
*The Church of England Homes (Carlingford Land)
Sale Ordinance 1967*

No. 5, 1967.

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 (No. 17/1930), 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 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

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hereto and such land is the residue of the same land as is described in sub-paragraphs (i), (ii), (iii) and (v) of Paragraph B of the First Part of the Schedule to the said Constitution remaining after certain resumptions for the widening of Pennant Hills Road AND WHEREAS there is erected on part of the land described in the First Schedule hereto certain buildings and improvements which are used for the purposes of the said Society but a substantial part of such land is vacant AND WHEREAS the said Committee has caused to be prepared by Messrs. Hardy Busby & Tyson registered surveyors of Sydney a plan of subdivision of the land described in the First Schedule hereto into twenty-one allotments with provision for a road to be constructed over part of such land and it is proposed to register such plan in the Land Titles Office at Sydney as a deposited plan after final approval thereof has been granted by the Council of the City of Parramatta 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 that part thereof as is described in the Second Schedule hereto such part being the whole of the land described in the First Schedule hereto except Lot 21 as shown on the said plan of subdivision NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY 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 so far as they affect the part of such land as is described in the Second Schedule hereto and it is expedient to sell the land described in the Second Schedule hereto and accordingly the land described in the Second Schedule hereto (hereinafter called "the land hereby authorised to be sold") or any part or parts thereof may be sold by the said Committee freed from the said trusts either by public auction or private contract together or in lots in subdivision or otherwise for cash or on credit or on terms or 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 to resell and with power also to 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

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provide such recreation area as the Council of the City of Parramatta may require 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 land hereby authorised to be sold apart from the balance thereof and the said Committee is hereby authorised to execute a transfer or transfers of the land hereby authorised to be sold 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 hereby authorised to be sold 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 land described in the First Schedule hereto and any sale or sales of the land hereby authorised to be sold 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 1967."

**THE SCHEDULES HEREINBEFORE REFERRED TO
FIRST PART**

All that piece or parcel of land situate at Carlingford in the City of Parramatta Parish of Field of Mars and County of Cumberland having frontages to Pennant Hills Road, Gibbons Street and York Street and being the residue of the land comprised in the following Certificates of Title namely:

- Certificate of Title registered Volume 2783 Folio 249
- Certificate of Title registered Volume 1262 Folio 205
- Certificate of Title registered Volume 4248 Folio 239
- Certificate of Title registered Volume 4248 Folio 238

remaining after certain resumptions for the widening of Pennant Hills Road.

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SECOND PART

All that piece or parcel of land situate at Carlingford in the City of Parramatta Parish of Field of Mars and County of Cumberland having frontages to Gibbons Street and York Street being part of the land described in the First Schedule hereto and being lots 1 to 20 inclusive and the site of proposed road shown in the plan of subdivision of the land described in the First Schedule hereto prepared by Messrs. Hardy Busby & Tyson registered surveyors of Sydney and intended to be registered as a deposited plan in the Land Titles Office at Sydney and more particularly described as follows:-

All that piece of land containing 5 acres 3 roods 32 $\frac{1}{2}$ perches being the land comprised in Certificate of Title Volume 4248 Folio 238 and part of the land in Certificate of Title Volume 4248 Folio 239 and part of the land in Certificate of Title Volume 2783 Folio 249 and part of the land in Certificate of Title Volume 1262 Folio 205, situated at Carlingford in the City of Parramatta, Parish of the Field of Mars, County of Cumberland and State of New South Wales.

Commencing at the intersection of the Eastern alignment of York Street and the Northern alignment of Parkham Street and bounded thence on the South West by part of the North Eastern alignment of York Street being a line bearing three hundred and twenty-one degrees thirty-nine minutes for a distance of one hundred and seventy-eight feet six and one quarter inches thence on the North West by part of the South Eastern boundary of the land comprised in plan catalogued in Lands Department Sydney Ms. 3030 Sy being a line bearing forty-nine degrees thirty-two minutes for three hundred and sixty-eight feet one and one quarter inches thence on the South West by the South Western boundary of the land comprised in Certificate of Title Volume 4248 Folio 238 and by part of the South Western boundary of the land comprised in Certificate of Title Volume 4248 Folio 239 being a line bearing three hundred and twenty-seven degrees nine minutes thirty seconds for one hundred and seventy-three feet eight inches and thence on the North West by a line bearing forty-nine degrees twenty-seven minutes for four hundred and seventy-three feet eight inches and thence on the North by a line bearing ninety degrees ten minutes for one hundred and fifty-two feet six and one quarter inches thence on the North East by part of the South Western alignment of Gibbons Street being a line bearing one hundred and sixty-seven degrees fifty-five minutes for three hundred and fifty-nine feet one

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and three quarter inches thence on the South by the Northern boundary of Lot A as shown on plan annexed to Transfer No. H693812 being a line bearing two hundred and seventy degrees ten minutes for one hundred feet thence on the South East by the North Western boundaries of the land comprised in the aforementioned Lot A as shown on plan annexed to Transfer No. H693812 and by the North Western boundaries of the land comprised in Lots 12, 13 and 16 as shown on Deposited Plan 204724 and by the North Western extremity of Volmer Street and by part of the North Western alignment of Parkham Street being in all a line bearing two hundred and twenty-nine degrees twenty-seven minutes for seven hundred and forty feet six and one quarter inches to the point of commencement.

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

H. G. S. BEGBIE,
Deputy Chairman of Committees.

I certify that the Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27th day of February, 1967.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

27/2/1967.