
*St. John's Camden Housing Development and Variation of
Trusts Ordinance 1971*

No. 49, 1971

AN ORDINANCE to vest and vary the trusts of certain land at Camden, to authorise the mortgaging or charging of such land and to provide for the application of the proceeds of such mortgaging or charging, to authorise an application to have the said land brought under the provisions of the Real Property Act 1900 as amended, to authorise the erection of a building containing home units pursuant to the Conveyancing (Strata Titles) Act 1961, to authorise the sale of certain of such units, to declare the trusts in respect of two of the said units, to provide for the application of the proceeds of such sales and for purposes incidental thereto.

WHEREAS:—

- A. By a Deed of Feoffment dated the 8th day of May 1841 Registered No. 938 all that piece or parcel of land more particularly described in the First Part of the First Schedule hereto was granted enfeoffed and confirmed unto the Bishop of Australia to have and to hold the said land and hereditaments with the appurtenances thereinbefore granted enfeoffed and confirmed unto the said Bishop of Australia and his successors forever upon trust for the erection thereon of a Church or Chapel for the performance of divine worship according to the rites of the United Church of England and Ireland as it was then established by law and also for the erection of a residence for a clergyman in Holy Orders and for a burial ground according to the use of the said United Church or for all or any of the said objects as the said Bishop of Australia shall from time to time determine and upon trust for all or any of the purposes provided for in and by the Act of the Governor of New South Wales thereinbefore mentioned and under and subject to the enactments clauses and provisions thereof;
- B. The land comprised in the Second Part of the First Schedule is the residue of the abovementioned land following the sale of portion thereof;
- C. It is expedient that the land described in the Second Part of the First Schedule be vested in Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee");
- D. The land comprised in the Second Schedule hereto forms part of

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the land comprised in the Second Part of the First Schedule hereto;

- E. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule is held it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied;
- F. It is expedient to have the land described in the Second Part of the First Schedule brought under the provisions of the Real Property Act 1900 as amended;
- G. It is expedient to mortgage or charge the land comprised in the Second Schedule and to provide for the borrowing of certain moneys;
- H. It is expedient to subdivide the land described in the Second Schedule out of the land described in the Second Part of the First Schedule and to carry out improvements thereon so as to make the said land a "parcel" within the meaning of the Conveyancing (Strata Titles) Act 1961 and to sell parts of the said parcel and to apply the net proceeds of such sales as hereinafter set out;

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:—

1. That the land described in the Second Part of the First Schedule hereto be and the same is hereby vested in the Corporate Trustee.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it is inexpedient to carry out and observe the same to the extent to which they are hereby varied and it is expedient to erect certain improvements thereon so as to make the land described in the Second Schedule a "parcel" within the meaning of the Conveyancing (Strata Titles) Act 1961 and it is expedient that certain parts of the said parcel be sold and that trusts be declared in respect of the remaining part or parts thereof;

3. The Corporate Trustee is hereby empowered to execute any such documents and to take any such steps as may be necessary to have the land comprised in the Second Schedule hereto subdivided out of the land comprised in the Second Part of the First Schedule

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hereto and to have the land comprised in the Second Part of the First Schedule hereto brought under the provisions of the Real Property Act 1900 as amended and the land comprised in the Second Schedule hereto made a "parcel" within the meaning of the Conveyancing (Strata Titles) Act 1961.

4. (i) The Corporate Trustee is hereby empowered to mortgage or charge the land described in the Second Schedule hereto or part thereof (when the power is first exercised or subsequently exercised) for a sum not exceeding Two hundred and fifty thousand dollars (\$250,000) or such greater sum as the Standing Committee may by resolution approve upon the request of the Parish Council of the Parish of St. John Camden;

(ii) A document purporting to be certified by the Archbishop or Diocesan Secretary as a copy of any such resolution shall in favour of a mortgagee or chargee or any person or corporation claiming under the mortgage or charge be conclusive evidence that such resolution was duly passed.

5. The proceeds of the mortgage or charge authorised by Clause 4 hereof shall be applied by the Corporate Trustee as follows:—

(i) First in payment of the costs charges and expenses of and incidental to this Ordinance and the implementation thereof and of any mortgage or charge executed in pursuance hereof;

(ii) Secondly in or towards the cost of erection of strata units on the land described in the Second Schedule hereto and all costs and fees incidental thereto.

6. The Corporate Trustee is hereby authorised and empowered to sell the said strata units freed from the trusts upon which the land is now held at such time or times at such price or prices by public auction or private contract and upon such terms and conditions as it may think fit; provided that none of the said strata units shall be sold until after two of the strata units have been approved by the Corporate Trustee and the Parish Council as being suitable, in the case of one, for a curate's residence and, in the case of the other for a verger's residence and provided further that the two strata units so approved shall not be sold.

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7. The proceeds arising from the sale or sales of any one or more of the said strata units forming part of the parcel of land referred to after paying thereout the costs of and incidental to the sale and transfer of the said unit or units shall be applied as follows:—

- (i) First in or towards repayment or reduction of the amount owing under any mortgage or charge granted pursuant to the preceding provisions of this Ordinance and of any costs of obtaining a partial discharge of mortgage in respect of any such unit and all such proceeds of sales shall be paid as aforesaid until such time as the mortgage is discharged in full;
- (ii) Secondly in payment of the costs of and incidental to the discharge of the said mortgage or charge;
- (iii) Thirdly, in payment of any amounts owing to the Sydney Church of England Investment Trust in respect of the erection of the said strata units;
- (iv) Any residue shall be paid to the Churchwardens of St. John's Church Camden to be applied by them in or towards the cost of erection of a new parish hall appurtenant to the Parish Church of St. John Camden.

8. The two home units excepted from the sale provisions of Clause 6 of this Ordinance shall be held by the Corporate Trustee upon trust for the sole benefit of the Parish of St. John Camden.

9. The Churchwardens for the time being of St. John's Church Camden within seven (7) days of the holding of the Annual Vestry Meeting during such time as any money is owing to any mortgagee or chargee pursuant to the preceding provisions of this Ordinance shall cause an account to be forwarded to the Diocesan Secretary giving particulars of the amounts borrowed the amounts paid off and the balance owing.

10. This Ordinance may be cited as "St. John's Camden Housing Development and Variation of Trusts Ordinance 1971".

FIRST SCHEDULE

FIRST PART

ALL THAT parcel of land containing by admeasurement 5 acres 3 roods and 24 perches situate in the village of Camden in the

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County of Camden aforesaid bounded on the North-west by Broughton Street bearing North 54 degrees East 7 chains 50 links to its intersection with the Eastern side of Hill Street thence by Hill Street bearing North 36 degrees West 1 chain and thence by a line bearing North 54 degrees East 4 chains to its intersection with Elizabeth Street: on the East and South by a road leading from Elizabeth Street, to Camden House: and on the West side by a road leading from Broughton Street aforesaid to Camden House which said parcel of land is delineated on the plan annexed to the Deed of Eoffment hereinbefore referred to.

SECOND PART

ALL THAT piece or parcel of land in the Municipality of Camden Parish of Camden County of Camden State of New South Wales commencing at the North-western corner of Lot 55 in Deposited Plan No. 239467 situate on the Eastern alignment of Menangle Road bounded thence by the aforesaid road bearing 351 degrees 06 minutes 00 seconds distant 0' 10" to an angle thereon bounded again by the aforesaid road bearing 0 degrees 32 minutes 15 seconds distant 205' 8" to a further angle thereon bounded again by the aforesaid road bearing 338 degrees 04 minutes 00 seconds distant 246' 3 $\frac{1}{2}$ " to an angle thereon bounded again by the aforesaid road bearing 345 degrees 29 minutes 00 seconds distant 121' 9 $\frac{1}{2}$ " to the South-eastern intersection of Menangle Road and Broughton Street bounded thence by the Southern alignment of Broughton Street bearing 54 degrees 47 minutes 20 seconds distant 428' 6" bounded thence on the East by a line being the Western boundary of the proposed home unit side distant 144 degrees 47 minutes 20 seconds distant 132' 0" bounded thence on the North by a line as previously described bearing 54 degrees 47 minutes 20 seconds distant 30' 0" bounded again on the East by a line as previously described bearing 144 degrees 47 minutes 20 seconds distant 143' 0" bounded thence on the South by lines bearing 214 degrees 40 minutes 00 seconds distant 136' 1 $\frac{1}{2}$ ", 217 degrees 02 minutes 00 seconds 90' 0", 218 degrees 40 minutes 00 seconds distant 346' 2", 211 degrees 12 minutes 00 seconds distant 154' 3 $\frac{1}{2}$ " and bounded finally on the South by a line bearing 277 degrees 08 minutes 00 seconds distant 8' 3" to the point of commencement a little more or less.

SECOND SCHEDULE

ALL THAT piece or parcel of land situated as aforesaid commencing at the intersection of the South-eastern alignment of

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Broughton Street with the North-eastern alignment of Hill Street bounded thence on the East by a partly fenced line bearing 144 degrees 40 minutes 00 seconds distant 226'6¾" bounded thence on the South by a fenced line line being the North-western boundary of Lots 9 and 10 in Deposited Plan No. 6261 bearing 207 degrees 00 minutes 00 seconds distant 100' 0" bounded thence on the West by a line bearing 325 degrees 20 minutes 00 seconds distant 143' 0" bounded thence on the South by a line bearing 234 degrees 50 minutes 00 seconds distant 40' 1" bounded thence on the West by a line bearing 324 degrees 50 minutes 00 seconds distant 130' 3" to the South-eastern alignment of Broughton Street bounded thence by the aforesaid alignment bearing 54 degrees 49 minutes 40 seconds distant 126' 7½" to the point of commencement being a little more or less having an area of 27,000 sq. ft. or 2 roods 19 perches.

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 the Synod of the Diocese of Sydney on the 13th day of December, 1971.

W. GOTLEY,
Acting Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

13/12/1971.