

SEVEN HILLS SALE ORDINANCE 1977

No. 3 1977

AN ORDINANCE to vary the trusts on which certain land is held and to authorise the sale of certain land and the leasing of certain land at Seven Hills and to provide for the application of the proceeds.

WHEREAS the land described in the Schedule hereto is held 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 the ecclesiastical district formerly known as the Provisional District of Toongabbie - Seven Hills - Girraween AND WHEREAS the said district has been divided into several ecclesiastical districts AND WHEREAS the said land is situated within the boundaries of the Parish of Lalor Park and Seven Hills and has been used for many years for the purposes of that Parish AND WHEREAS the said land is now vested in Church of England Property Trust Diocese of Sydney AND WHEREAS it is expedient that the said land be subdivided and sold and that, pending such sale, the said land be leased AND WHEREAS 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 to the extent to which the same are hereby varied 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. (1) Where used herein, unless repugnant to the context or inconsistent therewith
- (a) the term "Parish Council" means the Parish Council of the Parish of Lalor Park and Seven Hills,
  - (b) the term "Corporate Trustee" means Church of England Property Trust Diocese of Sydney,
  - (c) the term "said land" means the land described in the Schedule hereto,
  - (d) the term "Regional Council" means the Parramatta Regional

Council as constituted by the Parramatta Anglican Regional  
Council Constitution Ordinance 1971 as amended from time to  
30 time, and

(e) the term "trust fund" means the trust fund constituted by  
Clause 6 hereof.

(2) This Ordinance may be cited as "Lalor Park and Seven Hills  
Ordinance 1977".

35 2. (1) By reason of circumstances which have arisen subsequent to the  
creation of the trusts upon which the said land is held it is  
inexpedient to carry out and observe the same to the extent to  
which the same are hereby varied.

(2) The said land and all rents issues and profits therefrom shall  
40 be held upon trust for the Church of England in Australia in  
the Parish of Lalor Park and Seven Hills.

(3) Upon any part of the said land being sold pursuant to this  
Ordinance, the proceeds from the sale shall be held upon the  
trusts hereafter declared in relation to the trust fund.

45 3. (1) The Corporate Trustee is hereby authorised to lease any part or  
parts of the said land or of any improvements thereon as may be  
approved from time to time by the Parish Council.

(2) The rents, issues and profits from such leases, after all costs  
expenses and outgoings in connection therewith and in connection  
50 with the part or parts of the said land which has been leased  
shall be paid to the Churchwardens for the time being of St.  
Clements' Church Lalor Park and applied by them for such  
purposes as they consider fit.

4. The Corporate Trustee is hereby authorised and empowered to sell  
55 such part or parts of the said land and the materials from any  
improvements from time to time standing if the sale of such part,  
parts or materials has been approved by the Parish Council. Any  
such sale may be effected by public auction or private treaty and  
shall be for such price and on and subject to such terms and  
60 conditions as the Corporate Trustee considers to be appropriate.

The Corporate Trustee is also authorised and empowered to dedicate any part of the said land to the council of the municipality within which the said land is situated.

5. All moneys held upon the trusts hereafter declared in relation to the trust fund shall, pending application, be invested.

6. The trust fund shall be held, as to capital and income, upon the following trusts

(a) to meet the costs of and incidental to this Ordinance;

(b) to meet the costs in connection with the sale of the said land including, but without limiting the generality, all costs of subdivision, survey costs, real estate agents fees, costs of advertising and solicitors costs,

(c) to meet the costs of restoring the house erected on the said land to the extent to which, in the opinion of the Parish Council, the house should be restored,

(d) to meet the costs of removing and suitably preserving any memorials in the church building, and the balance remaining shall be held upon the following trusts

(i) in the purchase of land within the region in which the Bishop in Parramatta exercises episcopal oversight suitable for use as a site for and which will be held upon trust for a church building, hall or rectory or any one or more of these,

(ii) in meeting the cost of erecting buildings for the use as a church building, hall or rectory or any one or more of these purposes on land within the said region, and

(iii) in repaying the whole or any part of any moneys borrowed and applied for either or both of the purposes described in paragraphs (i) and (ii) of this clause

PROVIDED ALWAYS the trust fund shall be applied for such of the purposes described in paragraphs (i), (ii) and (iii) as are

approved by the Regional Council, by resolution thereof, only.

7. Any approval of the Parish Council shall be delivered to the Secretary of the Corporate Trustee in writing.
8. The provisions of Clauses 7 and 8 of the Toongabbie - Seven Hills - Girraween Sale and Lease Ordinance 1954 shall cease to apply on this Ordinance being assented to.

SCHEDULE

The land being the whole of the land comprised in Certificate of Title Volume 4971 Folio 1, the land conveyed by Conveyance Registered No. 40 Book 470 and part of the land conveyed by Conveyance Registered No. 370 Book 194 and also being the land described in Miscellaneous Plan of Subdivision (O.S.) Registered No. 9430 and (R.P.) Registered No. 82393.

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

D. 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 28th day of February 1977.

W.G.S. Gotley

Secretary

I ASSENT to this Ordinance

A. Jack Dain

Commissary

28/2/1977