
Blacktown and Lalor Park and Seven Hills Variation of Trust and Land Sale Ordinance Amendment Ordinance
1969

No. 53, 1969

AN ORDINANCE to amend Blacktown and Lalor Park with Seven Hills Variation of Trust and Land Sale Ordinance 1965 (No. 38, 1965).

WHEREAS by Blacktown and Lalor Park with Seven Hills Variation of Trust and Land Sale Ordinance 1965 (No. 38, 1965) (hereinafter called the "Principal Ordinance") Church of England Property Trust Diocese of Sydney (therein and hereinafter called the "Corporate Trustee") was authorised to sell certain land at Seven Hills as described in the Schedule to such Ordinance reserving however an area of approximately one acre as should be determined by the Corporate Trustee and to hold such area 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 Church of England in Australia in the Provisional Parish of Lalor Park and Seven Hills or any Parish into which it might subsequently be formed AND WHEREAS the Principal Ordinance directed that one half of the net proceeds arising from the sale of the residue of the land be held for the benefit of the Provisional Parish of Lalor Park and Seven Hills as set out in paragraph (A) of Clause 5 thereof and the other half be held for the benefit of the Parish of Blacktown with Prospect Bungarribee and Doonside as set out in paragraph (B) of Clause 5 thereof AND WHEREAS by reason of circumstances which have arisen subsequent to the passing of the said Principal Ordinance it is inexpedient that the trusts of the said one acre reserved from sale and the application of the proceeds of the residue be observed and performed and it is expedient that such trusts be varied by now authorising the sale of the said one acre by directing the application of the net proceeds of sale thereof and by varying the application of the proceeds of sale of the land by the said Principal Ordinance authorised to be sold as more particularly hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES RULES AND ORDAINS as follows:—

1. Blacktown and Lalor Park with Seven Hills Variation of Trust and Land Sale Ordinance 1965 (No. 38, 1965) is herein referred to as the "Principal Ordinance".

2. This Ordinance may be cited as "Blacktown and Lalor Park and Seven Hills Variation of Trust and Land Sale Ordinance Amendment Ordinance 1969".

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3. The Principal Ordinance as amended by this Ordinance may be cited as "Blacktown and Lalor Park and Seven Hills Variation of Trust and Land Sale Ordinance 1965-1969".

4. By reason of circumstances which have arisen subsequent to the creation of the trusts declared by the Principal Ordinance in respect both of the one acre of land reserved from sale thereby and also in respect of the application of the proceeds of sale of the land thereby authorised to be sold it is inexpedient to carry out and observe such trusts and it is expedient that such one acre be now sold and the trusts in respect of the proceeds of sale of all the land be varied as hereinafter set out and the Principal Ordinance be amended accordingly.

5. The Corporate Trustee is hereby authorised and empowered to now sell in the manner authorised by the Principal Ordinance the whole of the land described in the Schedule to such Ordinance including the said one acre previously reserved from sale freed from any trusts affecting the same.

6. The net proceeds of the sale of the said one acre previously reserved from sale after allowing for a proportion of the outgoings properly chargeable against the same and the costs and expenses of subdivision and development thereof computed as nearly as practicable by the Corporate Trustee shall be held upon the same trusts as the proceeds of the land previously authorised to be sold but as herein varied or modified.

7. The Principal Ordinance is amended as follows:—

(a) Paragraph (A) of Clause 5 is deleted and the following paragraph is inserted in its place:—

(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 Provisional

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District 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 sub-clause and including the cost of any repairs renovations improvements and maintenance thereof.
 - (iii) To pay and 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 sub-clause 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 subsequently be formed or any Provisional District, 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) Paragraph (B) of Clause 5 is amended as follows:—
- (i) By inserting after the word "deductions" in line two the words "including the said sum of Five thousand dollars (\$5,000)".
 - (ii) By deleting sub-paragraph (i) and inserting in its place the following sub-paragraphs:—
 - (ia) To pay thereout to the Standing Committee of Synod the sum of Two thousand eight hundred

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and forty-seven dollars (\$2,847) being the arrears as at 31st March, 1969 of General and Special Purposes Asscsmnts due by the Parish of Blacktown with Prospect Bungarribee and Doonside.

- (ib) To pay to the Churchwardens of Christ Church Blacktown if and when required by them a sum not exceeding Five thousand dollars (\$5,000) to be applied by them towards the cost of repair renovation improvement and maintenance or re-erection of the Church of St. Bartholomew Prospect and any money so expended shall not be liable to be recouped in accordance with the provisions of the next sub-clause of this clause.
- (iii) By inserting in sub-clause (ii) before the words "Provided However" the following words "and such sum or sums as may be required to repay any existing loans for such purposes".
- (iv) By inserting in sub-clause (iii) after the words "Sub-paragraph (ii) of this paragraph" where secondly occurring the words "which may from time to time be held by the Corporate Trustee and which shall be invested by it".

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 Synod of the Diocese of Sydney on the 27th day of October, 1969.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney

27/10/1969.