

SYDNEY ANGLICAN PRE-SCHOOL COUNCIL ORDINANCE 1976

No. 5 1976

AN ORDINANCE to provide for the management and control of certain church trust property and to vest certain church trust property in Church of England Property Trust Diocese of Sydney

WHEREAS

A. A Child Care Centre is to be conducted on part of each of the five parcels of land described in the five Schedules hereto.

B. Sydney Anglican Pre-School Council (hereinafter called "the Council") is about to enter into an agreement with the Minister for Youth Ethnic & Community Affairs relating to each such Child Care Centre.

C. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor or owner of the land described in the First, Second, Third and Fourth Schedules hereto.

D. The land described in the Fifth Schedule hereto is held upon trust <sup>thereon</sup> ~~thereof~~ for the erection and maintenance of a church or building to be called " " for the celebration of public worship according to the use of the Church now or lately known as the United Church of England and Ireland and for the further purposes of a dwelling house for the use of the minister for the time being of the said church or building and of a school house for the education of children of members of the Church of England and such other children as the minister for the time being of the said church or building may approve and for a burial ground in connection with the said church or building or for any of such purposes but subject to the provisions of an Act of the Governor and Legislative Council of the Colony of New South Wales passed in the eighth year of the reign of His Late Majesty King William the Fourth number five entitled "An Act to Regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales".

E. The Trustees of the land described in the Fifth Schedule hereto are

- 2 -

believed to be dead.

30 F. It is proposed that the Corporate Trustee be appointed Trustee of the land described in the Fifth Schedule.

G. It is further proposed that each of the five parcels of land described in each of the five schedules hereto be divided into two parts - one part to comprise the premises on which the Child Care Centre is to be conducted and the ground contiguous thereto and the  
35 other part to comprise the balance of the relevant parcel.

H. by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Fifth Schedule hereto is held, it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied.

I. Each of the parcels of land described in the first, second third and fourth schedules hereto is held upon trust for purposes including a parish hall parish centre and child care centre in the parish in which the parcel is situated.  
of land described in the five schedules hereto which is to be used for the purposes of the Child Care Centres. NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod

45 HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. (1) In this Clause, the term "Child Care Centre" where used in relation to a parcel of land, means the premises on the parcel of land wherein a Kindergarten or Child Care Centre is to be conducted and the part of the parcel of land used or to be used in connection therewith such  
50 premises and part being such that the same may be comprised as a separate lot in a plan of subdivision which is capable of being registered at the Land Titles Office as a Deposited Plan or a Strata Plan.

(2) If any dispute arises between the Council and the Parish Council of the parish within which any of the five parcels of land  
55 described in the five schedules hereto is situated as to the part of the said parcel of land within that parish which constitutes the Child Care Centre on that parcel of land such dispute shall be determined by the Standing Committee (by resolution thereof) and such determination when made shall be final and binding on the parties to the dispute.

- 3 -

60 (3) The government and control of the management and use of each  
 Child Care Centre <sup>on</sup> ~~of~~ each of the five parcels of land described in the  
 five schedules hereto is hereby vested in the Council and all provisions  
 in the Sydney Church Ordinance 1912 (as amended), and in any ordinance  
 amending or replacing that ordinance, relating to such management and  
 65 use are hereby suspended provided that to the extent to which the Council  
 (in the opinion of the Council) does not require the Child Care Centre  
 for the purpose of performing the obligations imposed on the Council by  
 any agreement made between the Council and the Minister for Youth Ethnic  
 & Community Affairs, the provisions of the Sydney Church Ordinance 1912  
 70 (as amended) and of any ordinance amending or replacing that ordinance  
 shall apply thereto.

2. (1) The Standing Committee hereby consents to the land described  
 in the Fifth Schedule hereto vesting in the Corporate Trustee.

(2) By reason of circumstances which have arisen subsequent to the  
 75 creation of the trusts on which the land described in the Fifth Schedule  
 hereto is held it is inexpedient to carry out and observe the same to the  
 extent to which they are hereby varied and it is expedient that the said  
 lands be held upon trust to permit the same to be used in addition to the  
 purposes for which the same may be used at present for the purpose of a  
 80 Kindergarten and Child Care Centre.

3. The clauses listed hereunder in the Ordinances listed hereunder  
 are hereby repealed:-

Clause 3 of the St. Stephen's Port Kembla Declaration of Trust  
 and Management Ordinance 1975.

85 Clause 3 of the St. Mark's Brighton-le-Sands Variation of Trusts  
 and Management Ordinance 1975

Clause 3 of the Denistone East-Marsfield Variation of Trusts and  
 Management Ordinance 1975.

Clause 3 of the Parish of Lawson Variation of Trusts Ordinance  
 90 1975.

4. This Ordinance may be cited as "Sydney Anglican Pre-School Council Ordinance 1976".

FIRST SCHEDULE

ALL THAT parcel of land situate at Port Kembla in the City of Wollongong Parish of Wollongong and County of Camden being Lots 34, 35 and 36 of Section 3 in Deposited Plan 7804 situate at the corner of Church Street Military Road and Third Avenue and being the whole of the land in Certificate of Title Volume 3235 Folio 233.

SECOND SCHEDULE

ALL THAT parcel of land situate at Brighton-le-Sands in the Municipality of Rockdale Parish of St. George and County of Cumberland being comprised of

- (a) Lot 61 of Section 2 in Deposited Plan 5190 which lot is the whole of the land in Certificate of Title Volume 2425 Folio 179, and
- (b) Lot 62 of Section 2 in Deposited Plan 5190 which lot is the whole of the land in Certificate of Title Volume 2005 Folio 138.

THIRD SCHEDULE

ALL THAT parcel of land situated in the Parish of Hunters Hill and County of Cumberland being comprised of

- (a) Lots 3 and 4 in Deposited Plan 13470 which lots are the whole of the land in Certificate of Title Volume 4151 Folio 81
- (b) Lot 21 in Deposited Plan 13470 which lot is the whole of the land in Certificate of Title Volume 5877 Folio 21 and
- (c) Lot 22 in Deposited Plan 13470 which lot is the whole of the land in Certificate of Title Volume 5877 Folio 22.

FOURTH SCHEDULE

ALL THAT parcel of land situate at Lawson in the Parish of Linden and County of Cook being the land comprised in Land Grant Volume 715 Folio 20 and being Allotment 3 of Section 2 on the plan thereon.

FIFTH SCHEDULE

ALL THAT parcel of land situate at Granville in the Parish of Liberty Plains and County of Cumberland being comprised of

- (a) Lots 7 and 8 of a subdivision of Lots 1 and 2 of Section B of the Drainwell Estate near the Parramatta Junction and containing an area of 1 acre commencing at a point formed by the intersection of the east side of Jamieson Street with the south side of Mary Street and bounded on the west by Jamieson Street bearing north 165 ft. on the north by the southern boundary of Carson's Lot 6 bearing east 264 ft. on the east by part of the western boundary

- 5 -

of F.S. Lea's original Lot 7 bearing south 165 ft. and on the south by the north boundary of Joseph Cuf's Lot 9 bearing west 264 ft. to the point of commencement be the said several dimensions a little more or less, and

- (b) the piece of land commencing at the intersection of Mary and Hutchinson Streets and bounded on the south by Mary Street bearing easterly 248 ft. on the east by a line bearing northerly 24 ft. on the north by a line bearing westerly 264 ft. to Hutchinson Street aforesaid and on the south west by that street bearing south easterly 28 ft. 6 in. to the point of commencement being Lot "A" of George Lackey Junior's subdivision and also part of original Lot 2 of Section B of the Drainwell Estate be the said dimensions all a little more or less.

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

D. Cameron

Deputy 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 March 1976.

W. Gotley  
Secretary

I ASSENT to this Ordinance.

M.L. Loane  
Archbishop of Sydney  
29 / 3/1976.