

MANLY AND WARRINGAH DISTRICT PARK ACT.

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 76, 1972.

An Act to enable certain lands to be granted in fee simple to the Council of the Municipality of Manly and the Council of the Shire of Warringah as joint tenants to be held, subject to a power of sale in respect of part thereof, as a public reserve; and for purposes connected therewith. [Assented to, 4th December, 1972.]

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Manly and Warringah District Park.

No. 76, 1972 **B**E it 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 "Manly and Warringah District Park Act, 1972".

**Interpre-
tation.** 2. In this Act, except to the extent that the context or subject-matter otherwise indicates or requires—

"councils" means Council of the Municipality of Manly and Council of the Shire of Warringah ;

"the scheduled lands" means the land described in the First and Second Schedules.

**Certain
lands
may be
granted.** 3. (1) The Governor may grant the scheduled lands and any land surrendered to Her Majesty for the purposes of this Act to the councils in fee simple as joint tenants freed and discharged from all reservations, trusts and interests (other than interests referred to in subsection (2)) to which they were subject immediately before the grant but subject to—

(a) a condition to the effect that, subject to this Act, the land will not be used otherwise than as a public reserve under and subject to the provisions of the Local Government Act, 1919, and the ordinances in force thereunder ;

(b) such other conditions and such exceptions and reservations as the Governor thinks fit.

(2)

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(2) Notwithstanding subsection (1), to the extent to which land granted pursuant to that subsection was, immediately before being so granted, subject to any lease or license or to any easement or right of way, the land continues after being so granted to be subject to the lease, license, easement or right of way as if this Act had not been enacted. No. 76, 1972

(3) The Council of the Shire of Warringah may surrender to Her Majesty for the purposes of this Act the land described in the Third Schedule.

4. (1) Where the land described in the Second Schedule is granted pursuant to section 3 (1), the councils may, notwithstanding any provision of the Local Government Act, 1919, or of any ordinance made thereunder, sell all or any of the land described in the Second Schedule freed and discharged from any condition referred to in section 3 (1) (a) if—

Certain land may be sold in certain circumstances.

- (a) the Minister consents; and
- (b) the councils apply the proceeds of the sale in a manner directed by the Treasurer.

(2) Where the councils purport to sell land pursuant to subsection (1), neither the purchaser nor the Registrar-General or other person registering or certifying title is concerned to enquire as to the application of the purchase moneys, and the receipt of the councils shall be a sufficient discharge therefor.

5. (1) Subject to subsection (2), nothing in this Act operates to prejudice or affect any agreement entered into between the councils in respect of any land surrendered under section 3 (3) and the scheduled lands pursuant to section 521 of the Local Government Act, 1919, or the operation of a joint committee constituted pursuant to that section. Saving of certain agreements.

(2)

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No. 76, 1972 (2) Subsection (1) ceases to apply to or in respect of
— land assured pursuant to a sale under section 4 (1).

SCHEDULES.

Sec. 2.

FIRST SCHEDULE.

ALL THOSE pieces or parcels of land containing 56.67 hectares more or less, Shire of Warringah, Parish of Manly Cove, County of Cumberland, comprising portions 2740, 2741, 2742, 2743, 2744 and 2747 shown in plan C. 10315-2030 and portion 2748 shown in plan C. 10326-2030, lodged in the Department of Lands, Sydney, being inclusive of easements appropriated for Transmission Line on 9th January, 1931, and appropriated for Sewerage on 1st December, 1961, within portion 2743 but being exclusive of site of Sewerage Ejection Station appropriated on 7th October, 1960, within portion 2742.

Sec. 2.

SECOND SCHEDULE.

ALL THAT piece or parcel of land containing 8398 square metres more or less, Shire of Warringah, Parish of Manly Cove, County of Cumberland, comprising portion 2739 shown in plan C. 10315-2030 lodged in the Department of Lands, Sydney, inclusive of easement for Submain appropriated on 21st November, 1958.

Sec. 3 (3).

THIRD SCHEDULE.

ALL THAT piece or parcel of land in the Shire of Warringah, Parish of Manly Cove, County of Cumberland, comprising part of portion 37 and being the land in certificate of title volume 5029 folio 33.

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