

THE CHURCH OF ENGLAND HOMES (CARLINGFORD) ORDINANCE 1977NO. 26 1977

AN ORDINANCE to vary the trusts and authorise the sale of certain lands situate at Carlingford in the City of Parramatta and the Shire of Baulkham Hills and to provide for the application of the proceeds thereof.

WHEREAS by The Church of England Homes Constitution Ordinance No. 17 of 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 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
30 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
35 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 lands described in the first Schedule hereto and such lands are the same lands as are described in sub-paragraphs (i), (ii),
40 (iii) and (v) of paragraph B, the land described in sub-paragraph (i) and part of the land described in sub-paragraph (ii) of paragraph C and part of the land described in paragraph D respectively of the first part of the Schedule to the said Constitution AND WHEREAS there is erected on
45 part of the lands 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 lands is vacant AND WHEREAS the said Committee has caused to be prepared by Craig and Rhodes Pty. Limited, Consulting
50 Surveyors and Engineers of Epping a plan of proposed subdivision of the lands described in sub-paragraphs (i), (ii), (iii) and (v) of paragraph B aforesaid AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the
55 Second Schedule hereto are held it is inexpedient to carry out and observe the same to the extent to which such trusts are hereby varied AND WHEREAS it is expedient that the said



lands be sold and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the First Schedule hereto are held it is inexpedient to carry out and observe the same so far as they affect the parts of such lands as are described in the Second Schedule hereto and it is expedient to sell the lands described in the Second Schedule hereto the said Committee is hereby empowered to subdivide in such manner as the said Committee shall determine and sell the lands described in the Second Schedule hereto (hereinafter called "the lands hereby authorised to be sold") or any part or parts thereof freed from the trusts upon which the said lands are now held either by public auction or private contract together or in lots in subdivision or otherwise for cash or 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 to also lay out and construct such roads and 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 and/or the Council of the Shire of Baulkham Hills may require as a condition for the granting of approval to a



90 subdivision of the lands hereby authorised to be sold or any
part or parts thereof and to dedicate the same to the public
or vest the same in either of the said Councils as may be
required or to make such payment to either of the said
Councils in lieu thereof as the said Committee thinks fit
and to sever and sell the buildings and fixtures on the
95 lands hereby authorised to be sold and the said Committee is
hereby authorised to execute a Transfer or Transfers of the
lands 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
100 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 lands hereby
authorised to be sold or of any part or parts thereof shall
be received by the said Committee and such part thereof as
105 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 any
subdivision of the lands hereby authorised to be sold 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
110 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 for
investment.

115 3. This Ordinance may be cited as "The Church of England
Homes (Carlingford) Ordinance 1977".



FIRST SCHEDULE

- A. ALL THOSE parcels of land situate at Carlingford in the City of Parramatta (formerly in the Municipality of Dundas) Parish of Field of Mars and County of Cumberland:-
- (i) containing an area of one acre three roods 36 perches or thereabouts being lots 13 and 14 in Deposited Plan No. 4084 and being the whole of the land comprised in Certificate of Title dated 1 September, 1917 registered Volume 2783 Folio 249;
 - (ii) containing an area of four acres eighteen and one-half perches or thereabouts and being lots 1 and 26 in Deposited Plan No. 3122 being the whole of the land in Certificate of Title dated 21 October, 1898 registered Volume 1262 Folio 205;
 - (iii) containing an area of two roods two perches or thereabouts being the whole of the land comprised in Certificate of Title dated 15 February, 1929 registered Volume 4248 Folio 238;
 - (iv) containing an area of three acres two roods twenty-two perches or thereabouts being the whole of the land comprised in Certificate of Title dated 15 February, 1929 registered Volume 4248 Folio 239.
- B. ALL THOSE parcels of land situate at Carlingford in the Shire of Baulkham Hills Parish of Field of Mars and County of Cumberland:-
- (i) containing an area of nine acres sixteen and three-quarter perches or thereabouts being the whole of the land comprised in Certificate of Title dated 6 February, 1911 registered Volume 2121 Folio 166. Such land is now part of the land comprised in Certificate of Title Dated 27 February, 1976 registered Volume 12998 Folio 162;
 - (ii) being the residue of an area of thirty-six acres two roods thirty perches or thereabouts and being part of the land comprised in Certificate of Title dated 17 June, 1884 registered Volume 700 Folio 22. The said residue of such land is part of the land comprised in the said Certificate of Title registered Volume 12998 Folio 162.
- C. ALL THAT parcel of land situate at Carlingford, formerly Pennant Hills, Parish of Field of Mars and County of Cumberland being the residue of an area of one acre two roods seven perches or thereabouts having a frontage of about 225 links to Pennant Hills Road by a depth along the one side of about 582 links and a depth along the other side along a reserved road or right of way of about 608 links. The said residue of such land is now the whole of the land comprised in Certificate of Title dated 30 April, 1976 registered Volume 13046 Folio 132.

SECOND SCHEDULE

- A. ALL THAT parcel of land being lot 1 in the plan of proposed subdivision of the lands described in paragraph A of the First Schedule hereto prepared by Craig and Rhodes Pty. Limited Consulting Surveyors and Engineers of 12 Langston Place, Epping and dated 30 June, 1977.
- B. ALL THOSE parcels of land described in paragraphs B and C of the First Schedule hereto.

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

[Handwritten signature]

Deputy Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the ~~28~~ ²⁹ day of August 1977.

[Handwritten signature]

Secretary.

I ASSENT to this Ordinance.

[Handwritten signature]

Archbishop of Sydney.

29/8/77