

GOSFORD CEMETERIES ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 84, 1970.

An Act to dedicate certain lands at Gosford as public parks; to make provision for the appointment of trustees thereof; to confer and impose certain powers, authorities, duties and functions on those trustees; and for purposes connected therewith. [Assented to, 9th December, 1970.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Gosford Cemeteries Act, **Short title.** 1970".

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No. 84, 1970 **2.** In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpre-
tation.

“Council” means the Council of the Shire of Gosford;

“the scheduled lands” means the land described in the First Schedule to this Act and the land described in the Second Schedule to this Act.

Closing of
road in First
Part of First
Schedule.

3. Notwithstanding anything in any other Act, the road comprising the land described in the First Part of the First Schedule to this Act is hereby closed and the land comprised in the road so closed shall be freed and discharged from any rights of the public or any person thereto as a highway.

Divesting
of estate or
interest held
in scheduled
lands before
commence-
ment of
Act.

4. (1) Any estate or interest in the scheduled lands which, immediately before the commencement of this Act, was vested in or held by any person or body of persons is hereby divested.

(2) Any person or body referred to in subsection one of this section is hereby discharged from any duties, liabilities or obligations existing immediately before the commencement of this Act in respect of or in relation to the scheduled lands.

(3) Any trusts, conditions, encumbrances, dedications or reservations affecting the scheduled lands immediately before the commencement of this Act are hereby revoked and annulled.

Dedication
of scheduled
lands as
public parks.

5. (1) The land described in the First Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912.

(2)

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(2) The land described in the Second Schedule to this Act is hereby dedicated as a public park and that land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912. No. 84, 1970

(3) Subject to this Act, the Council shall be the trustees of the scheduled lands for all purposes of the Public Parks Act, 1912, and shall be deemed to have been appointed pursuant to that Act to be the trustees of those lands.

(4) The scheduled lands shall be maintained by the Council as rest parks and garden areas and, notwithstanding anything in any other Act, but subject to the provisions of this Act, the Council shall not use those lands or permit them to be used for any other purpose.

6. (1) Subject to subsections two and three of this section, the Council shall, as soon as practicable after the commencement of this Act— Removal of human remains, monuments, etc.

- (a) compile a register of the names of and other relevant information in respect of persons who are buried in or whose ashes have been placed in or on the scheduled lands, so far as those names and that information can by reasonable diligence be obtained, and deposit and maintain the register at the offices of the Council at Gosford, so as to be available for inspection by any interested person from time to time;
- (b) furnish a certified copy of the register to the Minister;
- (c) furnish a certified copy of the register to the Mitchell Library, Sydney, where it shall be maintained so as to be available for inspection by any interested person from time to time;
- (d) remove all monuments and other surface structures on the scheduled lands and re-arrange or dispose of them at the discretion of the Council;

(e)

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- (e) plant the scheduled lands with trees, lawns, shrubs and plants and otherwise improve them as rest parks and garden areas; and
- (f) erect a memorial, tablet or plaque in a suitable position on the land described in the First Schedule to this Act and a memorial, tablet or plaque in a suitable position on the land described in the Second Schedule to this Act, each indicating the sacred nature of the respective area and where the register referred to in paragraph (a) of this subsection may be inspected and stating that a copy of the register may be inspected at the Mitchell Library, Sydney.

(2) At least three months before any monuments or other surface structures are removed by the Council pursuant to subsection one of this section, an advertisement of the intention to remove them and drawing attention to the right conferred by subsection three of this section on the representatives or persons claiming to be representatives referred to in the said subsection three shall be inserted twice at an interval of not less than two weeks in a newspaper or newspapers published and circulating in the locality, and twice at an interval of not less than two weeks in a newspaper or newspapers published in Sydney and circulating widely throughout New South Wales.

(3) At any time after the publication of the first advertisement referred to in subsection two of this section and before the expiration of three months from the publication of the last of those advertisements the representatives or any persons claiming to be representatives of any person who is buried in or whose ashes have been placed in or on the scheduled lands may, at their own expense, and with the permission of the Council, remove the monument or other surface structure erected over the grave of that person, and may, at their own expense, and with the permission of the Director-General of Public Health, remove the remains of that person to another cemetery for burial or to a crematorium for cremation.

(4)

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(4) Subject to this Act, the Council may do all such other things as it may consider necessary to effect the conversion of the scheduled lands into rest parks and garden areas. **No. 84, 1970**

7. No compensation shall be payable to any person or body of persons in respect of the closing of the road comprising the land described in the First Part of the First Schedule to this Act or in respect of the divesting of any estate or interest by this Act or in respect of the performance of any act authorised by this Act. No compensation payable.

FIRST SCHEDULE.**Sec. 2.****FIRST PART.**

ALL THAT piece or parcel of land containing by admeasurement 2 roods 19½ perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, part Albany Street being portion 395 in plan catalogued N 8826-2111 in the Department of Lands, Sydney.

SECOND PART.

ALL THAT piece or parcel of land containing by admeasurement 9½ perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, part freehold allotment 1 section 42 being portion 396 in plan catalogued N 8826-2111 in the Department of Lands, Sydney.

THIRD PART.

ALL THAT piece or parcel of land containing by admeasurement 1 acre be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, being the land dedicated for the Church of England Burial Ground on 27th July, 1847 and shown on plan catalogued C 251-730 in the Department of Lands, Sydney.

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SECOND SCHEDULE.

Sec. 2.

ALL THAT piece or parcel of land containing by admeasurement 2 acres 3 roods 4½ perches be the same more or less situate in the Shire and Parish of Gosford, and adjoining lands Town of Gosford, County of Northumberland, being the land dedicated for General Cemetery on 24th October, 1882 and the road closed by notification in the Gazette of 14th October, 1966 COMMENCING at the northernmost south-western corner of portion 378 and bounded thence by that portion by lines bearing 90 degrees distant 383 links 360 degrees distant 50 links 90 degrees distant 225 4/10 links 180 degrees distant 279 7/10 links 270 degrees 40 minutes 30 seconds distant 320 links and 180 degrees distant 449 7/10 links to the northern side of Lindsey Street thence by the northern side of that street bearing 270 degrees 40 minutes 30 seconds distant 295 links to the eastern side of Whitton Street and thence by the eastern side of that street bearing 40 minutes distant 671 4/10 links to the point of commencement.

JUSTICES