

FIRST PRINT

**CARLINGFORD DRAINAGE IMPROVEMENT (LAND  
EXCHANGE) BILL 1992**

NEW SOUTH WALES



**EXPLANATORY NOTE**

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to permit the Council of the Shire of Hornsby to alienate part of a public reserve in exchange for certain private land. The private land is to be used for the construction of drainage works for the benefit of adjacent properties.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 defines terms used in the proposed Act.

Clause 4 permits the alienation of part of a public reserve in Carlingford in exchange for certain residential land.

Clause 5 describes the status, after exchange, of the lands affected by the proposed Act. The alienated part of the public reserve ceases to be public reserve, and a covenant (relating to residential buildings and structures) affecting the alienated part of the residential land is extinguished.

Clause 6 imposes a statutory duty on the Council of the Shire of Hornsby to construct drainage works on the land acquired by it pursuant to an agreement authorised by the proposed Act.

Schedule 1 contains a diagram sufficient to describe the lands affected by the proposed Act.

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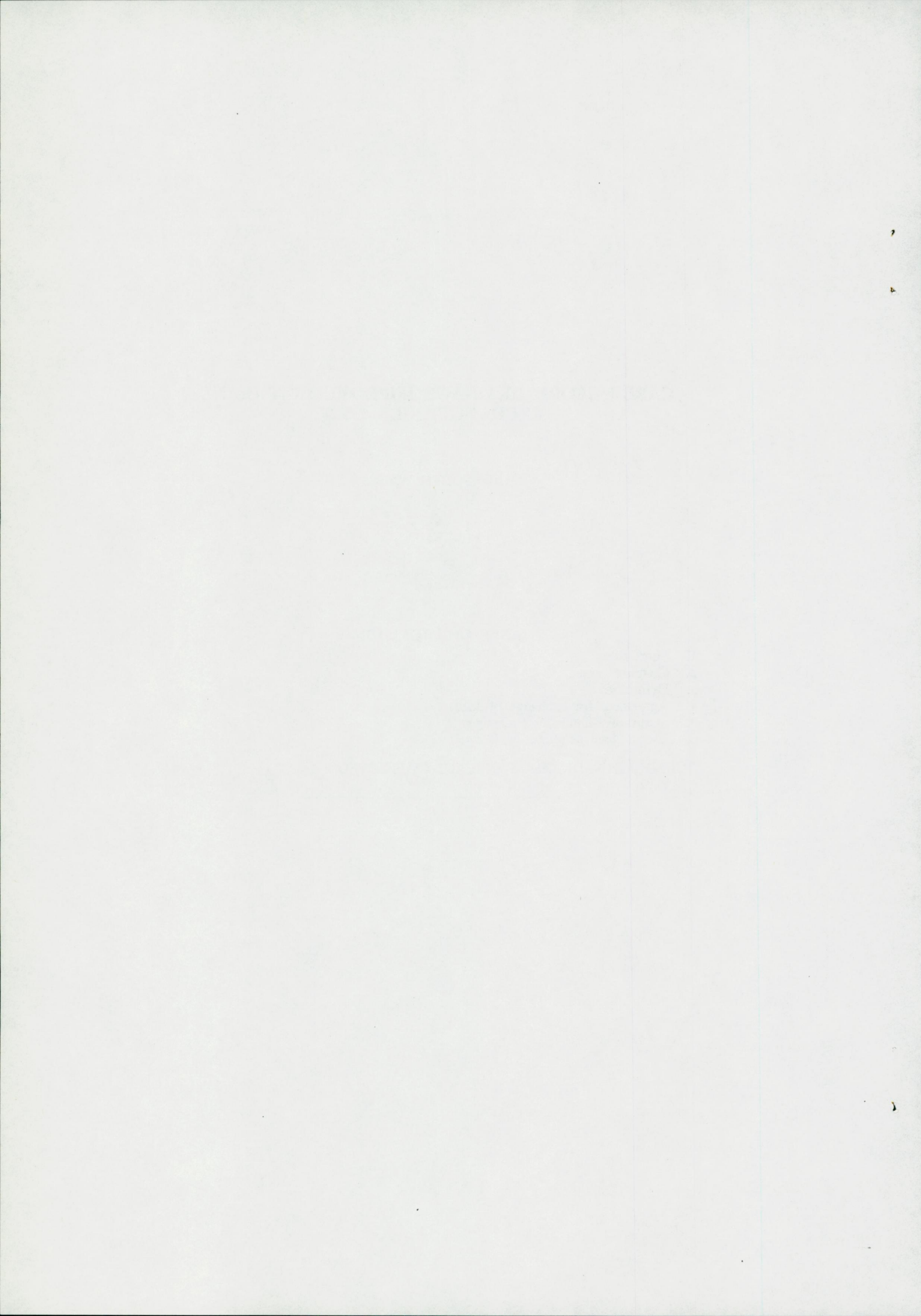
**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Definitions
4. Agreement for exchange of lands
5. Status of lands after exchange
6. Use of land acquired by Council

**SCHEDULE 1—DIAGRAM OF LANDS AFFECTED**

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**CARLINGFORD DRAINAGE IMPROVEMENT (LAND  
EXCHANGE) BILL 1992**

NEW SOUTH WALES



No. , 1992

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**A BILL FOR**

An Act to permit the alienation of part of a public reserve at Carlingford in exchange for certain other land to be used for drainage purposes for the benefit of adjacent properties.

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*Carlingford Drainage Improvement (Land Exchange) 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Carlingford Drainage Improvement (Land Exchange) Act 1992.

**5 Commencement**

2. This Act commences on the date of assent.

**Definitions**

3. (1) In this Act:

“Council” means the Council of the Shire of Hornsby;

10 “the reserve” means the land comprised in lot 44 in Deposited Plan 238334 and known as Ray Park;

“the reserve portion” means the part of the reserve having an area of 186.3 square metres more or less shown marked with the symbol “Y” in the diagram contained in Schedule 1;

15 “the residential portion” means the part of the residential property having an area of 186.3 square metres more or less shown marked with the symbol “X” in the diagram contained in Schedule 1;

20 “the residential property” means the land comprised in lot 22 in Deposited Plan 238334 and known as 19 Lyndelle Place, Carlingford.

(2) The measurements shown on the diagram contained in Schedule 1 are subject to such minor alterations as may be necessary to allow registration of a deposited plan for the purpose of carrying out an agreement referred to in section 4.

**25 Agreement for exchange of lands**

4. (1) The Council is authorised by this Act to enter into and carry out an agreement with the registered proprietor of the residential property for the transfer to that registered proprietor in fee simple of the reserve portion in exchange for the transfer to the Council in fee simple of the residential portion.

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(2) Other parties having any title to or interest in the residential property may be parties to an agreement under this section.

*Carlingford Drainage Improvement (Land Exchange) 1992*

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**Status of lands after exchange**

5. (1) On registration of transfers giving effect to an agreement entered into under section 4:

- (a) the reserve portion ceases to be public reserve; and
- (b) the covenant created by Transfer No. L803029, in so far as it affected the residential portion, is extinguished. 5

(2) Nothing in this section precludes the creation, at any time subsequent to the transfer, of any interest in the lands affected by this Act.

**Use of land acquired by Council** 10

6. It is the duty of the Council, having acquired the residential portion, to construct on it an overland flow path for stormwater and such other drainage works as it considers necessary for the benefit of adjacent properties.

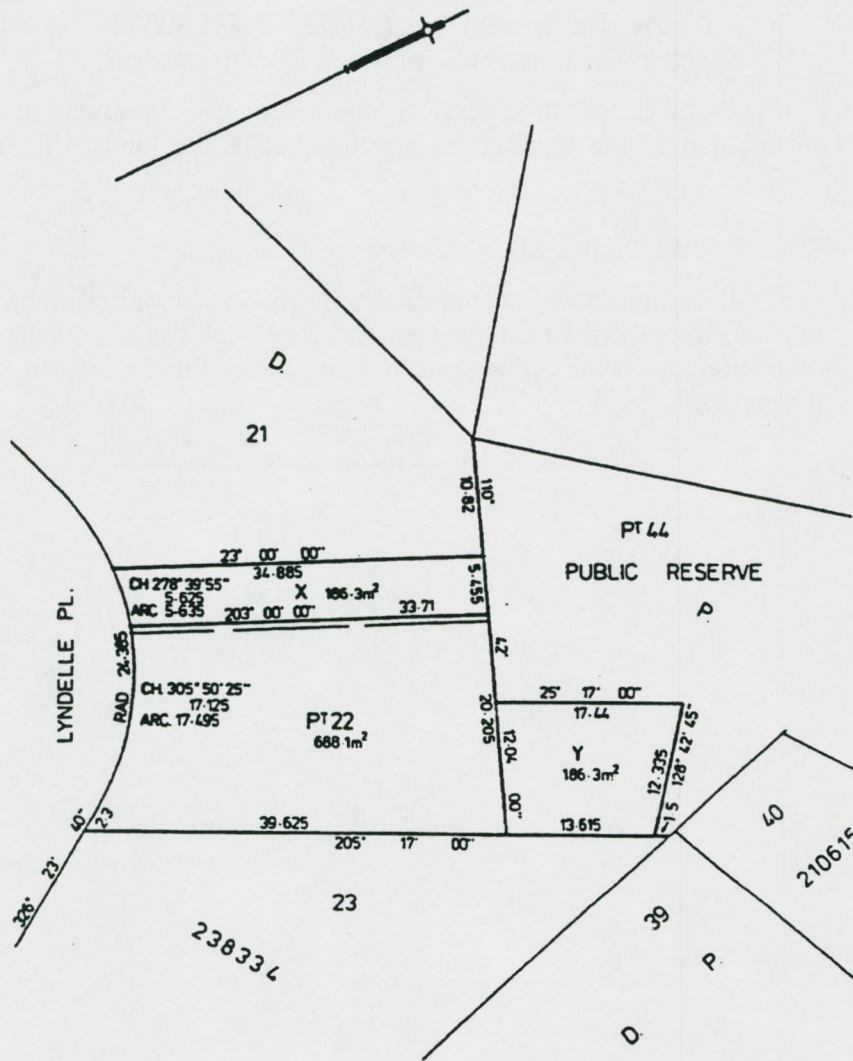
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*Carlingford Drainage Improvement (Land Exchange) 1992*

**SCHEDULE 1—DIAGRAM OF LANDS AFFECTED**

(Sec. 3)



The land marked "X" is the residential portion.

The land marked "Y" is the reserve portion.



**CARLINGFORD DRAINAGE IMPROVEMENT (LAND  
EXCHANGE) ACT 1992 No. 68**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Definitions
4. Agreement for exchange of lands
5. Status of lands after exchange
6. Use of land acquired by Council

**SCHEDULE 1—DIAGRAM OF LANDS AFFECTED**

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**CARLINGFORD DRAINAGE IMPROVEMENT (LAND  
EXCHANGE) ACT 1992 No. 68**

NEW SOUTH WALES



**Act No. 68, 1992**

An Act to permit the alienation of part of a public reserve at Carlingford in exchange for certain other land to be used for drainage purposes for the benefit of adjacent properties. [Assented to 4 November 1992]

Carlingford Drainage Improvement (Land Exchange) Act 1992 No. 68

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Carlingford Drainage Improvement (Land Exchange) Act 1992.

**Commencement**

2. This Act commences on the date of assent.

**Definitions**

3. (1) In this Act:

“**Council**” means the Council of the Shire of Hornsby;

“**the reserve**” means the land comprised in lot 44 in Deposited Plan 238334 and known as Ray Park;

“**the reserve portion**” means the part of the reserve having an area of 186.3 square metres more or less shown marked with the symbol “Y” in the diagram contained in Schedule 1;

“**the residential portion**” means the part of the residential property having an area of 186.3 square metres more or less shown marked with the symbol “X” in the diagram contained in Schedule 1;

“**the residential property**” means the land comprised in lot 22 in Deposited Plan 238334 and known as 19 Lyndelle Place, Carlingford.

(2) The measurements shown on the diagram contained in Schedule 1 are subject to such minor alterations as may be necessary to allow registration of a deposited plan for the purpose of carrying out an agreement referred to in section 4.

**Agreement for exchange of lands**

4. (1) The Council is authorised by this Act to enter into and carry out an agreement with the registered proprietor of the residential property for the transfer to that registered proprietor in fee simple of the reserve portion in exchange for the transfer to the Council in fee simple of the residential portion.

(2) Other parties having any title to or interest in the residential property may be parties to an agreement under this section.



Carlingford Drainage Improvement (Land Exchange) Act 1992 No. 68

**Status of lands after exchange**

5. (1) On registration of transfers giving effect to an agreement entered into under section 4:

- (a) the reserve portion ceases to be public reserve; and
- (b) the covenant created by Transfer No. L803029, in so far as it affected the residential portion, is extinguished.

(2) Nothing in this section precludes the creation, at any time subsequent to the transfer, of any interest in the lands affected by this Act.

**Use of land acquired by Council**

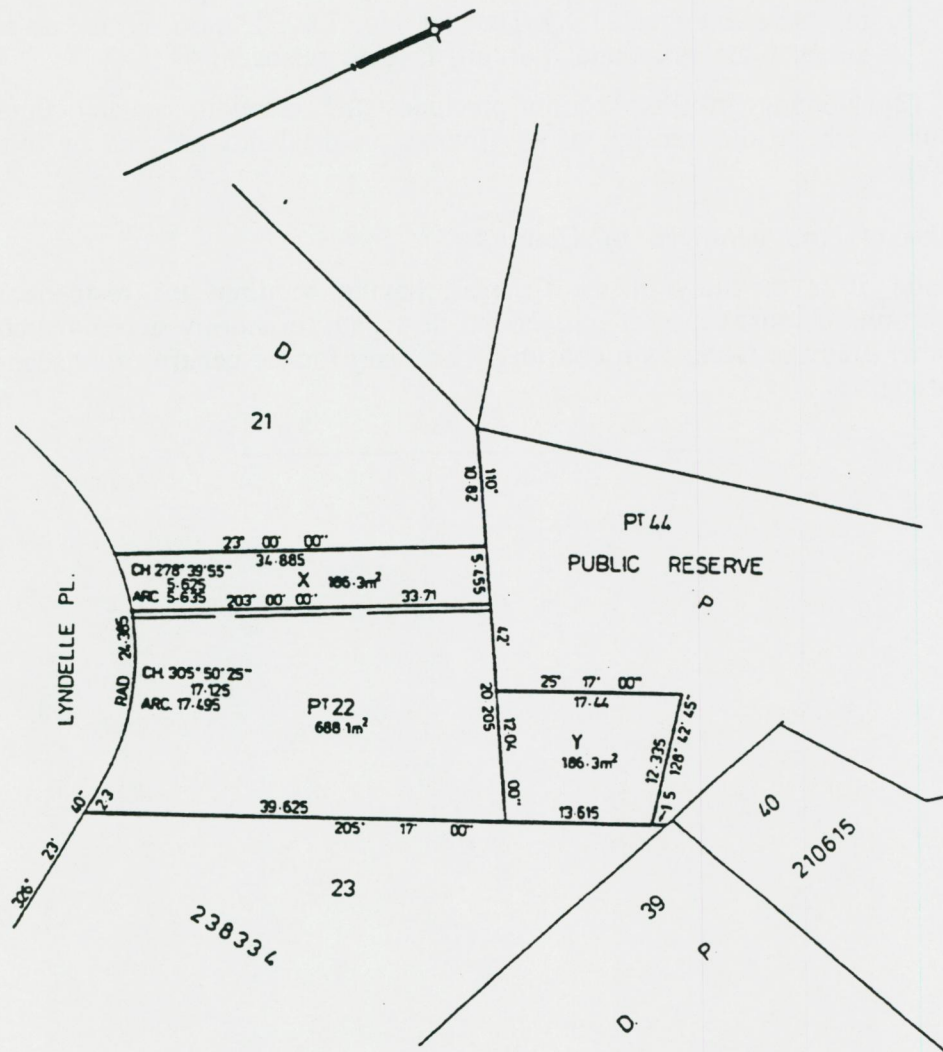
6. It is the duty of the Council, having acquired the residential portion, to construct on it an overland flow path for stormwater and such other drainage works as it considers necessary for the benefit of adjacent properties.

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Carlingford Drainage Improvement (Land Exchange) Act 1992 No. 68

**SCHEDULE 1—DIAGRAM OF LANDS AFFECTED**

(Sec. 3)





*Carlingford Drainage Improvement (Land Exchange) Act 1992 No. 68*

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SCHEDULE 1—DIAGRAM OF LANDS AFFECTED—*continued*

The land marked "X" is the residential portion.

The land marked "Y" is the reserve portion.

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*[Member's second reading speech made in—  
Legislative Assembly on 15 October 1992*

*Minister's second reading speech made in—  
Legislative Council on 15 October 1992]*

