

# Manly and Warringah District Park Act 1972 No 76

[1972-76]



New South Wales

## Status Information

### Currency of version

Repealed version for 4 December 1972 to 5 July 2012 (accessed 22 November 2024 at 23:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act 2012 No 42](#) with effect from 6.7.2012.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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## Contents

<b>Long title</b> .....	3
1 Name of Act .....	3
2 Definitions .....	3
3 Certain lands may be granted .....	3
4 Certain land may be sold in certain circumstances .....	4
5 Saving of certain agreements .....	4
<b>First Schedule</b> .....	4
<b>Second Schedule</b> .....	4
<b>Third Schedule</b> .....	5

# Manly and Warringah District Park Act 1972 No 76



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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.

## 1 Name of Act

This Act may be cited as the *Manly and Warringah District Park Act 1972*.

## 2 Definitions

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.

## 3 Certain lands may be granted

(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) 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 licence

or to any easement or right of way, the land continues after being so granted to be subject to the lease, licence, easement or right of way as if this Act had not be enacted.

- (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 Certain land may be sold in certain circumstances**

- (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:
- (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 Saving of certain agreements**

- (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.
- (2) Subsection (1) ceases to apply to or in respect of land assured pursuant to a sale under section 4 (1).

### **First Schedule**

(Section 2)

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 9 January 1931, and appropriated for Sewerage on 1 December 1961, within portion 2743 but being exclusive of site of Sewerage Ejection Station appropriated on 7 October 1960, within portion 2742.

### **Second Schedule**

(Section 2)

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 21 November 1958.

### **Third Schedule**

(Section 3 (3))

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.