

**PROSPECT ORDINANCE 1991**

**No 26, 1991**

**AN ORDINANCE** to vary the trusts on which certain land is held and to permit the sale, leasing or other disposal of the same.

**WHEREAS**

A. The land described in the First Schedule hereto was granted to William Lawson, Nelson Simmons Lawson and Robert Crawford by Crown Grant dated 19th September, 1842 to be held by them upon trust for the erection thereon of a Church of the United Church of England and Ireland, as by Law Established; in conformity with the Provisions of an Act passed in the eighth year of the reign of His Late Majesty King William IV intituled "an Act to regulate the temporal affairs of the Churches and Chapels of the United Church of England and Ireland, in New South Wales" and a certain other Act made and passed in the seventh year of the reign of, His said Late Majesty King William IV intituled "an Act to Promote the Building of Churches and Chapels, and to provide for the Maintenance of Minister of Religion in New South Wales", so far as the same may apply and for no other purpose whatsoever.

B. The land described in the Second Schedule hereto was granted to William Lawson, Nelson Simmons Lawson and Robert Crawford by Crown Grant dated 19th September, 1842 to be held by them upon trust for the appropriation thereof as the site of a Dwelling-House, garden and other appurtenances, for the clergyman duly appointed to officiate in the church of the United Church of England and Ireland as by law established erected at Prospect and also for the erection thereon of a School House in connection with the said Church and known as - in conformity with the provisions of the said Acts so far as the same may apply and for no other purpose whatsoever.

C. The land described in the Third Schedule hereto was acquired by Allen Innes of Prospect, Quarry Foreman, John Pond of Prospect, Quarryman, Jacob Barnes of Hunters Hill, School Teacher on trust for a cemetery in connection with the said Church of England at Prospect.

D. The land described in the Fourth Schedule was purchased by the Property Trust pursuant to a Deed registered in the Register of Special Grants No. 4 Page 97 as trustee for and on behalf of the Anglican Church of Australia at Prospect.

E. By a deed made 7 December 1979 and registered number 312 book 3397, the land described in the First, Second and Third Schedules hereto was vested in the Property Trust.

F. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the land described in the First, Second, Third and Fourth Schedules hereto (which land is hereinafter called "the Land") is held, it is inexpedient to carry out and observe the same to the extent that the same are hereby varied and it is also inexpedient to deal with or apply the Land for the use or benefit of the parish in which the Land is presently situated.

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 -

1. This Ordinance may be cited as "Prospect Ordinance 1991".

2. (1) By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Land is held, it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

(2) Subject to clause 2(3), the Land is held upon trust for the charitable purposes of the Anglican Church of Australia in the Diocese of Sydney as determined from time to time by the Property Trust.

(3) The moneys derived from the sale, leasing or other disposal of the Land, after meeting all costs of and incidental to any such sale, leasing or disposal, must be applied in or towards:

- (a) the acquisition of sites in the Diocese for church buildings and rectories;
- (b) the cost of constructing church buildings and rectories in the Diocese; and

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- (c) repaying moneys borrowed and applied for the purposes described in paragraphs (a) and (b),

as determined by the Property Trust from time to time after consulting with the Archbishop.

3. The Property Trust is hereby authorised to sell lease or otherwise dispose of the whole or any part or parts of the Land for such prices and on and subject to such terms and conditions as, to the Property Trust, seem appropriate in the circumstances.

FIRST SCHEDULE

ALL THAT piece or parcel of land contained in one acre, be the same more or less, situated in the County of Cumberland and Parish of Prospect bounded on the north east by a line bearing east fifteen degrees ten minutes south three chains, commencing at a post at the north west corner of the present fence, on the south east by the site for a school, being a line bearing south sixteen degrees thirty minutes west three chains thirty four links, on the south west by a line bearing west fifteen degrees ten minutes north three chains, on the north west by a line bearing north sixteen degrees thirty minutes east three chains thirty four links to the aforesaid post, at the said north west corner of the present fence being a portion of 830 acres of land granted to the trustees of the late Church and School Corporation by Deed dated the Twenty-sixth day of August, One thousand eight hundred and twenty-nine but which reverted to the Crown, on the dissolution of that body, by order of the King in Counsel on the Fourth day of February One thousand eight hundred and thirty three being also the land advertised as No. 41 in Government Notice dated 14th July, 1842.

SECOND SCHEDULE

ALL THAT land contained in one acre, be the same more or less, situated in the County of Cumberland, Parish of Prospect bounded on the north east by a line bearing east fifteen degrees ten minutes south three chains, on the south east by a line bearing south sixteen degrees thirty minutes west three chains thirty four links on the south west by a line bearing west fifteen degrees ten minutes north three chains and on the north west by a line bearing north sixteen degrees thirty minutes east three chains thirty four links, being a portion of eight hundred and thirty acres of land granted to the Trustees of the late Church and School Corporation by Deed dated the Twenty-sixth day of August, One thousand and eight hundred and twenty-nine but which reverted to the Crown on the dissolution of that body by order of the King in Counsel of the Fourth day of February, One thousand eight hundred and thirty three, being the land advertised as No. 40 in Government Notice dated 14th July, 1842.

THIRD SCHEDULE

ALL THAT land containing an area of four acres one rood twelve and one-half perches being the whole of the land in Certificate of Title Volume 14245 Folio 173.

FOURTH SCHEDULE

ALL THAT piece or parcel of land forming part of the Church and School Estate situated in the County of Cumberland Parish of Prospect containing by admeasurement Two roods twenty seven and a half perches. Commencing on the South East Side of a one chain Road separating portion 17 and 18, at the most westerly North West Corner of the latter portion and bounded thence on the South West by part of its North east boundary bearing South Seventy four degrees thirty minutes East Three Chains and eleven links thence on the South east by Prospect Church property as fenced bearing North Fifteen degrees thirty three minutes East Two Chains ninety five and six-tenths links thence on the North by the southern side of a one chain Road separating it from portion 13 bearing south Eighty one degrees West Three Chains and three links and thence on the North west by the South east side of the first mentioned Road bearing south Twenty seven degrees seventeen minutes West One chain seventy four links to the point of commencement.

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AND ALSO ALL THAT piece or parcel of land forming part of the Church and School Estate County of Cumberland and Parish of Prospect containing by admeasurement Three Roods Thirty one and one quarter perches Commencing on the Southern side of a one Chain Road separating it from Portion 13 at the Northern most North west Corner of Portion 18 and bounded thence on the North by that side of that Road bearing South eighty one degrees West seven chains twenty four links thence on the South west by the Northeast boundary of the Prospect church property as fenced bearing south seventy four degrees forty six minutes East six chains thirty eight and two tenths links and thence on the South east by a fence line bearing North nineteen degrees thirty minutes East two chains ninety eight links to the point of commencement.

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

N.M. CAMERON  
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of July 1991.

W.G.S. GOTLEY  
Secretary

I ASSENT to this Ordinance.

DONALD ROBINSON  
Archbishop of Sydney  
29 / 7 / 1991