

**PORT STEPHENS SHIRE (SOLDIERS POINT PUBLIC
RESERVE LAND SALE) ACT.**

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. [Assented to, 17th April, 1969.]

WHEREAS

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

WHEREAS on the first day of January One thousand **Elizabeth II**
 nine hundred and fifty-five the Council of the Shire **Preamble.**
 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 sub-
 divided providing (inter alia) at Soldiers Point two areas
 (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
 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
 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
 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
 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
 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
 Title Volume 9903 Folios 153, 154 and 155 for the purpose

of

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

Elizabeth II 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 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 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 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 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 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 :—

Short
title.

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

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. **Elizabeth II**
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.
