
Provisional District of Hammondville Land Sale

Ordinance 1965

No. 6, 1965.

AN ORDINANCE to authorise the sale of certain land in the Municipality of Liverpool to authorise the release of the reservation of mines of coal and other minerals (if any) affecting certain other land adjacent thereto and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust, Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as proprietor in fee simple in the residue of the land comprised in Certificate of Title Volume 2720 Folio 70 more particularly described in the First Schedule hereto AND WHEREAS the said land is Church Trust Property held for the sole benefit of the Provisional District of Hammondville pursuant to the provisions of Ordinance No. 30, 1954 but no particular trusts are specified therein concerning the same AND WHEREAS by reason of the zoning of the said land in an A Class Industrial Area and of the consequential burden of rates now imposed thereon it is inexpedient to retain the same and it is expedient that it be sold and the trusts of the net proceeds declared AND WHEREAS by a Memorandum of Transfer dated 31st August 1921 Registered No. A739499 by the Corporate Trustee to David Robinson the Younger the Corporate Trustee in consideration of the sum of One hundred and forty one pounds (£141) transferred the land described in the first part of the Second Schedule reserving however all mines of coal and other minerals if any in and under the said land together with all powers rights authorities and easements necessary for mining and removing the same and of carrying the same through and under the said land and the coal and other minerals won from the adjacent land owned by the Corporate Trustee AND WHEREAS the Corporate Trustee is also entitled to all minerals in and under the land described in the second part of the Second Schedule transferred by the Corporate Trustee under Transfer No. 354741 dated 28th October 1902 to George Jarman for the sum of One hundred and twelve pounds five shillings and four pence (£112:5:4) AND WHEREAS the Corporate Trustee does not now hold any land adjoining the said lands and it is proposed to release the said reservations in favour of the purchaser of the lands described in such Second Schedule for the consideration of Three hundred pounds (£300) NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

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1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the First Schedule 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 and empowered to sell the land described in the First Schedule together or in parcels by public auction or private contract at such time or times at such price or prices and upon such terms and conditions as the Corporate Trustee may think fit freed from the said trusts.

3. The Corporate Trustee is also hereby authorised and empowered to release the reservation in its favour contained in the said recited Transfer Registered No. A739499 affecting the land described in the Second Schedule in consideration of the payment of the sum of Three hundred pounds (£300).

4. The net proceeds arising from the sale of the land described in the First Schedule and the consideration paid for the release of the said reservation affecting the land described in the Second Schedule shall after paying thereout all outgoing to which the land hereby authorised to be sold is subject and the costs of and incidental to this Ordinance and of any sales and transfers pursuant thereto be applied by the Corporate Trustee as follows:-

- (i) As to two-thirds towards a residence for a Curate in The Provisional District of Hammondville and the purchase of new sites for Churches, Church Halls or other parochial buildings within the said Provisional District and the erection of such buildings thereon.
- (ii) The remaining one-third shall be invested by the Corporate Trustee in accordance with the provisions of The Investment of Church Trust Property Ordinance 1944 or any amendments thereof and the net income arising therefrom shall be applied in manner following:-
 - (a) One-tenth to Moore Theological College for the general purposes of such College.
 - (b) Nine-tenths for general purposes in the said Provisional District of Hammondville or any Provisional Parish or Parish into which it may subsequently be formed.

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(iii) Pending the application of the moneys subject to the provisions of Sub-clause (i) hereof the same shall be invested by the Corporate Trustee in manner similar to that provided for in Sub-clause (ii) and the net income arising therefrom shall be accumulated and applied as set out in Sub-clause (i) of this Clause.

5. This Ordinance may be cited as "Provisional District of Hammondville Land Sale Ordinance 1965."

FIRST SCHEDULE

All those pieces or parcels of land situated at Moorebank in the Municipality of Liverpool Parish of Holdsworthy County of Cumberland being Lots 52 and 53 Section 3 D.P. 2411 containing areas of 9 acres and 8 acres 1 rood 8¼ perches or thereabouts respectively and being the residue of the land comprised in Certificate of Title Volume 2720 Folio 70.

SECOND SCHEDULE

FIRST PART

All that piece or parcel of land situated as aforesaid being Lot 4 Section 3 D.P. 2411 and being the whole of the land comprised in Certificate of Title Volume 3265 Folio 149.

SECOND PART

All that piece or parcel of land situated as aforesaid being Lot 51 Section 3 D.P. 2411 being the whole of the land in Certificate of Title Volume 1440 Folio 127.

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 3rd day of May 1965.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,
Archbishop of Sydney.

3/5/1965.