

ST. PETER'S CAMPBELLTOWN ORDINANCE 1974

No. 47, 1974

AN ORDINANCE to authorise the sale of certain land at Moore Street, Campbelltown in the City of Campbelltown for road widening purposes, to authorise the sale of certain land at the corner of Moore Street and Cordeaux Street situated as aforesaid and to provide for the application of the proceeds and further to vary and declare the trusts upon which the said land is held.

WHEREAS

A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of the whole of the lands comprised in Certificate of Title Volume 12497 Folio 238, more particularly described in the First Schedule hereto.

B. The said lands form part of the lands comprised within four (4) Crown Grants each under the hand of Sir George Gipps bearing date the 30th day of January 1843 granted unto the Right Reverend William Grant, Broughton Bishop of Australia Francis Allman the Elder and Robert Jenkins upon the separate trusts respectively therein contained namely a trust for a church, a trust for the erection of a school house, a trust for the appropriation thereof as a site of a dwelling house, garden and other appurtenances for the clergyman duly appointed to officiate at St. Peter's Campbelltown, and a trust for the interment of the dead, as more particularly set out in each of the said respective Crown Grants No. 65 Page 29, No. 79 Page 17, No. 66 Page 11 and No. 77 Page 17.

C. By reason of circumstances which have arisen subsequent to the creation of the several trusts upon which the said lands are held it is inexpedient to carry out and observe the same to the extent and in the manner hereinafter provided and it is expedient that the trusts of the land described in the Fourth Schedule hereto be now re-declared.

D. The Commissioner of Main Roads desires to acquire the land described in the Second Schedule hereto for road widening purposes.

E. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Third Schedule is held it is inexpedient to carry out and observe the same in their entirety and it is expedient that the said land be subdivided from the lands described in the First Schedule and that the same be sold to the Health Commission of New South Wales and the proceeds used and applied as hereinafter set out.

F. There is erected upon the land described in the Fourth Schedule the Church known as "St. Peter's, Campbelltown".

G. It is now proposed also to erect upon the land described in the Fourth Schedule a Rectory and a Parish Hall or Halls.

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

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the Second and Third Schedules hereto are held it is inexpedient to carry out and observe the same and it is expedient that such lands be sold.

2. The Corporate Trustee is hereby empowered to sell the said land described in the Second Schedule to the Commissioner of Main Roads freed from the trusts aforesaid subject to such terms and conditions as the Corporate Trustee may think fit.

3. The Corporate Trustee is hereby empowered to sell the said land described in the Third Schedule to the Health Commission of New South Wales freed from the trusts aforesaid subject to such terms and conditions as the Corporate Trustee may think fit.

4. The proceeds arising from the said sales hereby authorised after paying thereout all outgoings to which the said lands may be subject and the costs of and incidental to this Ordinance and the sales and transfers in pursuance thereof shall be paid by the Corporate Trustee to the Churchwardens for the time being of the Church of St. Peter Campbelltown to be applied by them towards the costs of erecting firstly a new Rectory and secondly a new Parish Hall or Halls upon the land described in the Fourth Schedule hereto and the balance towards the restoration of the said Church and pending such payment to the Churchwardens be invested by the Corporate Trustee.

5. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the Fourth Schedule hereto are held it is inexpedient to carry out and observe the same in their entirety and that they be varied as herein provided. The said lands shall be held by the Corporate Trustee upon trust to permit the same to be used for a Church, Parsonage or Parish Hall or Halls or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Parish of St. Peter, Campbelltown.

6. This Ordinance may be cited as "St. Peter's Campbelltown Ordinance, 1974".

FIRST SCHEDULE

ALL THAT piece or parcel of land situated in Moore Street, Campbelltown in the City of Campbelltown, Parish of St. Peter, County of Cumberland, having an irregular frontage to Moore Street and lying between Cordeaux and Broughton Streets and a rear line to Howe Street of about 256.89 metres containing an area of approximately 3.892 hectares being Lot 1 in Deposited Plan No. 570074 and being the whole of the land comprised in Certificate of Title Volume 12497 Folio 238.

SECOND SCHEDULE

ALL THAT piece or parcel of land situated as aforesaid and lying between Cordeaux and Broughton Streets, being a strip of land along the frontage of Moore Street aforesaid 3.05 metres wide and variable width as more fully detailed in Deposited Plan No. 570074 being a subdivision of Lot 1 in Deposited Plan No. 559623 and part of the land in Certificate of Title Volume 12140 Folio 248.

THIRD SCHEDULE

ALL THAT piece or parcel of land situated as aforesaid being Lot 3 in a plan of subdivision of Lot 1 (prepared by John M. Daly & Associates, Registered Surveyors, Ref. No. 74/454 and proposed to be registered) in Deposited Plan No. 570074 containing by admeasurement about 2,445 sq. m.

and being part of the land comprised in Certificate of Title Volume 12497 Folio 238 EXCEPTING THEREOUT A RIGHT OF CARRIAGEWAY OF VARIABLE WIDTH IN FAVOUR OF LOTS 1, 2, 4 AND 7 in the Plan of Subdivision of Lot 1 in Deposited Plan No. 570074 adjacent to the north eastern boundary of Lot 3 herein described and being shown in the said Plan TOGETHER WITH RIGHTS OF CARRIAGEWAY OVER LOTS 1, 2, 7 AND 4 as shown in the said Plan.

FOURTH SCHEDULE

ALL THAT piece or parcel of land situated as aforesaid being Lot 4 in a Plan of Subdivision of Lot 1 (prepared by John M. Daly & Associates, Registered Surveyors, Ref. No. 74/454 and proposed to be registered) in Deposited Plan No. 570074 containing by admeasurement about 1.0333 hectares and being part of the land comprised in Certificate of Title Volume 12497 Folio 238 EXCEPTING THEREOUT RIGHT OF CARRIAGEWAY 6 METRES WIDE IN FAVOUR OF LOTS 1, 2 AND 3 in the Plan of Subdivision of Lot 1 in Deposited Plan No. 570074 commencing at the most southern corner of Lot 4 in the said Plan of Subdivision and bearing 44 degrees 33 minutes distant 66.26 metres such being shown in the said Plan AGAIN EXCEPTING THEREOUT RIGHT OF CARRIAGEWAY 8 METRES WIDE IN FAVOUR OF LOT 5 in the Plan of Subdivision of Lot 1 in Deposited Plan No. 570074 commencing at a point on the south eastern alignment of Howe Street bearing 222 degrees 47 minutes distant 104 metres from the intersection of the south eastern alignment of Howe Street and the south western alignment of Broughton Street; thence bounded by lines bearing 134 degrees 19 minutes distant 31.33 metres, 222 degrees 47 minutes distant 8 metres, 314 degrees 19 minutes distant 31.33 metres to the south eastern alignment of Howe Street; thence bounded by part of that alignment bearing 42 degrees 47 minutes distant 8 metres to the point of commencement AGAIN EXCEPTING THEREOUT A RIGHT OF CARRIAGEWAY 8 METRES WIDE IN FAVOUR OF LOT 5 in the Plan of Subdivision of Lot 1 in Deposited Plan 570074 commencing at a point on the south eastern alignment of Howe Street bearing 222 degrees 47 minutes distant 156.6 metres from the intersection of the south eastern alignment of Howe Street and the south western alignment of Broughton Street; thence bounded by lines bearing 132 degrees 47 minutes distant 31.32 metres, 222 degrees 47 minutes distant 8 metres; 312 degrees 47 minutes distant 31.32 metres and 42 degrees 47 minutes distant 8 metres to the point of commencement TOGETHER WITH RIGHTS OF CARRIAGEWAY OVER LOTS 1, 2, 3 AND 7 DESCRIBED HEREWITH such being shown in the said plan.

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

D. Cameron
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 25th day of November 1974.

W.G.S. Gotley
Secretary

I ASSENT to this Ordinance.

M.L. Loane
Archbishop of Sydney
25/11/1974.