

PENRITH LANDS ORDINANCE 1980

No. 49 1980

AN ORDINANCE to vary the trusts
on which certain land at Penrith
is held.

WHEREAS:

A. The Penrith Lands Variation of Trusts and Sale Ordinance 1975
(hereinafter called "the 1975 Ordinance") declared that the
land described in the Fourth Schedule thereto (which land is
hereinafter called "Lot 1") should be held on the trust for
the following purposes:-

- (a) For the purposes of the Parish of St. Stephen at
Penrith including the construction and use on the
said land of church buildings, rectory and/or
parish hall for the Parish of St. Stephen at
Penrith provided that in relation to this sub-clause
such construction shall not require other than
approvals normally required for parish buildings.
- (b) For the purposes of the Parramatta Anglican Regional
Council including the construction and use on the
said land of administration facilities or buildings
or a diocesan centre for the region in which the
Bishop in Parramatta exercises episcopal duties
provided that no construction shall be effected
without the joint consent of the Parramatta Anglican
Regional Council and a majority of the Parish Council
of the Parish of St. Stephen at Penrith; or
- (c) For such other purpose or purposes as the Standing
Committee of the Synod of the Diocese of Sydney may
from time to time determine by resolution passed at
the joint request in writing of the Parramatta
Anglican Regional Council and a majority of the
members of the Parish Council of the Parish of St.
Stephen at Penrith.

30 B. The 1975 Ordinance authorised the sale of certain other land
(hereinafter called "Lot 2") adjoining that land, such other
land being the land described in the First Second and Third
Schedules to that Ordinance other than Lot 1.

35 C. The Penrith Land Ordinance 1978 (hereinafter called "the 1978
Ordinance") authorised (inter alia) the retention of parts of
Lot 2 and the sale of an equivalent part of Lot 1.

D. So much of Lot 1 and Lot 2 as was not sold pursuant to the 1978
Ordinance is now the land described in the Schedule hereto.

40 E. Church of England Property Trust Diocese of Sydney has resigned
from the office of trustee of the said land and Anglican
Retirement Villages Diocese of Sydney has been elected as
trustee of the said land in the place of Church of England
Property Trust Diocese of Sydney.

45 F. By reason of circumstances which have arisen subsequent to the
creation of the trust on which the said land is held, it is
inexpedient to carry out and observe the same.

NOW the Standing Committee of the Synod of the Diocese of Sydney in
the name and place of the said Synod HEREBY DECLARES ORDAINS DIRECTS
AND RULES as follows:-

50 1. In this ordinance, unless repugnant to the context or inconsistent
therewith:-

(a) "the said land" means the land described in the Schedule hereto,

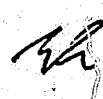
(b) "Retirement Villages" means Anglican Retirement Villages Diocese
of Sydney,

55 (c) "Parish Council" means the parish council of the Parish of
Penrith, and

(d) "PARC" means Parramatta Anglican Regional Council.

(e) "Corporate Trustee" means Church of England Property Trust
Diocese of Sydney.

60 2. (1) By reason of circumstances which have arisen subsequent to
the creation of the trusts on which the said land is held, it is
inexpedient to carry out and observe the same.



3.

(2) The said land shall be held on trust for such of the purposes of the Retirement Villages as are charitable provided always that, if a plan of subdivision in respect of the said land is prepared pursuant to Clause 4 of this ordinance and is registered at the Land Titles Office as a plan of subdivision, then the part of the said land which corresponds to Lot A shall be held on trust, on and from the date on which the said plan is registered for PARC provided further that, if the Retirement Villages does not erect buildings suitable for use as accommodation for aged persons on the said land within 10 years of the date on which assent is given to this ordinance, the said land (other than any part which may be held on trust for PARC pursuant to the first proviso of this sub-clause) shall be held on the trusts set forth in Recital A.

3. (1) Prior to the 31st day of December 1982, Retirement Villages shall:-

- (a) Prepare or cause to be prepared a plan outlining its future use of approximately three acres of the said land, and
- (b) provide PARC with a copy of that plan.

(2) Prior to the date on which a notice is served pursuant to Clause 4, a representative of each of the Retirement Villages, the Parish Council and PARC shall:-

- (a) meet together to review the use of the said land, and
- (b) report as to such meeting to the body which that representative represents, and
- (c) produce to the other such representatives evidence of that report having been made.

4. (1) If a member of PARC, acting pursuant to a resolution passed by the members thereof, serves a notice on the Retirement Villages to the effect that PARC wants part of the said land, then Retirement Villages, at its cost, shall prepare or cause to be prepared a plan of subdivision in respect of the said land in accordance with sub-clause (2) of this clause and, at its cost, shall cause the said plan to be registered at the Land Titles Office as a plan of subdivision.

4.

(2) The said plan shall subdivide the said land into two or more lots. One such lot (herein called "Lot A") shall be of an area of at least two acres and shall have a frontage to a street or road.

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(3) In preparing the plan of subdivision, Retirement Villages shall liaise with PARC but shall not be bound to follow the directions of PARC with respect to the subdivision.

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5. All rates and taxes which are payable in respect of the said land (including all rates and taxes which, on the date on which assent is given to this ordinance, are unpaid) and other costs incurred by the Corporate Trustee shall be borne by the Retirement Villages and PARC as follows:-

Retirement Villages - three fifths

PARC - two fifths.

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All such rates, taxes and other costs shall be paid promptly as and when the same fall due for payment.

SCHEDULE

All that land being Lot 175 in Deposited Plan 595945 and being the whole of the land in Certificate of Title Volume 13688 Folio 211.

I CERTIFY that the ordinance as printed is in accordance with the ordinance as reported.

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Chairman of Committees

I CERTIFY that this ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 15th day of December 1980.

.....
Secretary

I ASSENT to this ordinance.

.....
Archbishop of Sydney

15/12/80