

**PORT STEPHENS SHIRE (SOLDIERS POINT PUBLIC  
GARDEN AND RECREATION SPACE) ACT.**

An Act to authorise The Council of the Shire of Port Elizabeth II  
Stephens to convey and transfer certain lands  
within the said Shire in exchange for certain other  
lands; and for purposes connected therewith.  
[Assented to, 6th December, 1965.]

**W**HEREAS on the First day of January One thousand Preamble.  
nine hundred and fifty-five The Council of the Shire of  
Port Stephens entered into a Contract for the purchase of Port  
Stephens Naval Base lands being the whole of the land in  
Certificate of Title Volume 4440 Folio 65 situate at Soldiers  
Point Port Stephens within the said Shire AND WHEREAS  
such purchase was duly completed by transfer and the said  
lands became vested in the said Council in fee simple AND  
WHEREAS the said Council caused part of the said lands to  
be subdivided providing (inter alia) at Soldiers Point two  
areas containing respectively 3 roods 15 perches and 3 roods  
7½ perches both as public garden and recreation space 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 said Shire Council for 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 No. J480390 the said Shire Council  
leased the said two areas to the Trustees of the Soldiers  
Point Bowling Club for a term of 20 years AND  
WHEREAS the said two areas are now described as  
Lot 1 and Lots 3 and 4 respectively on Deposited  
Plan 512096 and are separated by an area of land  
being Lot 2 on Deposited Plan 512096 the registered pro-  
prietor whereof is Charles Henry George AND WHEREAS  
the said Lot 2 is subject to a mortgage registered No.  
H516853 in favour of Newcastle District Starr-Bowkett Co-  
operative Building Society No. 13 Limited AND WHEREAS  
the separation of the said Lot 1 and Lots 3 and 4 renders it  
difficult for the Soldiers Point Bowling Club to effectively  
use

**Port Stephens Shire (Soldiers Point Public Garden and  
Recreation Space) Act.**

**Elizabeth II** use the said Lot 1 and Lots 3 and 4 AND WHEREAS the  
 ——— Soldiers Point Bowling Club has constructed certain improve-  
 ments on the said Lot 1 and wishes to extend its improve-  
 ments to the said land immediately adjoining being the said  
 Lot 2 on Deposited Plan 512096 AND WHEREAS the said  
 Charles Henry George is willing to transfer to the said Council  
 the said Lot 2 on Deposited Plan 512096 in exchange for a  
 transfer of Lot 4 on Deposited Plan 512096 being part of the  
 said public garden and recreation space AND WHEREAS  
 the aforesaid mortgagee is willing to release the said Lot 2  
 from the said mortgage subject to the said Charles Henry  
 George executing a fresh mortgage over the said Lot 4 in  
 substitution therefor AND WHEREAS the said Council  
 has no authority under the Local Government Act,  
 1919, as amended by subsequent Acts, to sell or  
 exchange any part of a public reserve AND WHEREAS  
 it is expedient to authorise the said Council to  
 convey and transfer the said Lot 4 on Deposited  
 Plan 512096 aforesaid being the whole of the land  
 in Certificate of Title Volume 9903 Folio 156 to the  
 said Charles Henry George in exchange for the said  
 Lot 2 on the said Deposited Plan being the whole of the  
 land in Certificate of Title Volume 9903 Folio 154 AND  
 WHEREAS the Trustees of the Soldiers Point Bowling Club  
 are willing to surrender to the said Council the aforesaid  
 Lease in so far as it affects the said Lot 4 and the Council  
 is willing to accept such surrender by the Trustees 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 : —

**Short title.** 1. This Act may be cited as the "Port Stephens Shire  
 (Soldiers Point Public Garden and Recreation Space) Act,  
 1965".

**Exchange of lands between Port Stephens Shire Council and another.** 2. The Council of the Shire of Port Stephens is hereby authorised and empowered to convey and transfer the lands described in the First Schedule hereto in fee simple freed and discharged from all trusts affecting the same to Charles Henry George subject to the said Charles Henry George conveying and  
 and

**Port Stephens Shire (Soldiers Point Public Garden and Recreation Space) Act.**

423

and transferring to the said The Council of the Shire of Port Stephens in fee simple the lands described in the Second Schedule hereto freed and discharged from mortgage registered No. H516853. Elizabeth II

3. The Registrar-General, upon the relevant transfers being lodged for registration and subject to the payment of the prescribed fees, shall issue to The Council of the Shire of Port Stephens a Certificate of Title to the lands described in the Second Schedule hereto, to be held by such Council as a public reserve within the meaning of the Local Government Act, 1919, as amended, and to the said Charles Henry George a Certificate of Title to the lands described in the First Schedule hereto, freed and discharged from all trusts affecting the same. Authority for Registrar-General to give effect to this Act.

---

**SCHEDULES.**

**Sec. 2.**

**FIRST SCHEDULE.**

ALL THAT piece of land situate in the Shire of Port Stephens Parish of Tomaree and County of Gloucester being Lot four on Deposited Plan 512096 and being the whole of the land comprised in Certificate of Title Volume 9903 Folio 156.

**SECOND SCHEDULE.**

ALL THAT piece of land situate in the Shire of Port Stephens Parish of Tomaree and County of Gloucester being Lot two on Deposited Plan 512096 and being the whole of the land comprised in Certificate of Title Volume 9903 Folio 154.

---