

# University and College Lands (Saint Andrew's College) Act 1967 No 5

[1967-5]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# University and College Lands (Saint Andrew's College) Act 1967 No 5



New South Wales

An Act to vest in The University of Sydney certain land vested in trustees for the use of The Principal and Councillors of Saint Andrew's College; and for purposes connected therewith.

## 1 Name of Act

This Act may be cited as the *University and College Lands (Saint Andrew's College) Act 1967*.

## 2 Commencement

This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

## 3 Definitions

In this Act, unless the context or subject-matter otherwise indicates or requires:

**College land** means the land described in the indenture of subgrant as read and construed pursuant to paragraph (a) of section seven of this Act.

**Indenture of subgrant** means the indenture of subgrant dated the sixth day of August, one thousand eight hundred and seventy-three, made between The University of Sydney of the one part and The Honorable Edward Deas Thomson, the Reverend Robert Allwood, Charles Smith, David Lindsay Waugh and The Honorable John Hay of the other part and registered Book 137 Number 265 in the office of the Registrar-General.

**Trustees** means the persons who, immediately before the commencement of this Act, were the trustees of the land granted by the indenture of subgrant upon trust for the erection thereon of buildings for the uses and purposes of The Principal and Councillors of Saint Andrew's College.

**University land** means the land described in the Schedule to this Act.

## 4 Existing trusts etc not affected

No occurrence or transaction affecting the University land before the commencement of

this Act shall be deemed for any purpose to have constituted a breach or non-observance of the trusts upon which, or the provisos and conditions subject to which, or the intents and purposes to and for which, the land described in the indenture of subgrant was held immediately before that occurrence or transaction.

## **5 Vesting of certain land in The University of Sydney**

The University land is hereby vested in The University of Sydney for an estate in fee simple freed and discharged from all trusts, provisos and conditions affecting the land immediately before the commencement of this Act:

- (a) together with the easement vested in The University of Sydney by paragraph (a) of subsection one of section six of this Act, and
- (b) subject to the easement vested in the trustees by paragraph (b) of that subsection.

## **6 Vesting of easements**

- (1) Subject to the modification expressed in subsection two of this section, there are hereby vested:

- (a) in The University of Sydney, and
  - (b) in the trustees,

easements to drain water in the terms set forth in Part 3 of Schedule 8 of the [Conveyancing Act 1919](#), as amended by subsequent Acts.

- (2) The burden of user of the easements vested by subsection one of this section shall not be greater than that which existed before the commencement of this Act.

(3)

- (a) In the case of the easement vested by paragraph (a) of subsection one of this section, the dominant tenement shall be the University land and the servient tenement shall be that part of the College land within which are situated any pipes, ducts or other constructions used to drain water from the University land before the commencement of this Act.
  - (b) In the case of the easement vested by paragraph (b) of subsection one of this section, the dominant tenement shall be the College land and the servient tenement shall be that part of the University land within which are situated any pipes, ducts or other constructions used to drain water from the College land before the commencement of this Act.

## **7 Modification of indenture of subgrant and declaration of trusts upon which land in modified subgrant to be held**

From and after the commencement of this Act:

- (a) the indenture of subgrant shall be read and construed as if the University land had not been included in the land described therein,
- (b) the trustees shall, notwithstanding any occurrence or transaction before such commencement, hold the land described in the indenture of subgrant (as that indenture is read and construed pursuant to paragraph (a) of this section) upon the trusts, subject to the provisos and conditions and to and for the intents and purposes declared by the indenture of subgrant to be those governing the use and enjoyment of the land subgranted.

## **8 Declaration of trusts upon which The University of Sydney shall hold certain land**

From and after the commencement of this Act, The University of Sydney shall hold the University land upon the same trusts as those upon which the lands vested in The University of Sydney and its successors by section nine of the *University and College Lands and Victoria Park Act 1924-1937* are held from time to time.

## **9 Issue of certificate of title**

- (1) Upon application in writing by The University of Sydney and upon payment of the prescribed fee, the Registrar-General shall issue to The University of Sydney a certificate of title under the [Real Property Act 1900](#), as amended by subsequent Acts, for the University land without requiring any survey of the land and without investigating the title of The University of Sydney thereto except so far as may be necessary to give effect to this Act.
- (2) In any certificate of title issued pursuant to subsection one of this section:
  - (a) the University land may be described by reference to the Schedule to this Act, and
  - (b) the easements vested by section six of this Act may be described by reference to that section.

## **10 Certain rights not affected**

Nothing in sections five and six of this Act shall be construed as affecting any rights of The Metropolitan Water Sewerage and Drainage Board existing immediately before the commencement of this Act and relating to the University land.

## **The Schedule**

(Section 3)

ALL THAT piece or parcel of land in the City of Sydney COMMENCING at a point bearing and distant northerly 335 degrees 48 minutes 338 feet 2¾ inches along the eastern side of Missenden Road and thence easterly 66 degrees 4 minutes 507 feet 1½ inches from the intersection of the northern side of Carillon Avenue with the eastern side of Missenden Road such intersection being defined by a plan lodged with the Department of Lands Sydney catalogued Ms Sy 16403 thence on the west by a line passing through the centre of an 8-inch cement brick party wall bearing north-westerly 336 degrees 4

minutes 7 feet 3 inches and on the north by a line bearing easterly 66 degrees 4 minutes 37 feet 8 inches and on the east by a line bearing southerly 156 degrees 4 minutes 7 feet 3 inches and finally on the south by a line bearing westerly 246 degrees 4 minutes 37 feet 8 inches to the point of commencement TOGETHER WITH ALL THAT piece or parcel of land in the City of Sydney being and lying below a surface area determined as follows:

COMMENCING at a point bearing and distant northerly 335 degrees 48 minutes 338 feet 2¾ inches along the eastern side of Missenden Road and thence easterly 66 degrees 4 minutes 507 feet 1½ inches from the intersection of the northern side of Carillon Avenue with the eastern side of Missenden Road such intersection being defined by a plan lodged with the Department of Lands Sydney catalogued Ms Sy 16403 and the aforementioned point being at a reduced level of 85.07 thence on part of the north by a line bearing 66 degrees 4 minutes for 37 feet 8 inches to a point of reduced level of 85.19 thence on part of the west by a line bearing 336 degrees 4 minutes 7 feet 3 inches to a point of reduced level of 85.12 thence again on the north by a line bearing 66 degrees 4 minutes 99 feet 8 inches to a point of reduced level of 85.50 and a line again bearing 66 degrees 4 minutes 145 feet 6 inches to a point of reduced level of 85.00 thence by a line bearing 156 degrees 4 minutes 50 feet 3¾ inches to a point of reduced level of 85.60 and again by a line bearing 140 degrees 50 minutes 55 feet 2 inches to a point of reduced level of 86.19 and by a line bearing 156 degrees 4 minutes 109 feet 2 inches to a point of reduced level of 87.50 thence by a line bearing 246 degrees 4 minutes 160 feet 0 inches to a point of reduced level of 88.00 and by a line again bearing 246 degrees 4 minutes 160 feet 0 inches to a point of reduced level of 87.50 thence by a line bearing 336 degrees 4 minutes 135 feet 7¾ inches to the centre of a 14-inch cement brick party wall being a point of reduced level of 85.93 thence by a line passing through the centre of the aforementioned 14-inch cement brick party wall bearing 66 degrees 4 minutes 13 feet 3¼ inches to a point of reduced level of 85.93 thence by a line passing through the centre of an 8-inch cement brick party wall bearing 355 degrees 23 minutes 28 feet 5 inches to a point of reduced level of 85.62 and by a line again passing through the centre of an 8-inch cement brick party wall bearing 336 degrees 4 minutes 43 feet 0 inches to the point of commencement and the reduced level of 85.07 all the aforementioned reduced levels being on MWS & D Board datum.