreation space) containing res-
pectively 3 roods 15 perches and 3 roods 7½ perches : **AND**
WHEREAS the said plan of subdivision of lands at Soldiers
Point was duly registered in the office of the Registrar-
General as Deposited Plan 26875 : **AND WHEREAS** by
15 virtue of such registration and of the provisions of the Local
Government Act, 1919, as amended, the Council became
entitled to require the transfer to it of the said two areas :
AND WHEREAS the said two areas (inter alia) were subse-
quently transferred to and became vested in the Council for
20 the purposes of public garden and recreation space : **AND**
WHEREAS by Memorandum of Lease dated the first
day of January One thousand nine hundred and sixty-
three registered Number J480390 the Council leased the said
two areas to the Trustees for the time being of the
25 Soldiers Point Bowling Club (hereinafter referred to as "the
Trustees") for a term of twenty years : **AND WHEREAS**
the said two areas described as Lot 1 and Lots 3 and 4
respectively on Deposited Plan 512096 were separated by an
area of land being Lot 2 on Deposited Plan 512096 the
30 registered proprietor whereof was Charles Henry George :
AND WHEREAS the separation of the said Lot 1 and Lots 3
and 4 rendered it difficult for the Soldiers Point Bowling Club
to effectively use the said Lot 1 and Lots 3 and 4 : **AND**
WHEREAS by the Port Stephens Shire (Soldiers Point Public
35 Garden and Recreation Space) Act, 1965, the Council was
enabled to exchange Lot 4 on Deposited Plan 512096 for
Lot 2 on Deposited Plan 512096 and thereafter the Council
held Lots 1 and 2 and 3 on Deposited Plan 512096
being the whole of the land comprised in Certificates of
40 Title Volume 9903 Folios 153, 154 and 155 for the purpose

of

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

of public garden and recreation space : AND WHEREAS
the said Lease dated the first day of January One thousand
nine hundred and sixty-three was surrendered by the Trustees
to the Council and a new Lease Number L134792 dated the
5 eighth day of December One thousand nine hundred and
sixty-seven in respect of Lots 1 and 2 and 3 on Deposited
Plan 512096 was granted by the Council to the Trustees for a
term of twenty years : AND WHEREAS the said land and
improvements erected thereon by the Trustees are valued
10 at Seventeen thousand dollars of which the sum of Fourteen
thousand seven hundred and forty dollars is attributed to
improvements : AND WHEREAS the Trustees desire to
further improve and develop the said land but by reason of
their title to the land being leasehold only with its inherent
15 limitations and deficiencies the implementation of these
proposals is impeded : AND WHEREAS the Council has by
a Contract of Sale bearing date the fifth day of January One
thousand nine hundred and sixty-nine agreed to sell and the
Trustees have agreed to buy the whole of the land comprised
20 in Certificates of Title Volume 9903 Folios 153, 154 and 155
for the sum of Four thousand dollars subject to the approval
of the Parliament of the State of New South Wales : AND
WHEREAS the Council has no authority under the Local
Government Act, 1919, as amended, to sell and transfer any
25 part of a public reserve within the meaning of the said Act :
AND WHEREAS it is expedient to authorise the Council to
sell the said land and to transfer the same to the Trustees for
such consideration and in accordance with the terms and
conditions of the said contract entered into between them for
30 an estate in fee simple freed and discharged from all trusts
affecting the same : BE it therefore enacted by the Queen's
Most Excellent Majesty, by and with the advice and consent
of the Legislative Council and Legislative Assembly of New
South Wales in Parliament assembled, and by the authority
35 of the same, as follows : —

1. This Act may be cited as the "Port Stephens Shire Short
(Soldiers Point Public Reserve Land Sale) Act, 1969". title.

2.

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

2. The Council of the Shire of Port Stephens is hereby authorised and empowered to sell and transfer the lands described in the Schedule hereto and execute all instruments required to effect such transfer to the Trustees for the time
5 being of the Soldiers Point Bowling Club for the sum of Four thousand dollars in fee simple freed and discharged from all trusts affecting the same.

Authority
to sell and
transfer
lands.

3. The proceeds of the sale shall be applied by the Council of the Shire of Port Stephens for the purpose of the improve-
10 ment and development of public reserves within the Shire.

Application
of proceeds
of sale.

SCHEDULE.

Sec. 2.

ALL THAT piece of land situate in the Shire of Port Stephens Parish of Tomaree and County of Gloucester being Lots 1, 2 and 3 on Deposited Plan 512096 and being the whole of the land comprised
15 in Certificates of Title Volume 9903 Folios 153, 154 and 155.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

[5c]

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, March, 1969.*

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

An Act to enable the Council of the Shire of Port Stephens to sell certain lands at Soldiers Point and transfer the same free from all trusts affecting such lands; to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

69487 219—

WHEREAS

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

WHEREAS on the first day of January One thousand ^{Preamble.}
nine hundred and fifty-five the Council of the Shire
of Port Stephens (hereinafter referred to as "the Council")
entered into a contract for the purchase of Port Stephens
5 Naval Base lands situate at Soldiers Point Port Stephens
within the said Shire being land comprised in Certificate of
Title Volume 4440 Folio 65 : AND WHEREAS prior to
completion of such purchase part of the said land was sub-
divided providing (inter alia) at Soldiers Point two areas
10 (each as public garden and recreation space) containing res-
pectively 3 roods 15 perches and 3 roods 7½ perches : AND
WHEREAS the said plan of subdivision of lands at Soldiers
Point was duly registered in the office of the Registrar-
General as Deposited Plan 26875 : AND WHEREAS by
15 virtue of such registration and of the provisions of the Local
Government Act, 1919, as amended, the Council became
entitled to require the transfer to it of the said two areas :
AND WHEREAS the said two areas (inter alia) were subse-
quently transferred to and became vested in the Council for
20 the purposes of public garden and recreation space : AND
WHEREAS by Memorandum of Lease dated the first
day of January One thousand nine hundred and sixty-
three registered Number J480390 the Council leased the said
two areas to the Trustees for the time being of the
25 Soldiers Point Bowling Club (hereinafter referred to as "the
Trustees") for a term of twenty years : AND WHEREAS
the said two areas described as Lot 1 and Lots 3 and 4
respectively on Deposited Plan 512096 were separated by an
area of land being Lot 2 on Deposited Plan 512096 the
30 registered proprietor whereof was Charles Henry George :
AND WHEREAS the separation of the said Lot 1 and Lots 3
and 4 rendered it difficult for the Soldiers Point Bowling Club
to effectively use the said Lot 1 and Lots 3 and 4 : AND
WHEREAS by the Port Stephens Shire (Soldiers Point Public
35 Garden and Recreation Space) Act, 1965, the Council was
enabled to exchange Lot 4 on Deposited Plan 512096 for
Lot 2 on Deposited Plan 512096 and thereafter the Council
held Lots 1 and 2 and 3 on Deposited Plan 512096
being the whole of the land comprised in Certificates of
40 Title Volume 9903 Folios 153, 154 and 155 for the purpose
of

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

of public garden and recreation space : AND WHEREAS
the said Lease dated the first day of January One thousand
nine hundred and sixty-three was surrendered by the Trustees
to the Council and a new Lease Number L134792 dated the
5 eighth day of December One thousand nine hundred and
sixty-seven in respect of Lots 1 and 2 and 3 on Deposited
Plan 512096 was granted by the Council to the Trustees for a
term of twenty years : AND WHEREAS the said land and
improvements erected thereon by the Trustees are valued
10 at Seventeen thousand dollars of which the sum of Fourteen
thousand seven hundred and forty dollars is attributed to
improvements : AND WHEREAS the Trustees desire to
further improve and develop the said land but by reason of
their title to the land being leasehold only with its inherent
15 limitations and deficiencies the implementation of these
proposals is impeded : AND WHEREAS the Council has by
a Contract of Sale bearing date the fifth day of January One
thousand nine hundred and sixty-nine agreed to sell and the
Trustees have agreed to buy the whole of the land comprised
20 in Certificates of Title Volume 9903 Folios 153, 154 and 155
for the sum of Four thousand dollars subject to the approval
of the Parliament of the State of New South Wales : AND
WHEREAS the Council has no authority under the Local
Government Act, 1919, as amended, to sell and transfer any
25 part of a public reserve within the meaning of the said Act :
AND WHEREAS it is expedient to authorise the Council to
sell the said land and to transfer the same to the Trustees for
such consideration and in accordance with the terms and
conditions of the said contract entered into between them for
30 an estate in fee simple freed and discharged from all trusts
affecting the same : BE it therefore enacted by the Queen's
Most Excellent Majesty, by and with the advice and consent
of the Legislative Council and Legislative Assembly of New
South Wales in Parliament assembled, and by the authority
35 of the same, as follows :—

1. This Act may be cited as the "Port Stephens Shire Short
(Soldiers Point Public Reserve Land Sale) Act, 1969". title.

2.

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

2. The Council of the Shire of Port Stephens is hereby authorised and empowered to sell and transfer the lands described in the Schedule hereto and execute all instruments required to effect such transfer to the Trustees for the time being of the Soldiers Point Bowling Club for the sum of Four thousand dollars in fee simple freed and discharged from all trusts affecting the same.

Authority
to sell and
transfer
lands.

3. The proceeds of the sale shall be applied by the Council of the Shire of Port Stephens for the purpose of the improvement and development of public reserves within the Shire.

Application
of proceeds
of sale.

SCHEDULE.

Sec. 2.

ALL THAT piece of land situate in the Shire of Port Stephens Parish of Tomaree and County of Gloucester being Lots 1, 2 and 3 on Deposited Plan 512096 and being the whole of the land comprised in Certificates of Title Volume 9903 Folios 153, 154 and 155.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

Legislative Council

1969

A BILL

To enable the Council of the Shire of Port Stephens to sell certain lands at Soldiers Point and transfer the same free from all trusts affecting such lands; to amend the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

[*As amended and agreed to in Select Committee.*]

WHEREAS

69487 219—

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

WHEREAS on the first day of January One thousand and nine hundred and fifty-five the Council of the Shire of Port Stephens (hereinafter referred to as "the Council") entered into a contract for the purchase of Port Stephens Naval Base lands situate at Soldiers Point Port Stephens within the said Shire being the whole of the land in Certificate of Title Volume 4440 Folio 65: AND WHEREAS such purchase was duly completed by transfer and the said lands became vested in the Council in fee simple: AND WHEREAS the Council caused part of the said lands to be subdivided providing (inter alia) at Soldiers Point two areas (both as public garden and recreation space) containing respectively 3 roods 15 perches and 3 roods 7½ perches: AND WHEREAS the said plan of subdivision of lands at Soldiers Point was duly registered in the office of the Registrar-General as Deposited Plan 26875: AND WHEREAS by virtue of such registration the said two areas were vested in the Council for the purposes of public garden and recreation space: AND WHEREAS by Memorandum of

WHEREAS on the first day of January One thousand nine hundred and fifty-five the Council of the Shire of Port Stephens (hereinafter referred to as "the Council") entered into a contract for the purchase of Port Stephens Naval Base lands situate at Soldiers Point Port Stephens within the said Shire being land comprised in Certificate of Title Volume 4440 Folio 65: AND WHEREAS prior to completion of such purchase part of the said land was subdivided providing (inter alia) at Soldiers Point two areas (each as public garden and recreation space) containing respectively 3 roods 15 perches and 3 roods 7½ perches: AND WHEREAS the said plan of subdivision of lands at Soldiers Point was duly registered in the office of the Registrar-General as Deposited Plan 26875: AND WHEREAS by virtue of such registration and of the provisions of the Local Government Act, 1919, as amended, the Council became entitled to require the transfer to it of the said two areas: AND WHEREAS the said two areas (inter alia) were subsequently transferred to and became vested in the Council for the purposes of public garden and recreation space: AND

WHEREAS

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

WHEREAS by Memorandum of Lease dated the first day of January One thousand nine hundred and sixty-three registered Number J480390 the Council leased the said two areas to the Trustees **for the time being** of the
 5 Soldiers Point Bowling Club (hereinafter referred to as "the Trustees") for a term of twenty years: **AND WHEREAS** the said two areas described as Lot 1 and Lots 3 and 4 respectively on Deposited Plan 512096 were separated by an area of land being Lot 2 on Deposited Plan 512096 the
 10 registered proprietor whereof was Charles Henry George: **AND WHEREAS** the separation of the said Lot 1 and Lots 3 and 4 rendered it difficult for the Soldiers Point Bowling Club to effectively use the said Lot 1 and Lots 3 and 4: **AND WHEREAS** by the Port Stephens Shire (Soldiers Point Public
 15 Garden and Recreation Space) Act, 1965, the Council was enabled to exchange Lot 4 on Deposited Plan 512096 for Lot 2 on Deposited Plan 512096 and thereafter the Council held Lots 1 and 2 and 3 on Deposited Plan 512096 **being the whole of the land comprised in Certificates of**
 20 **Title Volume 9903 Folios 153, 154 and 155** for the purpose of public garden and recreation space: **AND WHEREAS** the said Lease dated the first day of January One thousand nine hundred and sixty-three was surrendered by the Trustees to the Council and a new Lease Number
 25 L134792 dated the eighth day of December One thousand nine hundred and sixty-seven in respect of Lots 1 and 2 and 3 on Deposited Plan 512096 was granted by the Council to the Trustees for a term of twenty years: **AND WHEREAS** the Trustees effected improvements of considerable value to
 30 the said land: **AND WHEREAS** the said land and improvements erected thereon **by the Trustees** are valued at Seventeen thousand dollars of which the sum of Fourteen thousand seven hundred and forty dollars is attributed to improvements erected by the Trustees: **AND WHEREAS** the
 35 Trustees desire to further improve and develop the said land but by reason of their title to the land being leasehold only with its inherent limitations and deficiencies the implementation of these proposals is impeded: **AND WHEREAS** the Council ~~have~~ **has** by a Contract of Sale bearing date the fifth
 40 day of January One thousand nine hundred and sixty-nine

agreed

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

agreed to sell and the Trustees have agreed to buy the whole of the land comprised in Certificates of Title Volume 9903 Folios 153, 154 and 155 **for the sum of Four thousand dollars** subject to the approval of the Parliament of the State of New South Wales ~~for the sum of Four thousand dollars~~ : AND WHEREAS the Council has no authority under the Local Government Act, 1919, as amended, to sell and transfer any part of a public reserve within the meaning of the said Act : AND WHEREAS it is expedient to authorise the Council to sell the said land and to transfer the same to the Trustees for such consideration and in accordance with the terms and conditions of the said contract entered into between them for an estate in fee simple freed and discharged from all trusts affecting the same : BE it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Port Stephens Shire **20** (Soldiers Point Public Reserve Land Sale) Act, 1969".

Short title.

2. The Council of the Shire of Port Stephens is hereby authorised and empowered to sell and transfer the lands described in the Schedule hereto and execute all instruments required to effect such transfer to the Trustees for the time being of the Soldiers Point Bowling Club for the sum of Four thousand dollars in fee simple freed and discharged from all trusts affecting the same.

Authority to sell and transfer lands.

3. The proceeds of the sale shall be ~~held~~ **applied** by the Council of the Shire of Port Stephens ~~and applied~~ for the purpose of the improvement and development of public reserves within the Shire.

Application of proceeds of sale.

Port Stephens Shire (Soldiers Point Public Reserve Land Sale).

4. The Registrar-General, upon a duly stamped Memorandum of Transfer in fee simple executed under the seal of the Council of the Shire of Port Stephens to the Trustees for the time being of the Soldiers Point Bowling Club of the land described in the Schedule hereto, being lodged for registration and upon payment of the fees prescribed, shall issue to the Trustees of the Soldiers Point Bowling Club a Certificate of Title to the said land freed and discharged from all trusts affecting the same;

Authority
for
Registrar-
General to
give effect
to this Act.

SCHEDULE.

Sec. 2.

ALL THAT piece of land situate in the Shire of Port Stephens Parish of Tomaree and County of Gloucester being Lots 1, 2 and 3 on Deposited Plan 512096 and being the whole of the land comprised in Certificates of Title Volume 9903 Folios 153, 154 and 155.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969





