
St. Peter's Campbelltown Land Sale Ordinance, 1961.

No. 15, 1961.

AN ORDINANCE to authorise the sale of certain land situated at Menangle Road Campbelltown and to provide for the application of the proceeds thereof.

WHEREAS by Crown Grant dated 22nd February 1905 Registered Volume 1591 Folio 194 under the hand of the Most Honourable Sir Harry Holdsworth Rawson Governor of the State of New South Wales ALL THAT parcel of land containing about thirty-eight acres and thirty-seven perches being Portion 164 of the Parish of St. Peter in the County of Cumberland and more particularly described in the Schedule hereto was granted unto The Church of England Property Trust Diocese of Sydney being a body corporate under the provisions of the "Church of England Trust Property Act 1881" and to its successors for ever but subject to the trusts conditions reservations and provisions in the said Grant contained namely upon trust for the appropriation thereof as a Glebe in connection with the Church of England in New South Wales in the Parish of St. Peter Campbelltown and for the benefit of the said Church in conformity with the provisions of the said Act and of "The Church of England Property Act 1889" or any other Act amending the same and for no other purpose whatsoever reserving however all minerals and on condition that the said Corporation should construct all proper drains through the said land and conform with Government Regulations for the alignment of streets and further providing that if the said trusts and conditions be not duly observed and performed then the said land should be forfeited to the Crown AND WHEREAS by the "Church of England Trust Property Act 1917" the said "Church of England Trust Property Act 1881" was repealed and Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) was constituted as a body politic and corporate as successor to The Church of England Property Trust Diocese of Sydney as incorporated by the said Act of 1881 AND WHEREAS by Section 46 of Church of England Trust Property Act 1917 it is provided that no title to any land granted by the Crown for or for the use benefit or purposes of the United Church of England and Ireland or the Church of England shall be held bad either at law or in equity by reason of any breach or non-performance before or after the commencement of the Church of England Trust Property (Amendment) Act 1923 of any condition trust or proviso contained in the Crown Grant of the land

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and any right of forfeiture or reverter in respect of any such condition trust or proviso should be deemed to have been waived by the Crown as from the date of the Crown Grant AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe such trusts and it is expedient that the said land be sold and the net proceeds applied towards the acquisition of other land in the Parish of St. Peter Campbelltown as sites for church halls or other buildings to be used in connection with the Church of England in such Parish NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS AND DIRECTS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the said land be sold.

2. The Corporate Trustee is hereby authorised to sell the said land either together or in parcels at such time or times at such price or prices and upon such terms and conditions as it shall think fit freed from the trusts aforesaid.

3. The Corporate Trustee is also empowered to subdivide the said land to grant or reserve such drainage or other easements as may be necessary and to dedicate to the public any roads streets or other portions as may be necessary to comply with the requirements of the Municipal or Shire Council as a condition of approval of the plan or plans of subdivision of the said land.

4. The proceeds arising from the said sale or sales shall after paying thereout all outgoings to which the said land may be subject and the costs of and incidental to this Ordinance and the sale or sales and transfer or transfers in pursuance thereof shall be held by the Corporate Trustee and paid to the Churchwardens for the time being of St. Peter's Campbelltown as and when required to be applied by them in and towards the purchase of other land within the Parish as sites for a church parsonage or parish hall or partly for one and partly for another or others of such purposes as the Parish Council of such Parish may determine. Pending application as aforesaid the Corporate Trustee shall invest such money in accordance with the Investment of Church Trust Property Ordinance 1944 as amended and the income arising therefrom shall follow the destination of the capital.

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5. This Ordinance may be cited as "St. Peter's Campbelltown Land Sale Ordinance 1961."

SCHEDULE.

All that piece or parcel of land in Our State of New South Wales containing by admeasurement thirty eight acres and thirty seven perches be the same more or less situated in the County of Cumberland Parish of St. Peter Portion One hundred and sixty four. Commencing on the left bank of Bow Bowing Creek at the eastern end of the southern boundary line of portion six of thirty acres two roods and bounded thence on the north by that boundary line bearing westerly about eighteen chains on the west by a road one chain wide dividing it from portion fourteen of thirty four acres three roods twenty five perches bearing south twenty four chains on the south by part of the northern boundary of portion sixteen of four hundred acres bearing south eighty three degrees east eleven chains on the south east by the road from Menangle to Campbelltown dividing it from portion thirteen of six acres one rood twenty perches bearing north forty one degrees east seven chains and thence north thirty seven degrees east seven chains fifty links to the left bank of the aforesaid Creek and on all other sides by that bank downwards to the point of commencement Exclusively of that part of the Great Southern Railway passing through this land along the south eastern boundary to the bank of the Creek and of land resumed for Railway purposes in connection with that Railway along part of the bank of the Creek and as shown by purple color in plan endorsed on the said Crown Grant the areas of which have been deducted from the total area and Reserving a road one chain wide passing through this land along part of the southern boundary in an easterly direction from the south western corner to the north western side of the aforesaid Railway.

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

ATHOL R. 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 Twenty-ninth day of May, 1961.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

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