
Blacktown and Lalor Park and Seven Hills Variation of Trust and Land Sale Ordinance 1965

(Reprinted under the Interpretation Ordinance 1985.)

The Blacktown and Lalor Park with Seven Hills Variation of Trust and Land Sale Ordinance 1965 as amended by and in accordance with the Blacktown and Lalor Park and Seven Hills Variation of Trust and Land Sale Ordinance Amendment Ordinance 1969, the Blacktown and Lalor Park and Seven Hills Variation of Trusts and Land Sale Amendment Ordinance 1981, the Interpretation Ordinance 1985 and the Assisted Provisional Parishes Ordinance 1988.

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Long Title

An Ordinance to vary the trusts upon which certain land at Seven Hills in the Shire of Blacktown is held to revoke Ordinance No 21 1954, to authorise the sale and development of portion of such land and to provide for the application of the proceeds and for purposes incidental thereto.

Preamble

¹ Whereas by Indenture of Conveyance dated 4th November 1959 Registered No 121 Book 66 made between Nelson Lawson of the first part Jeremiah Frederick Downes and Sarah Ann Downes of the second part and The Bishop of Sydney of the third part the land and premises therein described being the land referred to in the Schedule hereto were granted bargained sold released and confirmed unto the Bishop of Sydney and his successors **Upon Trust** for a Parsonage and glebe for the Incumbent or Incumbents for the time being of the Church of St Bartholomew in the Parish of Prospect to be occupied by or farmed for the benefit of such Incumbent of the said Church for the time being or let to a tenant or tenants thereof at such rent or rents, for such term or term of years and under and subject to such conditions as the Bishop of Sydney with the consent of the Incumbent for the time being should think proper or to be used for all and every or any such purpose for the benefit of such Incumbent as the said Church as the Bishop should from time to time direct **And Whereas** the said land has been brought under the provisions of the Real Property Act 1900 and is now comprised in Certificate of Title Volume 8061 Folio 174 more particularly described in the Schedule hereto and such land is now vested in Anglican Church Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) **And Whereas** by reason of the creation of the Provisional Parish of Lalor Park with Seven Hills the land is now situated in such Provisional Parish **And Whereas** by Ordinance No 21, 1954 the Corporate Trustee was authorised to sell the said land but doubts have arisen as to the validity of such Ordinance **And Whereas** by reason of such doubts and to the subsequent increase in value of the said land and having to the needs of the Provisional Parish of Lalor Park with Seven Hills it is expedient that the said Ordinance No 21 1954 be now revoked with prejudice to anything heretofore done pursuant thereto **And Whereas** it is inexpedient to carry out the trusts upon which the land is now held and it is expedient that the said land be now sold excluding however an area of approximately one acre as may

be determined by the Corporate Trustee which will be retained Upon Trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another of such purposes in connection with the Anglican Church of Australia in the Provisional Parish of Lalor Park with Seven Hills and that the net proceeds of the remainder be applied as hereinafter set out 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.

Repeal of Ordinance No 21 1954

1. The "Blacktown-Prospect-Bungarribee-Doonside Land Sale Ordinance 1954" (No 21 1954) is hereby repealed but such repeal shall not affect anything validly done pursuant thereto prior to such repeal.

Declaration of Expediency

² 2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Schedule hereto is held it is inexpedient to carry out and observe the same and it is expedient that the land excluding an area of approximately one acre as shall be determined by the Corporate Trustee be now sold and that the trusts of the area so reserved from sale be varied and set out in the next clause hereof.

Use of Area reserved from sale

³ 3. The area reserved from sale shall be held by the Corporate Trustee upon trust to permit the same to be used for a Church Parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Anglican Church of Australia in the Provisional Parish of Lalor Park with Seven Hills or any Parish into which it may subsequently be formed or within the area of any Assisted Provisional Parish, Provisional Parish or Parish into which it might subsequently be divided.

Authority to Subdivide and Develop

4. (a) The Corporate Trustee is hereby authorised to subdivide and sell the said land excluding the area reserved as aforesaid by public auction or private contract at such time or times and at such price or prices as it may think fit.

(b) The Corporate Trustee is also authorised to enter into any agreement or arrangement with any other person company or corporation for the development of the said land in conjunction with any adjoining land owned by such person company or corporation and in a joint venture not being on a partnership basis at it may think fit and to provide such funds as may be requisite for the carrying out of such development including the subdivision of the land the dedication of streets the granting or reservation of easements and the erection of buildings at it may deem expedient for the more effectual disposal of the said land.

Application of Proceeds of Sale

⁴ 5. The moneys arising from the said sale or sales after deducting therefrom all rates and other outgoings properly chargeable against the said land and whether or not previously advanced by the Corporate Trustee for such purposes and for the bringing of the land under the provisions of the Real Property Act and any money provided for and incidental to the development thereof and all costs of and incidental to this Ordinance shall be applied by the Corporate Trustee as follows -

(a) As to the sum of Five thousand dollars (\$5,000) together with one half of the moneys remaining after the deduction of such sum and the deductions otherwise hereinbefore provided for upon the following conditions and trusts namely -

(i) To pay therefrom such sum or sums as may be required from time to time for a site or sites for any church, hall or parsonage within the Provisional Parish of Lalor Park and Seven Hills or any Parish into which it may subsequently be formed or within the area of any Assisted Provisional Parish, Provisional Parish or Parish into which it might subsequently be divided.

(ii) To pay from time to time such sum or sums as may be required for the purchase or cost of erection of any church, church halls or parsonages within the areas set out in

the preceding subclause and including the cost of any repairs renovations improvements and maintenance thereof.

- (iii) To pay discharge any capital loans existing at the date of the passing of this Ordinance incurred in the acquisition and/or erection of any such churches, church halls or parsonages provided that any sum or sums paid pursuant to this subclause shall be recouped without interest over such period and subject to such terms and conditions as Standing Committee may by resolution determine.
 - (iv) Any moneys not from time to time paid pursuant to the provisions of this clause shall be invested by the Corporate Trustee and the net income arising therefrom paid to the Churchwardens for the time being of St Clements Church Lalor Park to be applied by them for the general purposes of the Provisional Parish of Lalor Park and Seven Hills or any parish, into which it may be subsequently be formed or any Assisted Provisional Parish, Provisional Parish or Parish into which the same might subsequently be divided as the Parish Council of the said Provisional Parish may deem fit.
- (b) To hold the other one half of the said moneys upon the following conditions and trusts namely:-
- (i) To pay the sum of Six thousand Five Hundred Dollars (\$6,500) thereof to the New Housing District of Doonside and Quakers Hill in or towards repayment of such moneys being principal or interest as any be owing the by said New Housing District in respect of the Minister's residence recently constructed at Doonside within the said district.
 - (ii) To pay the sum of Three Thousand Five Hundred Dollars (\$3,500) thereof to the Corporate Trustee to be held by it both as capital and income and to be paid or applied by it in respect of that area of the said parish known as Marayong in such amount or amounts and at such time or times as it be requested in writing by the resolution of a majority of the Parish Council of the Parish of Blacktown in or towards the purchase of a site or sites therein for the purposes of a church, church hall or parsonage or in or towards the construction renovation improvement or extension of any building or buildings for such purposes within such area.
 - (iii) To pay the sum of Three Thousand Five Hundred Dollars (\$3,500) thereof to the Corporate Trustee to be held by it both as capital and income and to be paid or applied by it in respect of that area of the said parish near or in the region of Bungarabee Road in such amount or amounts and at such time or times as it be requested in writing by the resolution of a majority of the said Parish Council in or towards the purchase of a site or sites therein for the purposes of a church, church hall or parsonage or in or towards the construction renovation improvement or extension of any building or buildings for such purposes within such area.
 - (iv) For the purposes of determining whether a particular parcel of land or building is situate in any area with the said parish the decision of a majority of the said Parish Council shall be final and conclusive.
 - (v) Moneys held in accordance with the provisions of paragraphs (ii) or (iii) and not paid or applied in accordance with such provisions or any of them shall for the time being be retained and invested and all income therefrom shall be added to capital.
 - (vi) If at any time after 30th June, 1989 the moneys referred to in paragraphs (ii) or (iii) hereof being principal and income thereon or any part thereof have not been paid or applied for the said purposes or any of them therein described and if a majority of the said Parish Council shall resolve that the said moneys are unlikely in the foreseeable future to be required for such purposes then subject to the prior consent of the Standing Committee by resolution the said balance moneys including corpus and income shall thenceforth be held upon trust for the said parish for purpose or purposes as the said Parish Council may determine.
 - (vii) To pay the balance thereof as to principal and interest to the Churchwardens for the

time being of the said Church of Christ Church Blacktown to be used by them for such purpose or purposes in or towards any purpose of the said parish whether within or outside the said parish or whether within or outside the Diocese of Sydney as the said Parish Council thereof may determine.

Application of Proceeds for purchase of sites

6. Notwithstanding the preceding provisions of this Ordinance the Corporate Trustee is hereby empowered in its absolute discretion to apply from the amounts respectively held for the Provisional Parish of Lalor Park with Seven Hills and the Parish of Blacktown with Prospect-Bungarrabee and Doonside such sum or sums as shall be required for the purchase of sites as aforesaid within the respective Provisional Parish and Parish in priority to all other purposes as hereinbefore provided.

Citation

- ⁵ 7. This Ordinance may be cited as “Blacktown and Lalor Park with Seven Hills Variation of Trust and Land Sale Ordinance 1965-1981”.

Schedule

All that piece or parcel of land situated at Seven Hills in the Shire of Blacktown Parish of Prospect County of Cumberland containing 16 acres 8¼ perches or thereabouts being part of Portion 102 of the said Parish being the whole of the land comprised in Certificate of Title Volume 8061 Folio 174 together with a right-of-way over the strip of land 30 feet wide coloured brown on the said Certificate of Title appurtenant to the said land and also subject to an easement for transmission line affecting the land coloured blue thereon created by Notification in Government Gazette dated 5th March 1954.

Endnotes

1. Amended pursuant to the Interpretation Ordinance 1985.
2. Pursuant to Ordinance No 53 1969 the Corporate Trustee is authorised to sell the whole of the land described in the Schedule and apply the proceeds in accordance with this Ordinance.
3. Amended pursuant to the Interpretation Ordinance 1985 and by Ordinance No 30, 1988.
4. Amended by Ordinances Nos 53, 1969; 56, 1981 and 30, 1988.
5. Amended by Ordinances Nos 53, 1969 and 56, 1981.

M.A. PAYNE
Legal Officer

W.G.S. GOTLEY
Diocesan Secretary

12 February 2008