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

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No. 38, 1965.

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.

WHEREAS by Indenture of Conveyance dated 4th November, 1859 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 of 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 806 Folio 174 more particularly described in the Schedule hereto and such land is now vested in Church of England 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 regard 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 without 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

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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 Church of England in 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 DECLARES DIRECTS AND RULES as follows:-

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.

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.

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 Church of England in Australia in the Provisional Parish of Lalor Park with Seven Hills or any Parish into which it may subsequently be formed.

4. (i) 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.

(ii) 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 as 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 as it may deem expedient for the more effectual disposal of the said land.

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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) To hold one half of the said moneys remaining after the deductions hereinbefore provided upon the following conditions and trusts namely:-

(i) To pay thereout the sum of ten thousand pounds (£10,000) unto the Churchwardens of the Provisional Parish of Lalor Park with Seven Hills to be applied by the said Churchwardens in their discretion first in or towards the cost of erection of a Church or Church Hall upon the land reserved from sale as hereinbefore provided and subject thereto towards the cost of the repair renovation improvement and maintenance of the Church of St. Andrew within the said Provisional Parish and as to any amount thereafter remaining with the income accruing thereon from time to time towards the general capital liabilities of the said Provisional Parish.

(ii) To pay from the residue thereof such sum or sums as may be required from time to time for the purchase of a site or sites for any Church, Church Hall or Parsonage within the Provisional Parish of Lalor Park with Seven Hills or within any Provisional District Provisional Parish or Parish into which the same might be divided and subject thereto to advance thereout from time to time such sum or sums as may be required for the purchase or cost of erection of Churches, Church Halls and Parsonages or one or more of the same including the cost of repair renovation improvement and maintenance thereof

**PROVIDED HOWEVER** that any sum or sums applied for such purposes but excepting the cost of acquisition of sites as aforesaid shall be recouped without interest to the said residue over such period and subject to such terms and conditions as Standing Committee may by resolution determine.

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(iii) Subject to the proviso to sub-paragraph (ii) of this paragraph, as to any income which may accrue from time to time in respect of the said residue referred to in sub-paragraph (ii) of this paragraph to pay the same from time to time to the Churchwardens of the Provisional Parish of Lalor Park with Seven Hills to be applied by the said Churchwardens for such general purposes of the said Provisional Parish or of any Provisional District or Provisional Parish or Parish into which the same might be divided in such manner as the said Churchwardens may deem fit.

(B) To hold the other one half of the said moneys remaining after the deductions hereinbefore provided upon the following conditions and trusts namely:-

(i) To pay thereout the sum of Twelve thousand five hundred pounds (£12,500) unto the Churchwardens of the Parish of Blacktown with Prospect-Bungarribee and Doonside to be applied by the said Churchwardens in their discretion first in or towards the cost of repair renovation improvement and maintenance or re-erection of the Church of St. Bartholomew, Prospect and as to any amount thereafter remaining together with the income accruing thereon from time to time towards the general capital liabilities of the said Parish.

(ii) To pay from the residue thereof such sum or sums as may be required from time to time for the purchase of a site or sites for any Church, Church Hall or Parsonage within the Parish of Blacktown with Prospect-Bungarribee and Doonside or within any Provisional District Provisional Parish or Parish into which the same may be divided and subject thereto to advance thereout from time to time such sum or sums as may be required for the purchase or cost of erection of Churches, Church Halls and Parsonages or one or more of the same including the cost of repair renovation improvement and maintenance thereof

PROVIDED HOWEVER that any sum or sums applied for such purposes but excepting the cost of acquisition of sites as aforesaid shall be recouped without interest to the said residue over such period and subject to such terms and conditions as Standing Committee may by resolution determine.

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(iii) Subject to the proviso to sub-paragraph (ii) of this paragraph as to any income which may accrue from time to time in respect of the said residue referred to in sub-paragraph (ii) of this paragraph to pay the same from time to time to the Churchwardens of the said Parish of Blacktown with Prospect-Bungarribee and Doonside to be applied by the said Churchwardens for such general purposes of the said Parish or of any Provisional District or Provisional Parish or Parish into which the same might be divided in such manner as the said Churchwardens may deem fit.

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-Bungarribee 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.

7. This Ordinance may be cited as "Blacktown and Lalor Park with Seven Hills Variation of Trust and Land Sale Ordinance 1965."

**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.

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 the Synod of the Diocese of Sydney on the 1st day of November, 1965.

W. L. J. HUTCHISON, Secretary.

I assent to this Ordinance.

HUGH SYDNEY, Archbishop of Sydney.

1/11/1965.