



City of Canterbury

City of Cultural Diversity

Our Reference: T-29-160

Enquiries: Warren Farleigh
Direct Phone: 9789-9608
Direct Fax: 9789 1542

A/Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Attention: Metropolitan Delivery (CBD)

Dear Sir/Madam,

Planning Proposal to reclassify various lands from Community to Operational

I am writing to you to advise that Council has made a number of resolutions to reclassify various parcels of land from Community Land to Operational Land.

A Planning Proposal to facilitate these land reclassifications has been prepared and is submitted for a gateway determination as set out in Sections 55 and 56 of the *Environmental Planning and Assessment Act 1979*.

Attached to this letter is the planning proposal and relevant attachments, including Council reports.

If you require any further information please do not hesitate to contact me on 9789-9608.

Yours sincerely

Warren Farleigh
TEAM LEADER URBAN PLANNING

3 July 2014

PLANNING PROPOSAL TO AMEND CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

BACKGROUND

Council is currently carrying out a strategic review of a number of its land holdings to determine which should be retained and whether any are no longer required for the purpose for which they originally came into Council's ownership.

Council has resolved to prepare a planning proposal to reclassify 7 properties which fall into this category from Community Land to Operational Land so as to facilitate their possible future disposal.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend the LEP 2012 to reclassify a number of properties from Community Land to Operational Land.

PART 2 EXPLANATION OF PROVISIONS

The planning proposal will insert the relevant details of these properties to be reclassified into Schedule 4 of Canterbury Local Environmental Plan 2012.

There are no changes to land use zones proposed in conjunction with the reclassifications.

An amendment to the LEP is therefore necessary to resolve this situation.

PART 3 JUSTIFICATION

SECTION A: Need for the Planning Proposal

1. Is the planning proposal the result of any strategic study or report?

Yes. The planning proposal is necessary as a consequence of an ongoing strategic review of Council owned land.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The planning proposal is the only way of achieving the objective.

3. Is there a net Community benefit?

Given the minor matters contained within this planning proposal, it is not considered that a net community benefit test need be undertaken. The planning proposal will facilitate the possible future disposal of land no longer required for the purposes for which it initially came into Council's ownership.

SECTION B: Relationship to strategic planning framework

- 1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?**

The Planning proposal is consistent with the Draft South Sub region Strategy and the Sydney Metro Strategy.

- 2. Is the Planning Proposal consistent with the local Council's community strategic plan, or other local strategic plan?**

The Planning proposal is consistent with Council's Community Strategic Plan.

- 6. Is the planning proposal consistent with applicable state environmental planning policies?**

The Planning Proposal has been assessed against all relevant State Environmental Planning Policies (SEPPs). Based on this assessment, Council has concluded that the Planning proposal is consistent with the applicable SEPPs.

- 7. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?**

There are no 117 Directions considered applicable to this planning proposal

SECTION C: Environmental, social and economic impact

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal.

- 9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are no likelihood of adverse environmental impact as a result of this planning proposal.

- 10. How has the planning proposal adequately addressed any social and economic effects?**

Not relevant.

SECTION D: State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal does not generate any need to upgrade or improve public infrastructure.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with any State and Commonwealth public authorities has not been undertaken. Council will engage any such public authority if required in accordance with the Gateway Determination.

Part 5: Community Consultation

The Planning proposal will be placed on public exhibition in accordance with the Gateway Determination, as well as the requirements .

Notice of the public exhibition on the planning proposal will be prepared and will involve the following:

- Advertisement to the local newspaper (ie Torch, Valley Times)
- Notification letters to relevant State Agencies and other authorities nominated by the Department, if required.
- Advertise the proposal on Council's website.
- Copies of the Planning Proposal to be available at Council's administration building.
- A public hearing will be required following the exhibition period.

PART 6: PROJECT TIMELINE

This is outlined in the table below:

Planning proposal stage	Timeframe
Gateway determination issued by Department of Planning and Infrastructure	August 2014
Preparation for public exhibition	September 2014
Government agency consultation	N/A
Public exhibition	
Public submissions report to Council	November 2013
Anticipated date the Council will make the plan (if delegated)	December 2013

ATTACHMENTS

Attachment 1: Information Checklist

INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|---|---|
| • Objectives and intended outcome | • Explanation of provisions |
| • Mapping (including current and proposed zones) | • Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
| • Community consultation (agencies to be consulted) | |

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☐	☒	• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Demonstrated consistency with relevant sub-regional strategy	☐	☒	• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☐	☒	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Site Description/Context			Economic Considerations		
• Aerial photographs	☒	☐	• Economic impact assessment	☐	☒
• Site photos/photomontage	☐	☒	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☐	☒	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☐	☒	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☐	☒	• Open space management	☐	☒
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☐	☒
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☐	☒
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies		
• Stormwater management	☐	☒			
• Flooding	☐	☒			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			

Attachment 2: Council Reports

5 RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

FILE NO: C-140-2 PT2

REPORT BY: DIRECTOR CORPORATE SERVICES

Summary:

- On 23 May 2013 Council adopted the Strategic Property Portfolio Plan and Property Portfolio Policy and resolved that a broader review be undertaken to identify properties that might be surplus to our needs.
- During Stage 1 investigations of the Strategic Property Portfolio Plan and the broader review, seven properties have been identified as being surplus to our needs.
- Stage 2 of the Strategic Property Portfolio Plan requires the reclassification of properties identified as being surplus to our requirements. Seven properties have been identified.
- It is recommended that a planning proposal be prepared and submitted to the Minister of Planning (under Section 55 of the Environment Planning and Assessment Act 1979) to amend the Canterbury Local Environment Plan 2012 to reclassify the seven identified properties.
- The proposed course of action will facilitate Council being legally able to dispose of the properties. However, should the properties eventually be reclassified and further investigations support the sale of some or all of the parcels of land, further reports will be prepared seeking Council's approval for the sale of each parcel of land.

Council Delivery Program and Budget Implications:

The adoption of the report's recommendation will have no immediate implications for the budget. The actions recommended are administrative in nature and involve a process of public participation on the prospect of changing the status of land to facilitate its sale. This report supports our Community Strategic Plan long term goal of Healthy Finances.

Report:

Background

On 23 May 2013 Council adopted the Strategic Property Portfolio Plan and Property Portfolio Policy. Council resolved to implement a two-stage investigation process for a number of properties identified as being surplus to our requirements. Stage 1 of the process involved investigating the following properties:

1. 2 Narani Crescent, Earlwood
2. 15 Attunga Avenue, Earlwood
3. 115 Kingsgrove Road, Kingsgrove
4. 86-92 Kingsgrove Road, Kingsgrove
5. 31A Burlington Avenue, Earlwood
6. 1B Bell Street, Riverwood
7. 30A Belemba Avenue, Roselands

RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
(CONT.)

Stage 1 is currently underway. Stage 2 requires the reclassification of community land to operational land. Three community-classified properties were identified as surplus to our needs, being:

1. 2 Whitfield Ave, Ashbury
2. 79 Viking Street, Campsie
3. 49 Jeffrey Street, Canterbury

As a result of the Stage 1 investigations it has been discovered that 15 Attunga Avenue, Earlwood is, in fact, classified as community land not operational land and can therefore be added to the Stage 2 list.

On 23 May 2013, Council also resolved that the review of assets should continue for the purpose of identifying further opportunities for improved functionality and potential financial gain, in line with the Property Portfolio Policy. This ongoing review has identified three more prospective sale properties that are classified as community land: 14 Warejee Street, Kingsgrove; 24-26 Mazarin Street, Riverwood; and 20a Cooks Avenue, Canterbury.

As stated above, the seven properties the subject of this report are classified as community land for the purposes of the public land provisions in the Local Government Act 1993. The effect of this classification is to prohibit a dealing with the land, including sale. This report is seeking to commence the process to lift the prohibition and allow us to deal with the land, by having it reclassified as Operational land.

Description of Properties to be reclassified

The strategic review of our properties has identified seven community-classified, Council-owned properties that appear to be surplus to our needs and therefore capable of being sold and replaced by more suitable properties. Those properties are as follows:

RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
(CONT.)

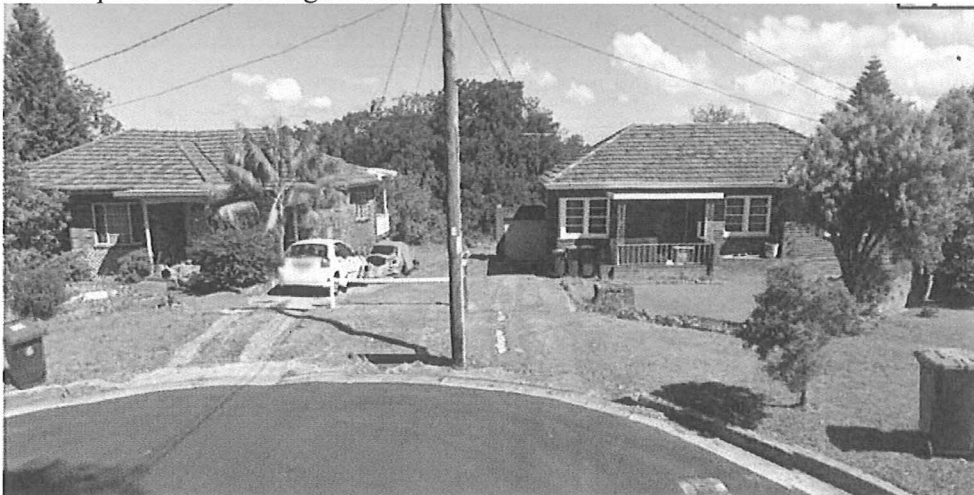
- **15 Attunga Avenue, Earlwood**

This 2,318m² site was transferred to the then Canterbury Municipal Council by Metropolitan Water Sewerage and Drainage Board (MWS&D) on 15 March 1968 after resumption of an easement. The land is unused and is zoned R2 Low Density Residential. The legal description is Lot 1 DP 1142452. The land falls sharply to the south into dense bushland. It has a pan-handle accessway, some 3.6 metres wide. Council bears the cost to maintain the property and it provides minimal benefit to the community. Some of the adjoining owners have enclosed some of the land into their properties. Action is underway to have the encroachments onto our land removed.

Aerial view



Access point from Attunga Avenue



RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
(CONT.)

- **2 Whitfield Avenue, Ashbury**

Council resolved at its meeting on 25 May 1961 to purchase the land from the Ashfield Brick Company and the sale was subsequently settled on 21 July 1961 for a price of £1,650. This property, which is 562.7m² in size, with a 15.24 metre frontage, is used as an accessway to Wagener Oval between two residential properties. The legal description is Lot E DP 30778. It is proposed to relocate the access further south along Whitfield Avenue on existing recreational land fronting Whitfield Avenue to enable this parcel to be sold. The land is zoned R2 Low Density Residential.

Aerial view



Street frontage at 2 Whitfield Avenue



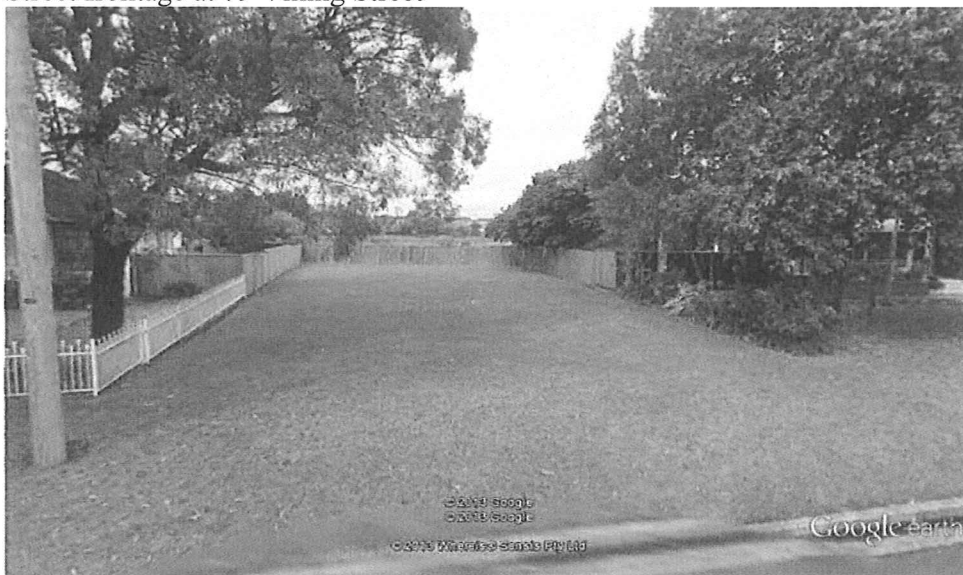
RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
(CONT.)

- **79 Viking Street, Campsie**
Council resolved on 30 October 1955 to purchase the land from the Housing Commission and settled the acquisition on 11 July 1956 for £250. The property is a reasonably flat vacant lot and regular in shape, being 644.9m² in area. The legal description is Lot 23 DP 35848. It is zoned R3 Medium Density Residential and adjoins the Australand Clemton Park Village estate. No community facilities exist on the land.

Aerial view



Street frontage at 79 Viking Street



RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
(CONT.)

- **49 Jeffrey Street, Canterbury**

Council purchased the property on 19 March 1975 for \$26,500 following resolution made at its meeting on 5 December 1974. The land, of 385.7 m², has a frontage to Jeffrey Street of some 9.14 lineal metres, and is included in an area zoned R4 High Density Residential. The legal description is Lot 1 DP 959315. It slopes gently from east to west and contains three mature gum trees. No fixtures are installed on the lot.

Aerial view



Street frontage at 49 Jeffrey Street



RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
(CONT.)

- **14 Warejee Street, Kingsgrove**

This property was resumed for public recreation as notified in the by Government Gazette on 17 September 1948. The land is zoned R3 Medium Density Residential although it serves as an accessway between Warejee Street and the recreational park to the south. It is 499.6m² in size with a frontage to Warejee Street of 13.56 lineal metres. The legal description is Lot 145 DP 16265. Adjoining the lot to the west is a former drainage reserve approximately 3 metres in width, known as 12a Warejee Street. It is proposed that this 3 m wide land will provide sufficient land for the accessway and that 14 Warejee Street is no longer required to provide access to the park. 14 Warejee Street is mainly grassed with some small trees and a groomed hedge on the street frontage.

Aerial view



Street frontage of 14 Warejee Street



RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
(CONT.)

- **24-26 Mazarin Street, Riverwood**
This property, of 265.5m² in area, was dedicated to Council on 22 April 1969 for a public reserve as part of the surrounding subdivision. The legal description is Lot 23 DP 237686. It is flat, mainly grassed and contains four mature trees and small shrubs. A Sydney Water open channel abuts the land to the north.

Aerial view



Street frontage of 24-26 Mazarin Street



RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
(CONT.)

- **20a Cooks Avenue, Canterbury**

This lot was created as a drainage reserve in the subdivision of 1918. It extends from Cooks Avenue to Howard Street, being approximately 3 metres wide and reasonably rectangular. The land is zoned R3 Medium Density Residential. The legal description is Lot 61 DP 9484.

Aerial view

**Procedure**

The above properties are classified as community land for the purposes of the public land management provisions of the Local Government Act, 1993. The effect of this classification is to prohibit a dealing with the land in the nature of a title transfer (either wholly or in part). However Council has discretion to attempt to “lift” this prohibition in respect of the land. The way for the prohibition to be lifted is for Council to follow the process for public land reclassification (as set out in the Local Government Act) which involves the following general steps:

1. Resolve to initiate the preparation of a draft Local Environmental Plan, which provides for reclassification of the identified land.
2. Prepare and exhibit (as a catalyst for eliciting expressions of public opinion from interested parties) the draft LEP, observing the requirements also of Section 29 of the Local Government Act, 1993, requiring a public hearing (pursuant to Section 57 of the Environmental Planning and Assessment Act) in respect of the reclassification proposal inherent in the draft LEP.
3. Following closure of both the exhibition period and the period for public submissions; and the holding of the public hearing, consider a report detailing the submissions received (and our position relative to each) and the outcome of the public hearing and then decide whether to either:
 - (a) Abandon the proposition (to reclassify) in the draft LEP; or
 - (b) Continue with the proposition by resolving to seek the “making” of the LEP by the Minister (by means of formal gazettal).

RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012
(CONT.)**Conclusion**

Council on 23 May 2013 adopted the Property Portfolio Policy. The policy requires that we review each parcel of property that we own and assess its value to Council in terms of the services we provide and our statutory responsibilities. Should any parcel be identified as surplus to our needs or not meeting our requirements, it would be recommended for sale and proceeds of the sale placed in a Property fund and used to purchase assets that better meet our needs and provide a continuing income stream for Council. Our initial investigations have shown that the properties identified in this report may be surplus to our needs and therefore capable of being sold.

The process to determine whether these seven properties can be offered for sale commences with their re-classification. It is recommended that a planning proposal be prepared and submitted by Council to the Minister of Planning under section 55 of the Environmental Planning and Assessment Act 1979 to commence the reclassification process. This process will include extensive public consultation, including the conduct of a public hearing that will be chaired by a person that is independent of Council.

Council's authority to sell the land is not being sought at this point. The sale of each parcel of land will be the subject of further reports to Council, should the parcels be reclassified. Support of the report's recommendation will provide for the commencement of the reclassification process that will require extensive public consultation and a further report back to Council.

RECOMMENDATION:

THAT Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, a draft Local Environmental Plan be prepared in respect of those parcels of land described in Schedule 1 hereto, so as to reclassify the land in Schedule 1 from "community land" to "operational land" under the Local Government Act 1993 and to provide in the said draft Local Environmental Plan that, upon commencement of the Plan, the land described in the first schedule being public reserve and community classified land shall cease to be public reserve and community classified land and the land will by operation of the Plan be discharged from any trusts, estates, interests, dedications, conditions and covenants affecting the land (or any part) except for those kinds set out in Section 30(1) of the Local Government Act 1993.

SCHEDULE 1

- 15 Attunga Avenue, Earlwood with legal description of Lot 1 DP 1142452
- 2 Whitfield Avenue, Ashbury with legal description of Lot E DP 30778
- 79 Viking Street, Campsie with legal description of Lot 23 DP 35848
- 49 Jeffrey Street, Canterbury with legal description of Lot 1 DP 959315
- 14 Warejee Street, Kingsgrove with legal description of Lot 145 DP 16265
- 24-26 Mazarin Street, Riverwood with legal description of Lot 23 DP 237686
- 20a Cooks Avenue, Canterbury with legal description of Lot 61 DP 9484

3 COUNCILLORS PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY

FILE NO: A-14-29 PT3

Min. No. 26 RESOLVED (Councillors Hawatt/Kebbe)

THAT

1. The policy on Payment of Expenses and Provision of Facilities to Councillors as amended be forwarded to the Division of Local Government.
2. Further amendments detailed in the report be made to the policy and the policy be endorsed for public exhibition.

4 MEMORANDUM OF UNDERSTANDING WITH CANCER COUNCIL NSW

FILE NO: A-71-1

Min. No. 27 RESOLVED (Councillors Hawatt/Paschalidis-Chilas)

THAT the Memorandum of Understanding with Cancer Council NSW be adopted.

5 RECLASSIFICATION OF COUNCIL OWNED LAND - CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

FILE NO: C-140-2 PT2

Min. No. 28 RESOLVED (Councillors Kebbe/Hawatt)

THAT Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, a draft Local Environmental Plan be prepared in respect of those parcels of land described in Schedule 1 hereto, so as to reclassify the land in Schedule 1 from "community land" to "operational land" under the Local Government Act 1993 and to provide in the said draft Local Environmental Plan that, upon commencement of the Plan, the land described in the first schedule being public reserve and community classified land shall cease to be public reserve and community classified land and the land will by operation of the Plan be discharged from any trusts, estates, interests, dedications, conditions and covenants affecting the land (or any part) except for those kinds set out in Section 30(1) of the Local Government Act 1993.

SCHEDULE 1

- 15 Attunga Avenue, Earlwood with legal description of Lot 1 DP 1142452
- 2 Whitfield Avenue, Ashbury with legal description of Lot E DP 30778
- 79 Viking Street, Campsie with legal description of Lot 23 DP 35848
- 49 Jeffrey Street, Canterbury with legal description of Lot 1 DP 959315
- 14 Warejee Street, Kingsgrove with legal description of Lot 145 DP 16265
- 24-26 Mazarin Street, Riverwood with legal description of Lot 23 DP 237686
- 20a Cooks Avenue, Canterbury with legal description of Lot 61 DP 9484

Attachment 3: Table of Council's Interests

Table of Council's Interests

ADDRESS : 15 Attunga Avenue, Earlwood – Lot 1 DP 1142452	
What interest does Council have in the land?	Council is the owner of the land.
When did Council acquire the land?	15 March 1968
Why did Council acquire the land?	Dedicated to Council as a residual parcel of land after the resumption by former MWS&D Board
How did Council acquire the land?	Transferred from former MWS&D Board after resumption of an easement.
Why is the plan being prepared?	To reclassify the land to Operational
What prompted the preparation of the plan?	Review of Council assets has recorded this parcel as Operational in error. The title is affected by a covenant as a Public Reserve which is to be removed.
How will it affect planning controls?	The land will be reclassified from Community Land to Operational Land under the provisions of Canterbury Local Environmental Plan 2012.
What actual physical or operational changes will result from the plan?	The land is surplus to Council needs and will be divested in the future.
Is the plan being prepared to permit a particular proposal?	Future divestment of surplus land
What are the financial implications of the reclassification?	Unknown at this stage, but will be subject to a valuation report at a later date.
Is there any rezoning associated with the classification?	No

ADDRESS : 15 Attunga Avenue, Earlwood – Lot 1 DP 1142452	
Is the planning proposal to rectify an anomaly in a classification?	Yes
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Yes
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act ?	Yes
If so has Council identified all interests, whether any rights or interests will be extinguished, any trusts & covenants relevant to the site and included a copy of the title with the planning proposal?	Yes Easement for water pipes to be retained Easement for transmission line to be retained Remove Caveat relating to Public Reserve CT 1/123820
Has the Council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note PN 09-003?	Yes
Has Council acknowledged in its planning proposal that a public hearing will be required and agreed to hold one as part of its documentation ?	Yes



Land & Property Information

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

WARNING: ***** FOLIO CANCELLED *****

FOLIO: 1/123820

SEARCH DATE	TIME	EDITION NO	DATE
28/5/2014	12:00 PM	-	-

VOL 10759 FOL 15 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 1 IN DEPOSITED PLAN 123820
LOCAL GOVERNMENT AREA CANTERBURY
PARISH OF ST GEORGE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP123820

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF CANTERBURY

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- * 2 D520710 EASEMENT FOR TRANSMISSION LINE AFFECTING THE PART
SHOWN AS 24.385 WIDE & VAR WIDTH IN THE TITLE DIAGRAM
- * 6935718 EASEMENT NOW VESTED IN ENERGIAUSTRALIA
- * 3 K864523 EASEMENT FOR WATER PIPES AFFECTING THE PART SHOWN
AS 7.62 WIDE IN THE TITLE DIAGRAM
- * 4 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
- * 5 DP1142452 ***** FOLIO CANCELLED ***** NEW FOLIOS HAVE
BEEN CREATED FOR LOT(S) 1-3 IN DP1142452

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

lg:cant-mczuczman Dirk

PRINTED ON 28/5/2014

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

ADDRESS : 2 Whitfield Avenue, Ashbury – Lot E DP 30778	
What interest does Council have in the land?	Council is the owner of the land.
When did Council acquire the land?	21 July 1961
Why did Council acquire the land?	To provide an access way to Wagener Oval
How did Council acquire the land?	Purchased the land from the Ashfield Brick Company
Why is the plan being prepared?	To reclassify the land to Operational
What prompted the preparation of the plan?	The land is surplus to Council needs and will be divested in the future.
How will it affect planning controls?	The land will be reclassified from Community Land to Operational Land under the provisions of Canterbury Local Environmental Plan 2012.
What actual physical or operational changes will result from the plan?	The parcel provides access to the site. This will be relocated to enable this residential zoned parcel to be divested in the future.
Is the plan being prepared to permit a particular proposal?	Yes to enable divestment in the future.
What are the financial implications of the reclassification?	Unknown at this stage, but will be subject to a valuation report at a later date.
Is there any rezoning associated with the classification?	No
Is the planning proposal to rectify an anomaly in a classification?	No

ADDRESS : 2 Whitfield Avenue, Ashbury – Lot E DP 30778	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Yes
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act ?	No
If so has Council identified all interests, whether any rights or interests will be extinguished, any trusts & covenants relevant to the site and included a copy of the title with the planning proposal?	Not applicable CT E/30778 Retain easement for drainage J325099
Has the Council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note PN 09-003?	Yes
Has Council acknowledged in its planning proposal that a public hearing will be required and agreed to hold one as part of its documentation ?	Yes



Land & Property
Information

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: E/30778

SEARCH DATE	TIME	EDITION NO	DATE
3/12/2013	3:45 PM	-	-

VOL 9019 FOL 22 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT E IN DEPOSITED PLAN 30778
LOCAL GOVERNMENT AREA CANTERBURY
PARISH OF PETERSHAM COUNTY OF CUMBERLAND
TITLE DIAGRAM DP30778

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF CANTERBURY

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 A376695 EASEMENT APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING THAT PART OF LOT 7 IN DP8873 WEST OF DOUGAN STREET *Remove.*
- 3 B272789 NEGATIVE EASEMENT APPURTENANT TO THE LAND ABOVE DESCRIBED AFFECTING LOTS 38, 39 AND 40 IN DP10473 *Remove.*
- 4 J325098 EASEMENT FOR DRAINAGE AFFECTING THE PROPOSED DRAINAGE EASEMENT 10 FEET WIDE AND VARIABLE WIDTH SHOWN IN PLAN LODGED WITH J325098 *Remove.*
- 5 J325099 EASEMENT FOR DRAINAGE AFFECTING THE DRAINAGE EASEMENT 10 FEET WIDE & VARIABLE WIDTH SHOWN IN PLAN WITH J325098 *Retain*

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

2 WHITFIELD AVE
ASHBURY

FEES:— £ s. d.
Lodgment
Endorsement
Certificate



R.P. 13, No. **870244**
961 AUG 30 PM 12:02
New South Wales

MEMORANDUM OF TRANSFER

(REAL PROPERTY ACT, 1900)



£ 2. 10.
30. 8. 0

(Trusts must not be disclosed in the transfer.)

Typing or handwriting in this instrument should not extend into any margin. Handwriting should be clear and legible and in permanent black non-erasing ink.

a. A less estate, strike out in fee simple, and interline the required alteration.

b. State in full the name of the person who furnished the consideration money.

c. Show in BLOCK LETTERS the full name, postal address and description of the persons taking, and if more than one, whether they hold as joint tenants or tenants in common.

d. The description may refer to parcels shown in Town or Parish Maps issued by the Department of Lands or shown in plans filed in the Office of the Registrar-General. Where these records are inadequate for the purpose, a suitable plan may be adopted hereon, or furnished as an annexure signed by the parties and their signatures witnessed. Where the consent of the local Council to a subdivision is required the certificate and plan mentioned in the Local Government Act, 1919, should accompany the transfer.

e. A very short note will suffice.

f. Execution in New South Wales may be proved if this instrument is signed or acknowledged before the Registrar-General, or a Deputy Registrar-General, or a Notary Public, a J.P. or Commissioner for Affidavits, to whom the Transferor is known, otherwise the attesting witness should appear before one of the above functionaries who, having questioned the witness should sign the certificate on the back of this form.

As to instruments executed elsewhere, see Section 107 of the Real Property Act, 1900, 1906, Section 163 of the Conveyancing Act, 1919-1953, and Section 521 of the Evidence Act, 1893-1934.

g. Repeat attestation if necessary.

If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

1. **ASHFIELD BRICK COMPANY PTY. LIMITED**

being registered as the proprietor of an estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder, in consideration of **One thousand six hundred and fifty pounds (£1,650.0.0)** (the receipt whereof is hereby acknowledged) paid to it by **The Council of the Municipality of Canterbury**

(herein called transferor)

do hereby transfer to

THE COUNCIL OF THE MUNICIPALITY OF CANTERBURY of Town Hall, Canterbury in the State of New South Wales

(herein called transferee)

ALL such its Estate and Interest in ALL THE land mentioned in the schedule following:—

County	Parish	Reference to Title			Description of Land (if part only) d
		Whole or Part	Vol.	Fol.	
CUMBERLAND	PETERSHAM	PART	6696	42	BEING LOT E IN DEPOSITED PLAN NO. 30778

ENCUMBRANCES, &c., REFERRED TO

NIL

Signed at **THE COMMON SEAL OF ASHFIELD BRICK COMPANY PTY. LIMITED** was hereunto affixed by direction of **Raymond Henry Wilkinson** the Liquidator of the said Company in the presence of:

the **Twentyfirst** day of **July**, 1961

Signed

I Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Signed in my presence by the transferee **THE COUNCIL OF THE MUNICIPALITY OF CANTERBURY** was hereunto affixed in pursuance of a resolution passed by the said Council on the **25** day of **May** 1961

R. S. Schofield Mayor
R. S. Schofield Town Clerk
Transferee(s)

* If signed by virtue of any power of attorney, the original power must be registered in the Miscellaneous Register, and produced with each dealing, and the memorandum of non-revocation on back of form signed by the attorney before a witness.

* N.B.—Section 117 requires that the above Certificate be signed by each Transferee or his Solicitor or Conveyancer, and renders any person falsely or negligently certifying liable to a penalty of £50; also to damages recoverable by parties injured. Acceptance by the Solicitor or Conveyancer (who must sign his own name, and not that of his firm) is permitted only when the signature of the Transferee cannot be obtained without difficulty, and when the instrument does not impose a liability on the party taking under it. When the instrument contains some special covenant by the Transferee or is subject to a mortgage, encumbrance or lease, the Transferee must accept personally.

* No alterations should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

No. _____

PARTIAL DISCHARGE OF MORTGAGE¹
(N.B.—Before execution read marginal note)

IN 870244

mortgagee under Mortgage No. _____
release and discharge the land comprised in the within transfer from such mortgage and all claims thereunder but without prejudice to my rights and remedies as regards the balance of the land comprised in such mortgage.

¹ This discharge is appropriate to a transfer of part of the land in the Mortgage. The mortgagee should execute a formal discharge where the land transferred is the whole of or the residue of the land in the Certificate of Title or Crown Grant or is the whole of the land in the mortgage.

Dated at _____ this _____ day of _____, 19 ____
Signed in my presence by _____

who is personally known to me. _____ Mortgagee.

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY

(To be signed at the time of executing the within instrument)

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. _____ Miscellaneous Register under the authority of which he has just executed the within transfer.¹

Signed at _____ the _____ day of _____, 19 ____
Signed in the presence of _____

¹ Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

CERTIFICATE OF J.P. & Co., TAKING DECLARATION OF ATTESTING WITNESS¹

Appeared before me at _____, the _____ day of _____, one thousand _____
nine hundred and _____ the attesting witness to this instrument
and declared that he personally knew _____ the person
signing the same, and whose signature thereto he has attested; and that the name purporting to be such
signature of the said _____ is _____ own handwriting, and
that he was of sound mind and freely and voluntarily signed the same.

¹ To be signed by Registrar-General, Deputy Registrar-General, a Notary Public, J.P., Commissioner for Affidavits or other functionary before whom the attesting witness appears.
Not required if the instrument itself be signed or acknowledged before one of these parties.

LEAVE THESE SPACES FOR DEPARTMENTAL USE

INDEXED	MEMORANDUM OF TRANSFER	DOCUMENTS LODGED HEREWITH	
		To be filled in by person lodging dealing	
✓		1. _____	4. _____
		2. _____	5. _____
		3. _____	6. _____
Checked by _____	Particulars entered in Register Book, Volume <u>6696</u> Folio <u>42</u>	Received Docs. Nos. _____ Receiving Clerk.	
Passed (in S.D.B.) by _____	the <u>27th</u> day of <u>Sept</u> , 19 <u>61</u> at <u>40</u> minutes past <u>11</u> o'clock in the <u>fore</u> noon.		
Signed by _____	_____ Registrar-General.		

PROGRESS RECORD

	Initials	Date
Sent to Survey Branch		
Received from Records		
Draft written		
Draft examined		
Draft prepared		
Draft forwarded		
Supt. of Engrossers		
Cancellation Clerk		
Vol. 9019		Fol. 22

K1165 St 497—W

FORM FOR SIMPLE TRANSFER, WHERE NEW RESTRICTIVE COVENANTS ARE IMPOSED, OR EASEMENTS CREATED, OR WHERE THIS FORM IS OTHERWISE UNSUITABLE, FORM R.P. 13A SHOULD BE USED.

R.P. 13

No.

J 325099

New South Wales

MEMORANDUM OF TRANSFER

(REAL PROPERTY ACT, 1900)

FEES:—

Lodgment

Endorsement



22/10/63
24-4-63

(Trusts must not be disclosed in the transfer.)

Typing or handwriting in this instrument should not extend into any margin. Handwriting should be clear and legible and in permanent black non-copying ink.

a If a less estate, strike out "in fee simple" and interline the required alteration.

b State in full the name of the person who furnished the consideration monies.

c1 Show in BLOCK LETTERS the full name, postal address and description of the persons taking, and if more than one, c2 whether they hold as joint tenants or tenants in common.

d The description may refer to the defined residue of the land in a certificate or grant (eg. "and being residue after Transfer No. ") or may refer to parcels shown in Town or Parish Maps issued by the Dept. of Lands or shown in any filed in the Office of the Registrar-General (eg. "and being lot sec. D.F. "). Unless authorised by Reg. 63 of the Conveyancing Act Regulations, 1901, a plan may not be annexed to or endorsed on this transfer form.

e A very short note will suffice.

f Execution in New South Wales may be proved if this instrument is signed or acknowledged before the Registrar-General, or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, otherwise the attesting witness should appear before one of the above functionaries who having questioned the witness should sign the certificate on the back of this form.

As to instruments executed elsewhere, see Section 107 of the Real Property Act, 1900-1956, Section 168 of the Conveyancing Act, 1919-1954, and Section 52A of the Evidence Act, 1898-1954.

g Repeat attestation if necessary.

If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

WE PATRICK HARGRAVES of South Coogee Solicitor and MARY JOSEPHINE BARBER of Lidcombe Married Woman (herein called transferor a) being registered as the proprietor of an estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder, in consideration of TWO THOUSAND FIVE HUNDRED POUNDS (£ 2500.0.0) (the receipt whereof is hereby acknowledged) I did to us by

ALICE EDITH ANDERSEN

do hereby transfer to

ALICE EDITH ANDERSEN of 150 Nottingham Road Lidcombe Married Woman

(herein called transferee) c2

ALL such our Estate and Interest in ALL the land mentioned in the schedule following:—

County	Parish	Reference to Title			Description of Land (if part only) d.
		Whole or Part	Vol.	Fol.	
CUMBERLAND	LIBERTY PLAINS	PART	4306	203	Being Lot A in plan with Order No. C157519

ENCUMBRANCES, &c., REFERRED TO*

Reservations of minerals

Signed at Amberg the 4th day of April, 1963

Signed in my presence by the transferor

WHO IS PERSONALLY KNOWN TO ME

Signed

Signed in my presence by the transferee

WHO IS PERSONALLY KNOWN TO ME

† Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Solicitor for the Transferee(s) whose signature cannot be obtained without difficulty and delay.

* If signed by virtue of any power of attorney, the original power must be registered in the Miscellaneous Register, and produced with each dealing, and the memorandum of non-revocation on back of form signed by the attorney before a witness.

† N.B.—Section 117 requires that the above Certificate be signed by each Transferee or his Solicitor or Conveyancer, and renders any person falsely or negligently certifying liable to a penalty of £50; also to damages recoverable by parties injured. Acceptance by the Solicitor or Conveyancer who must sign his own name, and not that of his firm) is permitted only when the signature of the Transferee cannot be obtained without difficulty, and when the instrument does not impose a liability on the party taking under it. When the instrument contains some special covenant by the Transferee or is subject to a mortgage, encumbrance or lease, the Transferee must accept personally.

No alterations should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

J 325099

LODGED BY CALVIN NELSON & CO.
SOLICITORS
1 NORTHUMBERLAND ROAD
AUBURN, 649-9555.6

No.

PARTIAL DISCHARGE OF MORTGAGE^b
(N.B.—Before execution read marginal note)

I, _____ mortgagee under Mortgage No. _____
release and discharge the land comprised in the within transfer from such mortgage and all claims thereunder but without prejudice to my rights and remedies as regards the balance of the land comprised in such mortgage.

h This discharge is appropriate to a transfer of part of the land in the Mortgage. The mortgagee should execute a formal discharge where the land transferred is the whole of or the residue of the land in the Certificate of Title or Crown Grant or is the whole of the land in the mortgage.

Dated at _____ this _____ day of _____ 19 _____
Signed in my presence by _____

who is personally known to me.

Mortgagee.

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY

(To be signed at the time of executing the within instrument)

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. _____ Miscellaneous Register under the authority of which he has just executed the within transfer.ⁱ

Signed at _____ the _____ day of _____, 19 _____
Signed in the presence of— _____

i Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

CERTIFICATE OF J.P., &c., TAKING DECLARATION OF ATTESTING WITNESS^j

Appeared before me at _____, the _____ day of _____, one thousand _____
nine hundred and _____ the attesting witness to this instrument
and declared that he personally knew _____ the person
signing the same, and whose signature thereto he has attested; and that the name purporting to be such
signature of the said _____ is _____ own handwriting, and
that he was of sound mind and freely and voluntarily signed the same.

j To be signed by Registrar-General, Deputy Registrar-General, a Notary Public, J.P., Commissioner for Affidavits, or other functionary before whom the attesting witness appears. Not required if the instrument itself be signed or acknowledged before one of these parties.

LEAVE THESE SPACES FOR DEPARTMENTAL USE

INDEXED	MEMORANDUM OF TRANSFER
Checked by	Particulars entered in Register Book, Volume <u>4306</u> Folio <u>203</u>
Passed (by S.D.B.) by	on <u>5th July 1963</u> at <u>12 o'clock</u>
Signed by	<u>[Signature]</u> Registrar-General

DOCUMENTS LODGED HEREWITH	
To be filled in by person lodging dealing	
1. _____	4. _____
2. _____	5. _____
3. _____	6. _____
Received Docs. Nos. _____ Receiving Clerk. _____	

PROCESS RECORD

	Initials	Date
Sent to Survey Branch		
Received from Records		
Draft written		
Draft examined		
Diagram prepared		
Diagram examined		
Draft forwarded		
Supt. of Engrossers		
Cancellation		
Vol.		
Pol.		

FEES.

The Fees, which are payable on lodgment, are as follows:—

- £3 10s. 0d. where the memorandum of transfer is accompanied by the relevant Certificate of Title or Crown Grant, otherwise £3. Where such instrument is to be endorsed on more than one folium of the register, an additional charge of 6s. is made for every Certificate of Title or Crown Grant after the first.
- A supplementary charge of £1 is made in each of the following:—
 - where a restrictive covenant is imposed; or
 - a new easement is created; or
 - a partial discharge of mortgage is endorsed on the transfer.

Ref:lg:cant-mczuczman Dirk /Src:W

New South Wales.

Transf: 44/11/18 12

Transfer

Endorsement

Certificate

22 APR 1918 2. 9 PM

FEE SIMPLE.

MEMORANDUM OF TRANSFER

A376695G

REAL PROPERTY ACT.



a Name, residence, occupation, or other designation, in full, of transferor.

I, FRANK OSWALD POWYS, Ashfield Builder

A376695

- b If a less estate, strike out "in fee simple," and interline the required alteration.
- c All subsisting encumbrances must be noted hereon. (See page 2.)
- d If the consideration be not pecuniary, state its nature concisely.

being registered as the proprietor of an Estate in *fee simple* in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, in consideration of ~~4~~ pursuant of an Agreement dated the Twelfth day of December One thousand nine ~~(2)~~ hundred and seventeen entered into by me with The Ashfield Brick Company Limited and for divers good and valuable considerations as thereby appearing

e Name, residence, occupation, or other designation, in full, of transferee.

paid to me by

If a minor, state of what age, and forward certificate or declaration as to date of birth. If a married woman, state name, maiden name, and occupation of husband.

the receipt whereof I hereby acknowledge

f If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said by way of grant to the said The Ashfield Brick Company Limited an easement appurtenant to the land comprised in Certificate of Title regd. Volume 2348 Folio 229 over

g Area in acres, rods, or perches.

As my Estate and Interest as such registered proprietor, in ALL THAT piece of land containing

h Parish or town and county.

situate in at Ashfield in the Parish of Petersham County of Cumberland

i "The whole" or "part," as the case may be.

being part of the land comprised in Certificate of Title

j "Crown grant," or "Certificate of Title."

k Strike out if not appropriate.

dated 9th November 1916 registered volume No. 2713 folio 160 and being that part of Lot Seven (7) on Deposited Plan No. 8873 and also in the pieces of land as follows lying to the West of a line formed by extending the Western boundary line of Dougan Street Ashfield aforesaid in a southerly direction entitling The Ashfield Brick Company Limited to continue to allow to flow on to the said land any storm or other waters which may now or at any time hereafter flow on to the said land from off or over the land of the said Ashfield Brick Company Limited comprised in Certificate of Title Vol. 2348 Folio 229 And in further pursuance of the said agreement and for the considerations therein set forth the said Frank Oswald Powys doth hereby for himself his heirs executors and administrators and so as to bind himself and themselves and any person or persons claiming or deriving title through under or in trust for him to the said land firstly above described covenant with the said The Ashfield Brick Company Limited That he the said Frank Oswald Powys his heirs executors or administrators or any such person or persons as aforesaid shall not at any time hereafter raise any objection to anything whatsoever arising from or done in connection with the carrying on of the business and works of the said The Ashfield Brick Company Limited on the said land secondly above described And also shall not at any time hereafter commence or prosecute any action or suit at law or in equity or make any claim against the said The Ashfield Brick Company Limited for or in respect of the flow of such water as aforesaid or in respect to any matter or thing whatsoever which may arise in connection with or from the carrying on of such works as aforesaid

These references will suffice, if the whole land in the grant or certificate be transferred. But if a part only (unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description of plan will be required and may be either embodied in this transfer or annexed thereto, with an explanatory prefix:— "as delineated in the plan hereon [or annexed hereto]" or "described as follows, viz:— Any annexure must be signed by the parties and their signatures witnessed. Here also should be set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances:

Any provision in addition to, or modification of, the covenants implied by the Act,

The form when filled in should be ruled up so that no additions are possible. No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

22/11/18

See note "c," page 1.
A very short note of
the particulars will
suffice.

[Rule up all blanks before signing.]

m If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferrer is known, no further authentication is required. Otherwise the ATTESTING WITNESS must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place.

If the Transferee or Transferes signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

n Repeat attestation for additional parties if required.

St 2121

In witness whereof, I have hereunto subscribed my name, at *Sydney*
the *nineteen* day of *February* in the year
of our Lord one thousand nine hundred and *eighteen*

Signed in my presence by the said

Frank Oswald Powys

WHO IS PERSONALLY KNOWN TO ME

Signedⁿ

S. Henderson m

Sole
Sydney

F.O. Powys
Transferrer.*

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

For the signature of the Transferree, hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferree, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or personation, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said
Frank A Daveuport (Solicitor for the said
The Ashfield Brick Company Limited)

WHO IS PERSONALLY KNOWN TO ME

William J. Phelan
Clerk to Frank A Daveuport Esq
Solicitor Sydney

Frank A Daveuport
Transferree.

(*The above may be signed by the Solicitor, when the signature of Transferree cannot be procured. See note "o" in margin.)

N.B.—Section 117 requires that the above Certificate be signed by Transferree or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.

The English Scottish and Australian Bank Limited being
the mortgagees of the within described land under
Memorandum of Mortgage No A301970 hereby consent
to the within grant of easement.
Dated at Sydney this Fourth day
of March 1918.
Witness.

The English, Scottish and
Australian Bank, Limited,
by its Attorney,

However,

The Esrawank. D. F. Hawk
Sydney

Consisted of
file Vol 2348 pl. 227 ashfield Brick Company Limited

FORM OF DECLARATION BY ATTESTING WITNESS.^a

Appeared before me, at _____, the
day of _____, one thousand nine hundred and

the attesting witness to this instrument, and declared that he personally knew
the person signing the same, and whose signature thereto he has attested; and that the
name purporting to be such signature of the said^b

is his own handwriting, and that he was of
sound mind, and freely and voluntarily signed the same.

u _____

^a May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.

^r Name of witness and residence.

^s Name of Transferrer.

^t Name of Transferrer.

^u Registrar-General, Deputy, Notary Public,

Lodged by

(Name)

(Address)

A

376695

Transferror.

Transferee.

Particulars entered in the Register Book, Vol. 2348

Folio 229 & Vol. 2713 Folio 160

the 26th day of April, 1918;

at ——— minutes 10 o'clock

in the fore noon

Registrar General



DATE.	INITIALS
27 APR 1918	AL
SENT TO SURVEY BRANCH	
RECEIVED FROM RECORDS	
DRAFT WRITTEN	
DRAFT EXAMINED	
DIAGRAM COMPLETED	
DIAGRAM EXAMINED	
DRAFT FORWARDED	
RETD. TO RECORDS	
RETURNED FROM RECORDS	
CERTIFICATE ENDORSED	
SUIT. OF ENCLOSURES	
PER. REGISTRAR GENERAL	

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:

No Transfer can be registered until the fees are paid.
If a part only of the land be transferred, and it is desired to have a certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional 20s.; but to save this expense, if it be intended to make several transfers of portions, the Certificate may remain in the Land Titles Office, either until the whole be sold, or formal application be made for a Certificate of the subsisting residue.
Tenants in common must receive separate Certificates. 20s. will be required for each additional Certificate.
The fees on transfer are 10s., and 20s. for every new Certificate, whether issued to a Transferee or required for the residue. By the Amendment Act of 1872, the purchaser is not compelled to take out a new Certificate of Title if the whole of the land is transferred, and he may have the original Title returned to him, with a memorial of his transfer endorsed thereon, at a cost of 10s. only.
The Transfer is complete from the moment it is recorded.
Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon an order attested before a Magistrate.

Certificate:.....

(Trusts must not be disclosed in the transfer)

If a less estate, strike out the word "fee simple," and interline the required alteration.

If to two or more, state whether as joint tenants or tenants in common.

If all the references cannot be conveniently inserted in form of annexure (obtainable at L.T.O.) may be added. Any annexure must be signed by the parties and their signatures witnessed.

These references will suffice if the whole land in the grant or certificate be transferred. If part only add "and being lot sec. D.P." or "being the land shown in the plan annexed hereto," or "being the residue of the land in certificate (or grant) registered Vol. Fol."

Where the consent of the local council is required to a subdivision of the certificate and plan mentioned in the L. G. Act, 1919, should accompany the transfer.

Strike out if unnecessary. Covenants should comply with section 89 of the Conveyancing Act, 1919. Here also should be set forth any right-of-way or easement or exception.

Any provision in addition to or modification of the covenants implied by the Act may also be inserted.

If the whole of the land in the transfer is to be transferred, the words "the whole of the land in the transfer" should be inserted.

L219 Fol. 127

A very short note will suffice.

ENCUMBRANCES, &c., REFERRED TO.*

If executed within the State this instrument should be signed or acknowledged before the Registrar-General, or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferor is known, otherwise the attesting witness must appear before one of the above functionaries to make a declaration in the annexed form. As to instruments executed elsewhere, see page 2.

Repeat attestation if necessary.

If the Transferor or Transferee signs by a mark, the attestation must state "that the instrument was read over and explained to him, and that he appeared fully to understand the same."

WHO IS PERSONALLY KNOWN TO ME

* If signed by virtue of any power of attorney, the original power must be registered, and produced with each dealing, and the instrument must be signed by the attorney before a witness.

† N.B. Section 117 requires that the above Certificate be signed by Transferee or his Solicitor, and renders any person falsely or negligently certifying liable to a penalty of £50; also to damages recoverable by parties injured. If the Solicitor signs he must sign his own name and not that of his firm.



B 272789

B272789B

ASHFIELD BRICK COMPANY LIMITED (in liquidation) and

Deville Trans of Sydney Public Accountant the Liquidator

being registered as the proprietor of an estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder in consideration of Four hundred and thirty eight pounds fifteen shillings (£438.15.0) (the receipt whereof is hereby acknowledged) paid to it by

ROSS GREENACRE of Manlyville, Queensland and in further consideration of the sum of Seven hundred and sixty pounds (£760) paid to the said Ross Greenacre by FREDERICK JAMES SHAKESPEARE of Enfield Builder (hereinafter called Transferee) (the receipt of which sums is hereby respectively acknowledged) do hereby transfer to the said transferee

ALL such Estate and Interest in ALL THE land mentioned in the schedule following:—

(a)	County.	Parish.	State if Whole or Part.	Vol.	Fol.
	Cumberland	Petersham	part - and being Lots 38, 39 and 40 on Deposited Plan 10473	2348	229

And the transferee covenants with the transferor And for the consideration aforesaid the said Frederick James Shakespeare doth hereby for himself his heirs executors and administrators and so as to bind himself his assigns or tenants and other person or persons claiming or deriving title through or under or in trust for him to the aforesaid land and so as to bind the said land covenant with the said Ashfield Brick Company Limited that they shall not at any time hereafter raise any objection to the carrying on by the Ashfield Brick Company Limited or their assigns of the Brick Works now carried on by them on land adjacent to the land hereinbefore particularly described or to any necessary blasting or other operations arising from or done in connection with the carrying on by the Ashfield Brick Company Limited or their Assigns of the said Brick Works. The land to which the benefit of this covenant is intended to be appurtenant is the whole of the land comprised in Certificate of Title Volume 2348 Folio 229 other than the land hereby transferred. The land which is subject to the burden of the aforesaid covenant is the land described here in. The above covenant may be released varied or modified with the consent of the Ashfield Brick Company Limited its successors and assigns

In witness whereof the said Ashfield Brick Company Limited has caused its Seal and the Seal of the said Frederick James Shakespeare to be hereunto affixed and both the same to be signed by name

Signed at Sydney the day of 1925

Signed in my presence by the transferor
 Harry H. Hall J.P.
 WHO IS PERSONALLY KNOWN TO ME

Signed in my presence by ROSS GREENACRE who is personally known to me

I direct this Transfer

Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.

Signed in my presence by the transferee

WHO IS PERSONALLY KNOWN TO ME

Signed in my presence by the transferee

WHO IS PERSONALLY KNOWN TO ME

CONSENT OF MORTGAGEE.

SYDNEY

I, mortgagee under Mortgage No.
release and discharge the land comprised in the within transfer from such mortgage and all claims thereunder but without prejudice to my rights and remedies as regards the balance of the land comprised in such mortgage.^h

^h Consents by Trustees must show consideration.

Dated at this
day of 192 B 272789 Mortgagee.
Signed in my presence by
who is personally known to me.

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY.ⁱ

(To be signed at the time of executing the within instrument.)

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. --- Miscellaneous Register under the authority of which he has just executed the within transfer.^j

ⁱ This form is not appropriate in cases of delegation under the Trustees Delegation of Powers Act, 1915, or the Execution of Trusts (War Facilities) Act, 1917.

^j Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

Signed at the day of 192
Signed at the place and on the date above mentioned, in the presence of—

FORM OF DECLARATION BY ATTESTING WITNESS.^k

Appeared before me at the day of one thousand nine
hundred and twenty the attesting witness to this instrument,
and declared that he personally knew the person
signing the same, and whose signature thereto he has attested; and that the name purporting to be such
signature of the said is own handwriting, and
that he was of sound mind and freely and voluntarily signed the same.

^k May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.

MEMORANDUM OF TRANSFER of

DOCUMENTS LODGED HEREWITH.

To be filled in by person lodging dealing.

Nature.	No.	Reg'd Propr., M't'gor, etc.

Acres. 1 rods. 19 3/4 perches.

Lots 38, 39 & 40 in D.P. 10473

Since Canterbury
Municipality Peterborough County

Parish Peterborough County

Subject to covenants

Frederick James Shakespeare Transferree.

Particulars entered in Register Book, Vol. 2348 Fol. 229

the 29th day of January 1926
at minutes 2 o'clock in the afternoon.

Registrar General

Grand of Negative Easement affecting Lots
38, 39 and 40 in D.P. 10473. Canterbury
Ashfield Brick Company Limited Transferree
Particulars entered in Register Book Vol 13289 Fol
931, 232, 233 and Vol 1329 Fol 127 12th
February 1926 at 12 o'clock noon
Registrar General

PROGRESS RECORD

Sent to Survey Branch	...	...
Received from Records	...	...
Draft written	...	...
Draft examined	...	...
Diagrams prepared	...	...
Diagrams examined	...	...
Draft forwarded	...	...
Supt. of Engrossers	...	...
Cancellation Clerk	...	...

VOL. 3829 Fol. 231 to
3829 233

Diagram Fees ...
Additional Folios ...

If the parties be resident without the State, but in any other part of the British Dominions, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Justice of the Peace for New South Wales, or Commissioner for taking affidavits for New South Wales, or the Mayor or Chief Officer of any municipal or local government corporation of such part, or the Governor, Government Resident, or Chief Secretary of such part or such other person as the Chief Justice of New South Wales may appoint.

If resident in the United Kingdom then before the Mayor or Chief Officer of any corporation or a Notary Public.

If resident at any foreign place, then the parties should sign or acknowledge before a British Minister, Ambassador, Envoy, Minister Chargé d'Affaires, Secretary of the Embassy or Legation, Consul-General, Consul, Vice-Consul, Acting Consul, Pro-consul or Consular Agent, who should affix his seal of office, or the attesting witness may make a declaration of the due execution thereof before one of such persons (who should sign and affix his seal to such declaration), or such other person as the said Chief Justice may appoint.

The fees are:—Lodgment fee 12/6 (includes endorsement on first certificate), and 2/6 for each additional certificate included in the Transfer, and £1 for every new Certificate of Title issued, unless the consideration is over £1,000, in which case the Certificate fee will be £1 5s. Additional fees, however, may be necessary in cases involving more than a simple diagram or more than six folios of engrossing.

Tenants in common must receive separate Certificates.

If part only of the land is transferred a new Certificate must issue, but the old Certificate may remain in the Office, or the Transferor may take out a new Certificate for the residue.



This form should be marked by the Commissioner of Stamp Duties before lodgment at the Land Titles Office

R.P.3

APPLICATION TO BE REGISTERED UNDER THE REAL PROPERTY ACT, 1900-1956
(SECTION 94), AS PROPRIETOR BY TRANSMISSION

ATTENTION IS DIRECTED TO THE HINTS ON THE BACK HEREOF

No alterations should be made by erasure. The words rejected should be scored through with the pen and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation. The Justice of the Peace who attests the application should initial all alterations. All blanks should be ruled before signing.

FEES--
Certificate
Lodgment
Endorsements

Total -- £ 2.10.0
24-4-63

(c) I/WE (a)

PATRICK HARGRAVES of 268 Malabar Road South Coogee Solicitor and

MARY JOSEPHINE BARBER of 176 Nottingham Hill Road Lidcombe Married Woman

J.T.

do solemnly and sincerely declare that I/WE (c) believe myself/ourselves (c) to be entitled for an estate in fee simple (b)

In the land described in the following Certificates of Title and Crown Grants held by TIMOTHY DEALY

late of Lidcombe deceased:--

Vol.(d)	Fol.	Vol.	Fol.	Vol.	Fol.	Vol.	Fol.	Vol.	Fol.	Vol.	Fol.
4306	203	(Residue)									

lodged herewith I/WE (c) having become so entitled as (c) Executors

of the Will/Estate (e) of the said deceased who died on the 3rd day of April, 1962

and (c) Probate (No. 546038) of whose Will dated 22nd September, 1958

Letters of Administration (No. 5416033) of whose Estate were granted to us

on the 13th day of September, 1962. In further

verification whereof I/WE have deposited the abovementioned deeds and also the documents mentioned in the schedule hereunder--

SCHEDULE

1. (c) Probate of the will of the said deceased.
Letters of Administration of the Estate of the said deceased.

2. (c) { Federal - Commissioner's Receipt for payment of estate duty; or Evidence that } (See Note ii) and Grant/C's.T.
the Estate is not liable therefor.

3. (f) Receiving Clerk.

I/WE (c) also declare that--

(g) (i) No other person is within my/our knowledge entitled to any estate or interest in the said land:--

(h) (ii) I/WE have never been bankrupt or insolvent and have not assigned my/our interests under the said will/testament and that there are no unsatisfied writs, orders, judgments or executions outstanding against me/us;

(i) (iii) No proceedings have been instituted pursuant to the Testators' Family Maintenance and Guardianship of Infants Act, 1916-1954, in respect of the will/estate of the said TIMOTHY DEALY

(j) AND I/WE make this solemn declaration conscientiously, believing the same to be true and by virtue of the provisions of the Oaths Act, 1900-1953,

AND I/WE also certify that this application is correct for the purposes of the Real Property Act, 1900-1956.

(k) MADE and subscribed by the abovenamed

at Amur
the 15th day of March, 1963

In the presence of--

R.E.V. Phillips J.P.

P. Hargraves
M. J. Barber
Signature(s) of Applicant(s).

CAUTION.--This application is a statutory declaration and as such must be made before a prescribed functionary. Attention is also drawn to the penalties provided by law for any false statement herein.

J 325098

No. APPLICATION BY TRANSMISSION.

Lodged by CALVIN NELSON & CO.
SOLICITORS
Address 1 NORTHUMBERLAND ROAD
AUBURN
Phone No. 649-9555.6

INDEXED	PARTICULARS ENTERED in REGISTER BOOK
<i>[initials]</i>	Volume <u>4306</u> Folio <u>203</u>
Checked by	the <u>5th</u> day of <u>July</u> , 19 <u>53</u> , at <u>12</u> o'clock in the <u>noon</u> .
Signed by	<i>[Signature]</i> Registrar-General.
CERTIFICATE OF TITLE, dated the _____ day of _____, 19____, issued:— Volume _____ Folio _____	

*Docs 1, 2 are available
for delivery*

*pld. del
24/7/63*

LEAVE THIS SPACE BLANK

HINTS FOR APPLICANTS

(A) APPLICATION BY EXECUTORS OR ADMINISTRATORS

- There should be lodged with the application—
 - The Probate or Letters of Administration.
 - The Certificates of Title or Grants.
 - Evidence should be lodged with the application—
 - Of the payment of Federal Estate Duty, or—
 - That the Estate is not liable to duty, or—
 - (From the Federal Commissioner of Taxation) that sufficient security is held for the payment of the duty.
If this cannot be furnished, the application will be allowed to proceed subject to a caveat as in 8. (b) being entered. (See Note A.)
 - (In appropriate cases) that Double Probate has not been applied for.
 - A caveat will be entered to prevent dealings—
 - Not in accordance with the powers and duties of such executor or administrator, and
 - (In the case of the Estate Duty Assessment Act (Federal)) unless evidence of payment or non-liability has been furnished.
- The fee (\$1/10/0 and 5/- for every extra folium) for such Caveat should be paid at the time of lodging the application.

(B) APPLICATION BY DEVISEE

- There should be lodged with the application—
 - The Probate or Letters of Administration, etc.
 - The Certificates of Title or Grants.
 - The duly stamped consent of the executor or administrator, whose signature should be witnessed, where the applicant is not such executor or administrator.
- Evidence should be lodged with the application—
 - Of the payment of Federal Estate Duty, or—
 - That the Estate is not liable to duty, or—
 - (From the Federal Commissioner of Taxation) that sufficient security is held for the payment of the duty.
 - (In appropriate cases) that Double Probate has not been applied for.
 - Of the payment or release of any legacy charged on subject land or the determination of any rights under the will in any person other than the applicant. (See "General" under "Receipts, Consents, &c.")
 - Of the identity, where not evident, of the land devised with that applied for. (See Note D.)
 - Of the identity, where not evident, of the devisee with the applicant.
 - Where the information has not been embodied in the application.

- That the title is not affected or liable to be affected by any Order under the Testator's Family Maintenance and Guardianship of Infants Act, 1910-1954. (See Note C.)
- That the applicant is not a bankrupt, and has not assigned or encumbered his interest.

(C) APPLICATION BY PERSONS CLAIMING UNDER AN INTESTACY

- There should be lodged with the application—
 - The Letters of Administration.
 - The Certificates of Title or Grants.
 - The duly stamped consent of the administrator, whose signature should be witnessed.
 - A certificate of death of the deceased.
- Evidence should be lodged—
 - Of the payment of Federal Estate Duty, or—
 - That the Estate is not liable to duty, or—
 - (From the Federal Commissioner of Taxation) that sufficient security is held for the payment of the duty.
 - Where the information has not been embodied in the application that the applicant is not a bankrupt, and has not assigned or encumbered his interest.
 - Of facts showing that the applicants are the only persons entitled in distribution to the estate of the intestate. (See Notes C and E.) (See also Section 61A Wills, Probate and Administration Act, 1955-1954 as to persons dying on or after 1st January, 1955.)

GENERAL

- Such other evidence as the case may require should also be lodged.
- Caveats and Office Copies of Wills
- When a transfer of the whole of the land in the application is lodged therewith a caveat, as in A 8 (a), will not be entered. In applications by trustees an office copy of the will should be lodged.
- Statutory Declarations
Declarants should fully state their means of knowledge of the facts declared to, and where the facts are not within their own knowledge they should fully state the sources of their information.
Facts, and not inferences, should be declared to.
Declarations made outside the State of New South Wales should be made under the law of the State in which they are made and before a person authorised by that law to take declarations.
Declarations should be signed on each page by the declarant and the person before whom made, and should be suitably endorsed.
- Receipts, Consents, &c.
Receipts for legacies and consents and similar documents lodged in support of application should be accompanied by evidence as to the identity of the person signing, and that he was sui juris at the date of such signing.

- Applications by Persons not Resident in New South Wales
See Section 64 (7) of the Real Property Act, 1900-1950.
They will also be received, if declared at the place where the applicant resides in accordance with the law relating to statutory declarations of the State where made before a person authorised by that law to take declarations.

- Alterations
In no case can any alteration, however trifling, be allowed to be made after the application has been declared unless all parties resign and re-declare the same. If it is discovered that any alterations are necessary the applicant may make a statutory declaration setting out in what manner he desires the application to be altered, which declaration will be accepted by the Registrar-General provided that a fresh application ought to be made by him as with the application.

- Fees
Application by (a) any persons other than executors, administrators or trustees, \$2/10/0, and an additional \$2/0/0 for each such applicant after the first; (b) executors, administrators or trustees, \$2/0/0. For every extra memorial 5/- and for every new Certificate of Title, with one simple diagram, \$2/10/0.
These are in addition to the fees mentioned above.

NOTES

- NOTE A**
Federal Estate Duty
The caveat referred to in A 11 (b) above will not be entered—
 - where two or more years have elapsed since the death of the registered proprietor;
 - When the Probate or Letters of Administration shows that the gross value of the estate in New South Wales did not exceed \$2,500, or where the whole of the estate passes to the widow, widower, children or grandchildren, \$2,500, or in either case evidence is furnished that the deceased did not leave any assets outside the State; or
 - when a receipt for payment of duty is furnished, or the Probate or Letters of Administration bears a Certificate from the Federal Commissioner of Taxation that duty has been paid or that the estate is exempt from duty; or
 - when the Federal Commissioner of Taxation certifies that he holds sufficient security for the payment of the duty.
- NOTE B**
Evidence of Payment of Debts, Funeral and Testamentary or Administrative Expenses is not usually required with an application by an executor or administrator or with an application by a beneficiary on which is endorsed the consent of the executor or administrator.
- NOTE C**
Testator's Family Maintenance and Guardianship of Infants Act, 1910-1954
An application by a devisee under the will of a testator who died since 7th October, 1915, should be accompanied by a statutory declaration by the executor that he has not received notice of an application under the said Act, or a statutory declaration showing that search in the Equity Office disclosed that no proceedings under the said Act have been taken in respect of the will of the deceased. In the latter case the declaration should show the date of search.
A similar declaration showing the result of search in the Equity Office will be required in the case of a distribution of the estate of a testator who died on or after 1st January, 1939, unless evidence is furnished that there is no person by whom or on whose behalf an application could be made under Section 8 (1) (A) of the above Act.
- NOTE D**
Evidence as to Identity of Land
All facts which are necessary to establish the identity should be fully set out, and might advantageously be illustrated by a sketch in appropriate cases.
Where the testator had not at the date of his will or codicil, as the case may be, any land in the locality or street mentioned in the devise other than that included in the application, proof of this will usually be sufficient.
Any surveyor's plans or certificates in the applicants possession which would assist in identification might be lodged with the application.
- NOTE E**
Suggestions showing the nature of Evidence necessary to prove who are entitled in certain cases to distribution to the Estate of an Intestate. (See requirement underlined.)
When the applicant claims as the widow or widower of an intestate who died on or after 1st June, 1955, it will be necessary to prove—
 - the marriage of the applicant to the intestate;
 - that the intestate was never previously married, or if he or she were, the determination of such marriage;
 - that there were not any children of the said marriage or marriages, or if there were that they all predeceased the intestate without leaving children or remoter issue surviving him or her;

- that the net value of the estate in New South Wales did not exceed (1) \$200 as to persons dying before 1st January, 1939 and (2) \$1,000 as to persons dying on or after 1st January, 1939, (3) \$2,000 as to persons dying on or after 1st January, 1955.
- When the applicants claim as the children of the intestate it will be necessary to prove—
 - the marriage of the intestate with applicants' mother or father, as the case may be;
 - that the father or mother of the applicants predeceased the intestate;
 - that the intestate was only once married, or if more than once, the determination of all marriages and that the applicants are the only children of such marriage or marriages.(All the children should be accounted for, and if any predeceased the intestate, it should be shown that he or she did not leave any child or more remote issue who survived the intestate.)
 - When the applicant claims as the father of the intestate it will be necessary to prove—
 - the marriage of the applicant to the intestate's mother;
 - that the intestate was a child of such marriage;
 - that the intestate did not leave any widow or widower or issue.
 - that the intestate's mother predeceased him (if the intestate died on or after 1st January, 1955).
 - When the applicant claims as the mother of the intestate, it will be necessary to prove—
 - the marriage of the applicant to the intestate's father;
 - that the intestate was a child of such marriage;
 - that the intestate's father predeceased him;
 - that the intestate did not leave any brother or sisters or children of brothers or sisters;
 - that the intestate did not leave any widow or widower or issue.
 - When the applicants claim as the brothers or sisters of the intestate, it will be necessary to prove—
 - the marriage or marriages of the intestate's parents;
 - that the intestate was a child of one of such marriages;
 - that the intestate's father and mother predeceased him;
 - that the applicants are all the children of such marriages who survived the intestate;
 - that the intestate did not leave any widow or widower or issue;
 - that no brother or sister predeceased the intestate leaving children who survived him.The evidence to prove who are the persons entitled in distribution to the estate of an intestate or other matters of pedigree should extend to all facts necessary for the purpose, and in each of the above cases evidence should also be furnished that no person is entitled under the Legitimacy Act, 1902, or the Child Welfare Act, 1939, to share in the estate of the deceased.
Field statements that persons named are the next of kin of the intestate and the like are useless.
As far as possible the evidence should be established by certificates of birth, marriage, or death, verified by statutory declaration.
In those cases in which certificates cannot be obtained, copies, verified by statutory declaration of birth, marriage, or death, may be accepted. If possible, he supplied, and evidence should be furnished by statutory declarations of persons who can speak of the facts of their own knowledge or who can depose to statements made by deceased relatives of the persons whose estate is the subject of claim.

FIRST SCHEDULE (cont)

REGISTERED PROPRIETOR

SECOND SCHEDULE (cont)

NATURE	INSTRUMENT		PARTICULARS
	NUMBER	DATE	
Transfer	J 325098	17-12-1962	Easement for drainage affecting the proposed drainage easement 10 wide and variable width shown in plan lodged with Transfer No. J 32
Transfer	J 325099		

ADDRESS : 79 Viking Street, Campsie – Lot 23 DP 35848	
What interest does Council have in the land?	Council is the owner of the land.
When did Council acquire the land?	11 July 1956
Why did Council acquire the land?	Unknown
How did Council acquire the land?	Purchased the land from the Housing Commission
Why is the plan being prepared?	To reclassify the land to Operational
What prompted the preparation of the plan?	The land is surplus to Council needs, and will be divested in the future.
How will it affect planning controls?	The land will be reclassified from Community Land to Operational Land under the provisions of Canterbury Local Environmental Plan 2012.
What actual physical or operational changes will result from the plan?	Site will be divested sometime in the future
Is the plan being prepared to permit a particular proposal?	Future divestment of surplus land
What are the financial implications of the reclassification?	Unknown at this stage, but will be subject to a valuation report at a later date.
Is there any rezoning associated with the classification?	No
Is the planning proposal to rectify an anomaly in a classification?	No

ADDRESS : 79 Viking Street, Campsie – Lot 23 DP 35848	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Yes
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act ?	Yes
If so has Council identified all interests, whether any rights or interests will be extinguished, any trusts & covenants relevant to the site and included a copy of the title with the planning proposal?	Yes Extinguish covenant on title CT 23/35848
Has the Council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note PN 09-003?	Yes
Has Council acknowledged in its planning proposal that a public hearing will be required and agreed to hold one as part of its documentation?	Yes

1/24/13

79 VIKING ST.
CAMPSIE.



Land & Property
Information

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 23/35848

SEARCH DATE	TIME	EDITION NO	DATE
24/1/2013	10:57 AM	-	-

VOL 7155 FOL 90 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 23 IN DEPOSITED PLAN 35848
LOCAL GOVERNMENT AREA CANTERBURY
PARISH OF ST GEORGE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP35848

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF CANTERBURY

(T G537906)

SECOND SCHEDULE (1 NOTIFICATION)

1 G537906 COVENANT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***



R.P. 13. No. 537906
New South Wales

MEMORANDUM OF TRANSFER

(REAL PROPERTY ACT, 1900)

Pres-
Lodgment
Endorsement
Certificate

(Trusts must not be disclosed in the transfer.)
Typing or handwriting in this instrument should not extend into any margin. Handwriting should be clear and legible and in permanent black or blue-black non-copying ink.

a If a fee estate, state out "in fee simple" and indicate the required attention.
b Full postal address of transfer must be shown.

c If two or more state whether as joint tenants or tenants in common.
d If all the references cannot be conveniently inserted, a form of annexure (obtainable at L.T.O.) may be added. Any annexure must be signed by the parties and their signatures witnessed.

e If part only of the land comprised in a Certificate or Certificate of Title is to be transferred and being part of a lot shown in the plan annexed hereto, or being the residue of the land in certificate (or grant) registered Vol. Fol. Where the consent of the local council is required to a subdivision the certificate and plan mentioned in the L.C. Act, 1919, should accompany the transfer.

f State out if unnecessary. Certificates should comply with the provisions of the Conveyancing Act, 1919, here also should be set forth any right-of-way or easement or exception.

Any provision in addition to or modification of the covenants implied by the Act may also be inserted. If the space provided is insufficient a form of annexure of covenants and conditions of transfer should be used. A very short note will suffice.

THIS SPACE TO BE LEFT FREE FROM NOTATION.

b If executed within the State this instrument should be signed

NOT TO BE ALTERED BY ERASURE

I, THE HOUSING COMMISSION OF NEW SOUTH WALES the body corporate constituted by the Housing Act, 1912-1949 and the Housing Act, 1941-1947 (herein called transferor) being registered as the proprietor of an estate in fee simple in the land hereinafter described, subject, however, to such encumbrances, liens and interests as are notified hereunder, in consideration of Two hundred and fifty pounds (£250) (the receipt whereof is hereby acknowledged) paid to it by

THE COUNCIL OF THE MUNICIPALITY OF CAMDEN

(herein called transferee)

do hereby transfer to the said transferee All such fee Estate and Interest in All the land mentioned in the schedule following:-

County.	Parish.	Reference to Title (a)			Description of Land (if part only).	(c)
		Whole or Part	Vol.	Fol.		
Cumberland	St. George	Part	6621	130	Being Lot 23 in Housing Commission Plan No. 848.	

And the transferee covenants with the transferor -

(a) That the land hereby transferred will not be used for any purpose other than as a road and,

(b) That no fencing or structure whatsoever shall be erected or repaired on the boundaries of the land hereby transferred and that retained by the transferor other than of a standard end kind previously approved of in writing by the transferor.

The land to which the benefit of the said covenants shall be appurtenant are Lots 22 and 24 as shown on Housing Commission Plan 848 but only during the ownership thereof by the transferor. The land subject to the burden of the said covenants is the land hereby transferred.

ENCUMBRANCES, &c., REFERRED TO:

(a) That the land hereby transferred will not be used for any purpose other than as a road and,

(b) That no fencing or structure whatsoever shall be erected or repaired on the boundaries of the land hereby transferred and that retained by the transferror other than of a standard and kind previously approved of in writing by the transferror.

The land to which the benefit of the said covenants shall be appurtenant are Lots 22 and 24 as shown on Housing Commission Plan 848 but only during the ownership thereof by the transferror. The land subject to the burden of the said covenants is the land hereby transferred.

ENCUMBRANCES, &c., REFERRED TO:

ADDRESS : 49 Jeffrey Street, Canterbury – Lot 1 DP 959315	
What interest does Council have in the land?	Council is the owner of the land.
When did Council acquire the land?	19 March 1975
Why did Council acquire the land?	Acquisition of open space and future road widening resolution 5/12/74
How did Council acquire the land?	Purchased from adjoining owner
Why is the plan being prepared?	To reclassify the land to Operational
What prompted the preparation of the plan?	The land is surplus to Council needs, and will be divested in the future.
How will it affect planning controls?	The land will be reclassified from Community Land to Operational Land under the provisions of Canterbury Local Environmental Plan 2012.
What actual physical or operational changes will result from the plan?	Possible consolidation with adjoining owner.
Is the plan being prepared to permit a particular proposal?	Future divestment
What are the financial implications of the reclassification?	Unknown at this stage, but will be subject to a valuation report at a later date.
Is there any rezoning associated with the classification?	No
Is the planning proposal to rectify an anomaly in a classification?	No

ADDRESS : 49 Jeffrey Street, Canterbury – Lot 1 DP 959315	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Yes
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act ?	No
If so has Council identified all interests, whether any rights or interests will be extinguished, any trusts & covenants relevant to the site and included a copy of the title with the planning proposal?	Not applicable
Has the Council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note PN 09-003?	Yes
Has Council acknowledged in its planning proposal that a public hearing will be required and agreed to hold one as part of its documentation ?	Yes

**Land & Property
Information**

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH
-----FOLIO: 1/959315

SEARCH DATE	TIME	EDITION NO	DATE
-----	-----	-----	-----
1/7/2014	9:54 AM	-	-

VOL 12818 FOL 69 IS THE CURRENT CERTIFICATE OF TITLE

LAND
-----LOT 1 IN DEPOSITED PLAN 959315
LOCAL GOVERNMENT AREA CANTERBURY
PARISH OF PETERSHAM COUNTY OF CUMBERLAND
TITLE DIAGRAM DP959315FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF CANTERBURY (T P228231)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

lg:cant-dhnguyen

PRINTED ON 1/7/2014

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

ADDRESS : 14 Warejee Street, Kingsgrove – Lot 145 DP 16265	
What interest does Council have in the land?	Council is the owner of the land.
When did Council acquire the land?	17 September 1948
Why did Council acquire the land?	Public recreation
How did Council acquire the land?	Resumed by notice in Government Gazette
Why is the plan being prepared?	To reclassify the land to Operational
What prompted the preparation of the plan?	The land is surplus to Council needs and will be divested in the future.
How will it affect planning controls?	The land will be reclassified from Community Land to Operational Land under the provisions of Canterbury Local Environmental Plan 2012.
What actual physical or operational changes will result from the plan?	Site will be divested sometime in the future
Is the plan being prepared to permit a particular proposal?	Future divestment
What are the financial implications of the reclassification?	Unknown at this stage, but will be subject to a valuation report at a later date.
Is there any rezoning associated with the classification?	No
Is the planning proposal to rectify an anomaly in a classification?	No

ADDRESS : 14 Warejee Street, Kingsgrove – Lot 145 DP 16265	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Yes
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act ?	No
If so has Council identified all interests, whether any rights or interests will be extinguished, any trusts & covenants relevant to the site and included a copy of the title with the planning proposal?	Not applicable CT 145/16265
Has the Council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note PN 09-003?	Yes
Has Council acknowledged in its planning proposal that a public hearing will be required and agreed to hold one as part of its documentation?	Yes

**Land & Property
Information**

A division of the Department of Finance & Services

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH
-----FOLIO: 145/16265

SEARCH DATE	TIME	EDITION NO	DATE
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28/5/2014	12:03 PM	-	-

VOL 4510 FOL 27 IS THE CURRENT CERTIFICATE OF TITLE

LAND
-----LOT 145 IN DEPOSITED PLAN 16265
LOCAL GOVERNMENT AREA CANTERBURY
PARISH OF ST GEORGE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP16265FIRST SCHEDULE

COUNCIL OF THE MUNICIPALITY OF CANTERBURY (R D914955)

SECOND SCHEDULE (1 NOTIFICATION)
-----1 D914955 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT,
1912)NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

lg:cant-mczuczman Dirk

PRINTED ON 28/5/2014

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WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

ADDRESS : 24-26 Mazarin Street, Riverwood – Lot 23, DP 237686	
What interest does Council have in the land?	Council is the owner of the land.
When did Council acquire the land?	22 April 1969
Why did Council acquire the land?	Drainage and public reserve
How did Council acquire the land?	Dedicated to Council as part of the surrounding subdivision.
Why is the plan being prepared?	To reclassify the land to Operational
What prompted the preparation of the plan?	The land is surplus to Council needs and will be divested in the future.
How will it affect planning controls?	The land will be reclassified from Community Land to Operational Land under the provisions of Canterbury Local Environmental Plan 2012.
What actual physical or operational changes will result from the plan?	Site will be divested sometime in the future
Is the plan being prepared to permit a particular proposal?	Yes, future sale to adjoining owner.
What are the financial implications of the reclassification?	Unknown at this stage, but will be subject to a valuation report at a later date.
Is there any rezoning associated with the classification?	No
Is the planning proposal to rectify an anomaly in a classification?	No

ADDRESS : 24-26 Mazarin Street, Riverwood – Lot 23, DP 237686	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Yes
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act ?	Yes
If so has Council identified all interests, whether any rights or interests will be extinguished, any trusts & covenants relevant to the site and included a copy of the title with the planning proposal?	Yes Remove caveat public reserves CT 23/237686
Has the Council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note PN 09-003?	Yes
Has Council acknowledged in its planning proposal that a public hearing will be required and agreed to hold one as part of its documentation?	Yes



Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 23/237686

SEARCH DATE	TIME	EDITION NO	DATE
28/5/2014	12:02 PM	-	-

VOL 11037 FOL 223 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 23 IN DEPOSITED PLAN 237686
AT RIVERWOOD
LOCAL GOVERNMENT AREA CANTERBURY
PARISH OF ST GEORGE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP237686

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF CANTERBURY

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING
REGISTRATION OF INSTRUMENTS NOT AUTHORISED BY THE
PROVISIONS OF THE LOCAL GOVERNMENT ACT, 1919 RELATING
TO PUBLIC RESERVES

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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ADDRESS : 20A Cooks Avenue, Canterbury – Lot 61 DP 9484	
What interest does Council have in the land?	Council is the owner of the land.
When did Council acquire the land?	1918
Why did Council acquire the land?	Dedication of land for drainage reserve
How did Council acquire the land?	Allotment created as part of a subdivision in 1918
Why is the plan being prepared?	To reclassify the land to Operational
What prompted the preparation of the plan?	The land is surplus to Council needs and will be divested in the future.
How will it affect planning controls?	The land will be reclassified from Community Land to Operational Land under the provisions of Canterbury Local Environmental Plan 2012.
What actual physical or operational changes will result from the plan?	Drainage easement will be retained
Is the plan being prepared to permit a particular proposal?	Sale to adjoining owners sometime in the future.
What are the financial implications of the reclassification?	Unknown at this stage, but will be subject to a valuation report at a later date.
Is there any rezoning associated with the classification?	No
Is the planning proposal to rectify an anomaly in a classification?	No

ADDRESS : 20A Cooks Avenue, Canterbury – Lot 61 DP 9484	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Yes
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act ?	No drainage easement to be created prior to disposal
If so has Council identified all interests, whether any rights or interests will be extinguished, any trusts & covenants relevant to the site and included a copy of the title with the planning proposal?	No
Has the Council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note PN 09-003?	Yes
Has Council acknowledged in its planning proposal that a public hearing will be required and agreed to hold one as part of its documentation ?	Yes



Land & Property Information

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: AUTO CONSOL 1585-219

SEARCH DATE	TIME	EDITION NO	DATE
1/7/2014	9:59 AM	-	-

VOL 1585 FOL 219 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
LOCAL GOVERNMENT AREA CANTERBURY
PARISH OF ST GEORGE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP9484

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF CANTERBURY

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- * 2 THE LAND ABOVE DESCRIBED IS DRAINAGE RESERVE AS SHOWN IN DP9484

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 61-62 IN DP9484.

*** END OF SEARCH ***

lg:cant-dhnguyen

PRINTED ON 1/7/2014

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WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

Attachment 4: Evaluation Criteria for the Delegation of Plan Making Functions

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

**Checklist for the review of a request for delegation of plan making
functions to councils**

Local Government Area:Canterbury

Name of draft LEP:Canterbury Local Environmental Plan 2012 (Amendment No.)

Address of Land (if applicable):Various

Intent of draft LEP: To reclassify the subject lands from Community Land to
Operational Land

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Yes			
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?		N/A		
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?		N/A		
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?		N/A		
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	No			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	No			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?	No			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	Yes			
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?	Yes			
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	Yes			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	Yes			
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		N/A		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		N/A		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		N/A		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		

Does the planning proposal create an exception to a mapped development standard?		N/A		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).	No			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.