

THE CHURCH OF ENGLAND HOMES (CARLINGFORD) ORDINANCE 1974

No. 20, 1974

AN ORDINANCE to vary the trusts and authorise the sale of certain lands situate at Carlingford in 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 know 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 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 or otherwise entitled to 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 (ii) of Paragraph C and Paragraph D respectively of the First Part of the Schedule to the said Constitution 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 Craig and Rhodes Pty. Limited, Consulting Surveyors and Engineers of Epping a Plan of Subdivision of the land described in the Second Schedule hereto (which said land is part of the land described in the First Schedule hereto) into forty one allotments with provision for roads to be constructed and widened 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 Shire of Baulkham Hills AND WHEREAS 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 such trusts are hereby varied AND WHEREAS it is expedient that the said land 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 land described in the First Schedule hereto is held 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 said Committee is hereby empowered to sell the land described in the Second Schedule hereto (hereinafter called "the land hereby authorised to be sold") or any part or parts thereof freed from the trusts upon which the said land is now held 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 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 Shire of Baulkham Hills 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 for capital expenditure and/or investment.

3. This Ordinance may be cited as "The Church of England Homes (Carlingford) Ordinance 1974".

FIRST SCHEDULE

ALL THAT parcel of land situate in the Parish of Field of Mars County of Cumberland containing an area of 36 acres 2 roods 30 perches or thereabouts having a frontage of about 2,022 links to a reserved road running off Pennant Hills Road by a depth along one side of about 1,642 links and a depth along the other side of about 1,997 links being the whole of the land comprised in Certificate of Title dated the 17th day of June, 1884 Registered Volume 700 Folio 22.

ALL THAT parcel of land situate at Pennant Hills Parish of Field of Mars County of Cumberland containing an area of 1 acre 2 roods 7 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 and being the whole of the land described in Conveyance No. 387 Book 1622 dated the 13th day of February 1931.

SECOND SCHEDULE

ALL THAT piece or parcel of land being part of the land comprised in Certificate of Title Volume 700 Folio 22 and part of Conveyance No 257 Book 95 situated at Carlingford in the Shire of Baulkham Hills, Parish of Field of Mars County of Cumberland commencing at a point on the East side of Jenkin Road being the Western extremity of a splay corner formed at the intersection of Moseley Street and Jenkin Road bounded thence by the East side of Jenkin Road being lines firstly bearing $338^{\circ}27'$ for 49.58 metres secondly bearing $338^{\circ}52'$ for 88.48 metres and bounded thence partly on the North by the line bearing $68^{\circ}52'$ for 93.79 metres and bounded thence partly on the East by the line bearing $158^{\circ}52'$ for 8.44 metres and bounded thence again on the North by a line bearing $67^{\circ}37'20''$ for 202.42 metres and bounded thence again on the East by a line bearing $157^{\circ}37'20''$ for 125 metres bounded thence on the North East by a line bearing $114^{\circ}51'40''$ for 6.71 metres bounded thence on the North by a line bearing $72^{\circ}06'$ for 121.16 metres and secondly by a line BG $70^{\circ}36'20''$ for 88.54 metres bounded thence by a line BG $206^{\circ}13'$ for 2.48 metres being part of the splay corner situated at the North East intersection of Pennant Hills Road and Moseley Street and bounded thence again

on the North by a line BG 71⁰10' for 8.53 metres to the old alignment of Pennant Hills Road bounded thence on the East by that road by a line BG 168⁰41'50" for 1.39 metres to the old Northern alignment of Moseley Street and bounded thence on the South by the old Northern alignment of that road firstly by a line BG 250⁰41'20" for 95.18 metres secondly by a line BG 249⁰47'40" for 79.46 metres thirdly by a line BG 247⁰35'40" for 162.63 metres fourthly by a line BG 247⁰30'20" for 88.76 metres and lastly by a line BG 249⁰17'20" for 99.22 metres to the intersection of the old Northern alignment of Moseley Street and the old Eastern alignment of Jenkin Road bounded thence on the West by part of the old alignment of Jenkin Road by a line BG 338⁰27' for 2.44 metres bounded thence on the North by a line BG 66⁰38' for 10.28 metres and lastly bounded by a line BG 305⁰59' for 7.78 metres to the point of commencement.

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

D. CAMERON
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 29th day of July 1974.

W.G.S. GOTLEY
Secretary

I ASSENT to this Ordinance.

M.L. LOANE
Archbishop of Sydney
29/7/1974