

No. , 1966.

A BILL

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.

[MR. FIFE—17 November, 1966.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "University and College Short title.
Lands (Saint Andrew's College) Act, 1966".

2.

University and College Lands (Saint Andrew's College).

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

3. In this Act, unless the context or subject-matter otherwise indicates or requires— Interpre-
tation.

“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.

10 “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.

15 “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.

20 “University land” means the land described in the Schedule to this Act.

25 4. 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. Existing
trusts, etc.,
not
affected.

University and College Lands (Saint Andrew's College).

5. 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—

Vesting of certain land in The University of Sydney.

- 5 (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.

10 6. (1) Subject to the modification expressed in subsection two of this section, there are hereby vested—

Vesting of easements.

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

15 easements to drain water in the terms set forth in Part III of Schedule VIII 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.

20 (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

25 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

30 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.

University and College Lands (Saint Andrew's College).

7. 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;
- 5 (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.

Modification of indenture of subgrant and declaration of trusts upon which land in modified subgrant to be held.

8. 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.

Declaration of trusts upon which The University of Sydney shall hold certain land.

9. (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.

Issue of certificate of title.

(2) In any certificate of title issued pursuant to subsection one of this section—

- 30 (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.

University and College Lands (Saint Andrew's College).

10. 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.

Certain rights not affected.

THE SCHEDULE.

Sec. 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 2 $\frac{3}{4}$ inches along the eastern side of Missenden Road and thence easterly 66 degrees 4 minutes 507 feet 1 $\frac{1}{2}$ 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 2 $\frac{3}{4}$ inches along the eastern side of Missenden Road and thence easterly 66 degrees 4 minutes 507 feet 1 $\frac{1}{2}$ 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 3 $\frac{3}{4}$ 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

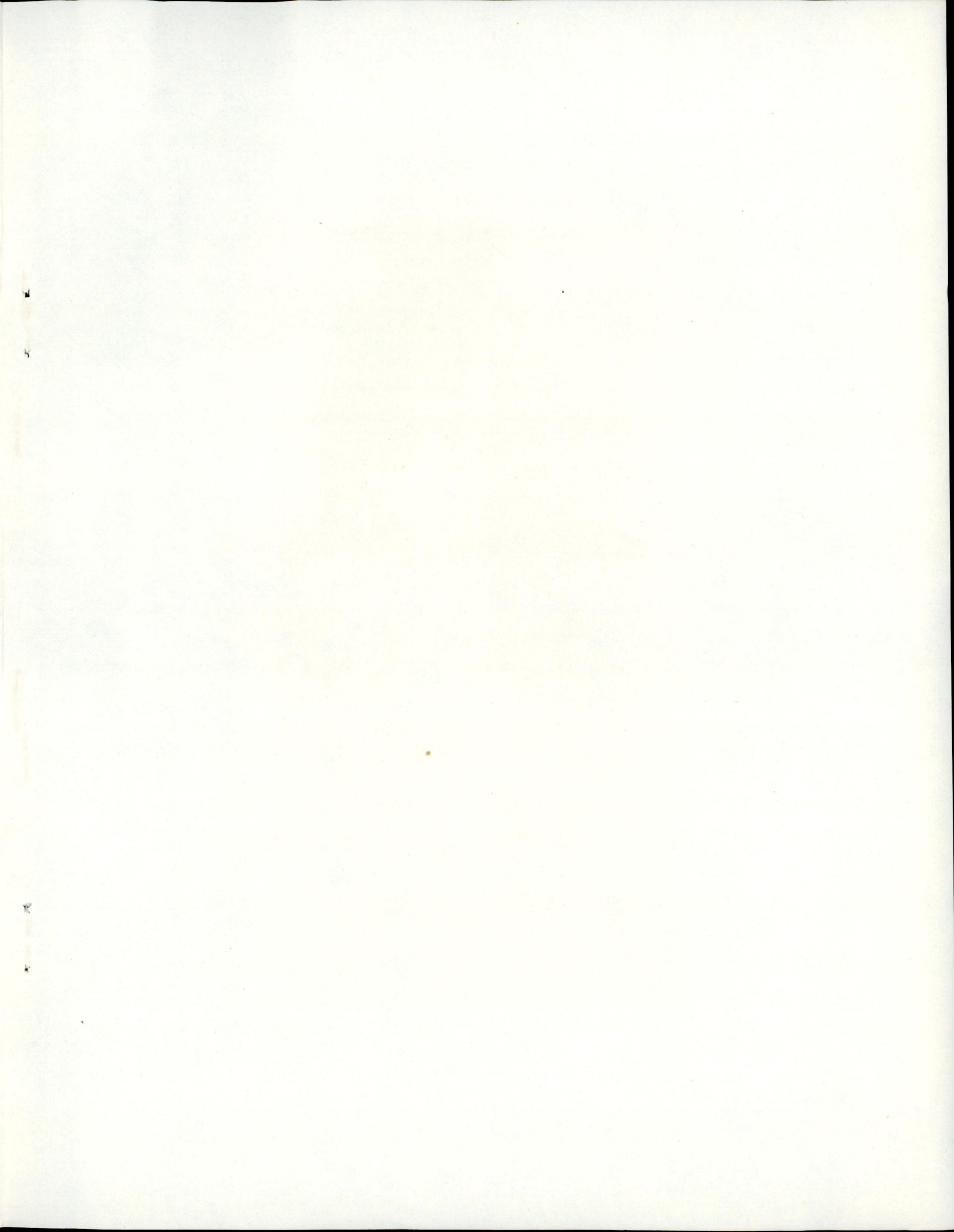
University and College Lands (Saint Andrew's College).

5 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 7 $\frac{3}{4}$ 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
10 the aforementioned 14-inch cement brick party wall bearing
66 degrees 4 minutes 13 feet 3 $\frac{1}{4}$ 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
15 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 M.W.S.
& D. Board datum.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

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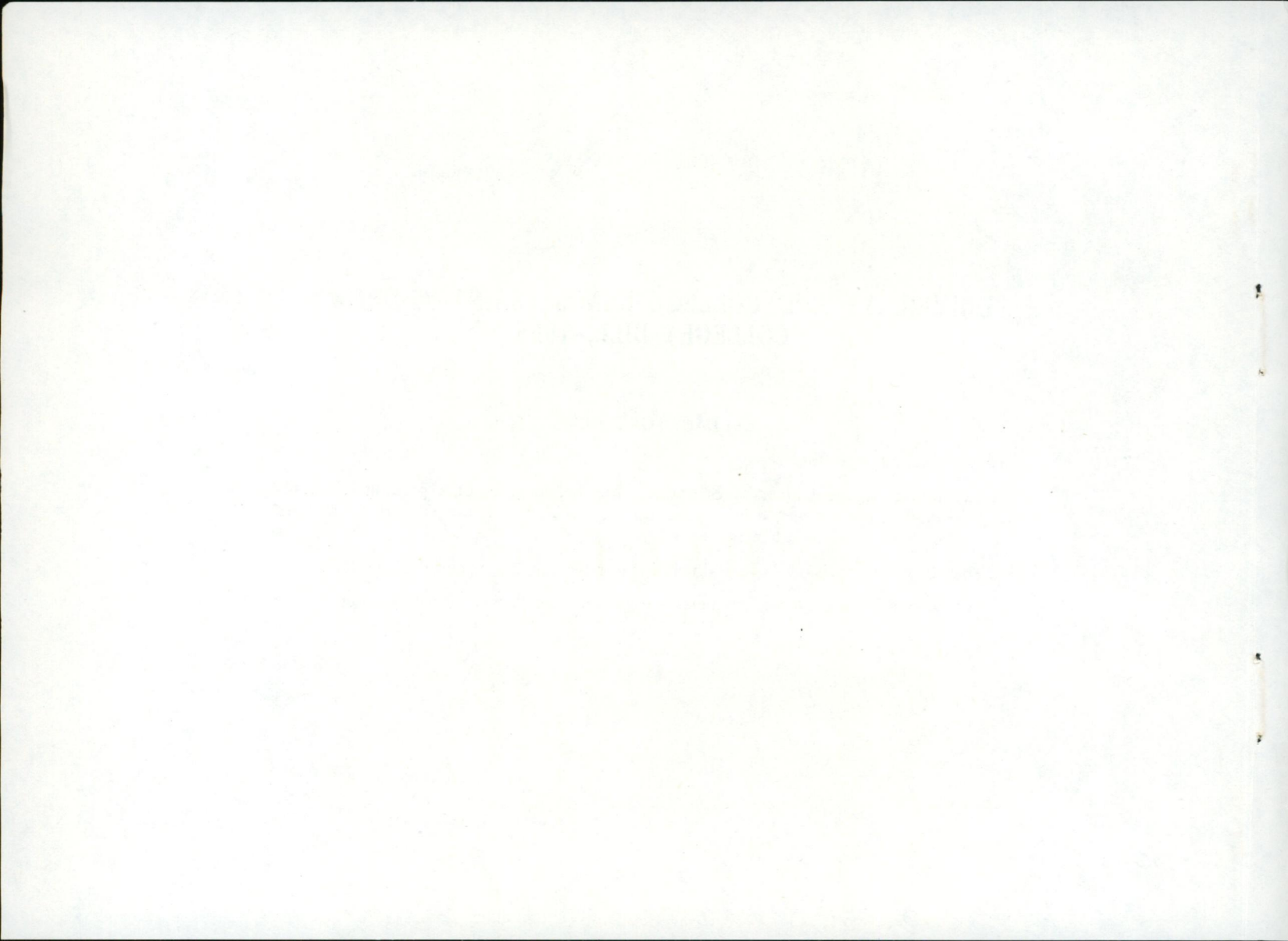


UNIVERSITY AND COLLEGE LANDS (SAINT ANDREW'S COLLEGE) BILL, 1966

EXPLANATORY NOTE.

THE purposes of this Bill are—

- (a) to vest in the University of Sydney, for the purposes of a parking structure, land at present vested in trustees for the use of The Principal and Councillors of Saint Andrew's College ;
- (b) to make provision for certain drainage rights affecting the land so vested ;
- (c) to make provisions consequential upon and ancillary to the foregoing.



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University and College Lands (Saint Andrew's College).

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25 “University land” means the land described in the Schedule to this Act.

4. 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
30 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. Existing
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