
*The Church of England Homes (Carlingford Land) Sale
Ordinance 1963*

No. 2, 1963.

AN ORDINANCE authorising the sale of certain lands situate at Carlingford in the City of Parramatta Parish of Field of Mars and County of Cumberland held upon trust for the benefit of the Church of England Homes and to provide for the application of the proceeds thereof.

WHEREAS by the Church of England Homes Constitution Ordinance, 1930 the amalgamation of the two Societies theretofore existing in connection with the Church of England in the Diocese of Sydney known respectively as the Church of England Homes and the Church of England Committee for Homes and Hostels for Children was approved and the Constitution of the amalgamated society known as The Church of England Homes (hereinafter called the said Society) set forth in the Schedule to the said Ordinance was ratified and confirmed and by the said Ordinance it was declared that the said Society should be thenceforth managed and conducted pursuant to the provisions of the said Constitution and that with respect to the properties set out in the said Constitution and to the property to be thereafter acquired thereunder and in all respects the said Society should have and exercise all the rights and powers and be otherwise subject to the provisions therein contained AND WHEREAS by the said Constitution it is provided that the management conduct and control of the said Society should be vested in a Committee to be elected as therein provided AND WHEREAS the unincorporated body of the Committee of the Church of England Homes was in pursuance of the powers conferred by the Church of England (Bodies Corporate) Act 1938 constituted a body corporate under the name of The Committee of the Church of England Homes (hereinafter called "the said Committee") AND WHEREAS it is provided by the said Constitution that the property real and personal described in the first part of the Schedule thereto being at the time of the said amalgamation vested in the Church of England Property Trust Diocese of Sydney upon trust for the benefit of the organisation previously existing known as the Church of England Homes should be used for the like purpose or purposes for which the same might be used at the time of the adoption of the said Constitution but should be held upon trust for the benefit of the said Society under the said Constitution AND WHEREAS by the said Constitution the said Society was given power from time to time to acquire and hold in the name of its trustee or trustees by purchase lease gift or other

*The Church of England Homes (Carlingford Land) Sale
Ordinance 1963*

means any property both real and personal and save as expressly precluded by any instrument declaring the trusts of any such property held upon trust for the said Society to sell mortgage lease under-lease surrender exchange partition or otherwise deal with such property in such manner in all respects as the Committee should determine and to erect alter or demolish any building upon any land held upon trust for it AND WHEREAS the said Committee is now the registered proprietor under the provisions of the Real Property Act 1900 of certain land situate at Carlingford being the land described in the First Schedule hereto and such land is the same land as is described in sub-paragraph (iv) of paragraph B of the first part of the Schedule to the said Constitution AND WHEREAS the said Committee is also the registered proprietor under the provisions of the Real Property Act 1900 of certain other land situate at Carlingford adjoining the land described in the First Schedule hereto on the east being the land described in the Second Schedule hereto and such land was acquired by the said Society subsequently to the date of the said Constitution and is held by the said Committee as trustee for and on behalf of the said Society AND WHEREAS there is erected on part of the land described in the First Schedule hereto a brick cottage building which is at present used for the purposes of the said Society but otherwise the land described in the First Schedule and the Second Schedule hereto is vacant AND WHEREAS by reason of circumstances subsequent to the creation of the trusts affecting the land described in the First Schedule hereto it is expedient to sell the same NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ORDAINS AND DECLARES as follows:-

1. By reason of circumstances subsequent to the creation of the trusts affecting the land described in the First Schedule hereto it is inexpedient to carry out and observe the same and it is expedient to sell such land and accordingly the said land together with the land described in the Second Schedule hereto or any part or parts thereof may be sold by the said Committee freed from the said Trust and either by public auction or private contract together or in lots in subdivision or otherwise for cash or on credit or on terms of deferred payment and for such price or prices and upon such terms and conditions and with or subject to such restrictive building covenants as the said Committee shall determine with power to vary any contract for sale and to buy in at any auction or to rescind any contract for sale and to resell and with power also to

*The Church of England Homes (Carlingford Land) Sale
Ordinance 1963*

lay out and construct such roads streets and ways to be dedicated to the public or, not and grant such easements rights of way or drainage over the same as the circumstances may require or the said Committee thinks fit and to set aside and provide such recreation area as the Council of the City of Parramatta may require on the subdivision of the said land and to dedicate the same to the public or vest the same in the said Council as may be required or to make such payment to the said Council in lieu thereof as the said Committee thinks fit and to sever and sell the buildings and fixtures on the said land apart from the balance of the said land and the said Committee is hereby authorised to execute a transfer or transfers of the said land or of any part or parts thereof to the purchaser or purchasers thereof and such other instrument or instruments as the Committee shall determine for the purposes of executing and carrying out all or any of the powers and provisions aforesaid.

2. The moneys to arise from the sale of the land described in the First Schedule hereto and the Second Schedule hereto or of any part or parts thereof shall be received by the said Committee and such part thereof as shall be required for that purpose shall be applied in payment of the costs charges fees and expenses of and incidental to this Ordinance and of and incidental to the subdivision of the said land and any sale or sales thereof or any part or parts thereof and the execution and carrying out of all or any of the powers and authorities hereby conferred on the said Committee and the balance of the said moneys shall be held and applied by the said Committee for the benefit of the said Society.

3. This Ordinance shall be styled and cited as "The Church of England Homes (Carlingford Land) Sale Ordinance 1963."

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO:

All that piece or parcel of land situate at Carlingford in the City of Parramatta Parish of Field of Mars and County of Cumberland containing an area of about 2 acres 0 roods 35¼ perches having a frontage to Pennant Hills Road and a depth along Gibbons Street to Felton Street to which it also has a frontage being Lots 12 and 15 in Deposited Plan 4084 and being the whole of the land comprised in Certificate of Title dated 9th day of October, 1917 registered Volume 2793 Folio 78.

*The Church of England Homes (Carlingford Land) Sale
Ordinance 1963*

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO:

All that piece or parcel of land adjoining the land described in the First Schedule hereto on the east situate at Carlingford aforesaid containing an area of about 3 acres 0 roods 24¼ perches and having a frontage to Pennant Hills Road by a depth in part through to Felton Street to which it also has a frontage being Lots 10, 11 and 16 in Deposited Plan 4084 being the whole of the land comprised in Certificate of Title dated 18th November, 1924 registered Volume 3664 Folio 23.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON,

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of Synod of the Diocese of Sydney on the 25th day of February 1963.

W. L. J. HUTCHISON,

Secretary.

I assent to this Ordinance.

HUGH SYDNEY,

25/2/1963.

Archbishop of Sydney.