
*All Saints Parramatta Vesting, Variation of Trusts and
Land Sale Ordinance 1967*

No. 51, 1967.

AN ORDINANCE to vest certain land at Parramatta in the Church of England Property Trust Diocese of Sydney and to authorise the sale of certain land at Parramatta in the City of Parramatta and to provide for the application of the proceeds.

WHEREAS by Deed of Conveyance dated 3rd day of November, 1873 made between Anne Hassall of the First part, Sir Charles Cowper of the Second part, George Fairfowl MacArthur of the Third part and the Reverend John Roe Blomfield, Patrick McKay and William Goodin therein called Trustees of the Fourth part Registered No. 611 Book 140 the land described in the First Schedule hereto was conveyed to the said Trustees upon trust to hold the same for the site of a dwelling house with a garden and other appurtenances thereto and suffer such dwelling house and premises to be erected and build thereon for the use occupation and benefit of the minister for the time being duly licenced by the Bishop of Sydney in the Church called and known as the Church of All Saints Parramatta AND WHEREAS the present trustees of the said land are Horace William Alexander Barder, Charles Isaac Crosswell and William Thomas Greenaway AND WHEREAS the said Horace William Alexander Barder died on the 25th day of October 1949 AND WHEREAS the said William Thomas Greenaway died on the 10th day of January 1967 AND WHEREAS the said Charles Isaac Crosswell is the sole surviving trustee of the said land AND WHEREAS the said Charles Isaac Crosswell by Deed of Consent dater the 11th day of December 1967 consented to the vesting of the said land in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") subject to the said trusts AND WHEREAS it is expedient that the said lands be so vested AND WHEREAS by reason of circumstances which have arisen since the creation of the trusts hereinbefore recited it is inexpedient to carry out and observe the same in respect of part of the said land namely the land described in the Second Schedule hereto and it is expedient that the land described more fully in the Second Schedule be sold and to grant an easement for support of the land sold over the remainder of such land as is more fully described in the Second Schedule hereto AND WHEREAS the proceeds of such sale shall be applied as hereinafter set out AND WHEREAS the Corporate Trustee is registered as proprietor in fee simple of the whole of the land comprised in Certificate of Title Volume 4576 Folio 154

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AND WHEREAS the land in Certificate of Title Volume 4576 Folio 154 was purchased by the Corporate Trustee out of the general funds of the Parish of All Saints Parramatta for investment purposes AND WHEREAS the building erected upon that part of the land in Certificate of Title Volume 4576 Folio 154 as is hereto more fully described in the Third Schedule hereto is occupied by tenants protected by the Landlord and Tenant Act, 1898 (as amended) AND WHEREAS it is expedient that the land described in the Third Schedule hereto be also sold and to grant an easement for support as is more fully described in the Third Schedule AND WHEREAS the proceeds of such sale shall also be applied as hereinafter set out NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES RULES AND DIRECTS as follows:—

1. That the land described in the first Schedule hereto be and the same is hereby vested in the Corporate Trustee upon the same trusts to which that land is now subject.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second 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 land be sold.

3. The Corporate Trustee is hereby authorised to sell the land described in the Second Schedule either in whole or in parcels and to grant the easement for support described in the Second Schedule freed from the said trusts.

4. The proceeds arising from such sale shall after paying thereout any outgoings to which the land may be subject and the costs of and incidental to this Ordinance and the sale and conveyance in pursuance thereof be invested by the Corporate Trustee in accordance with the provisions of the INVESTMENT OF CHURCH TRUST PROPERTY ORDINANCE 1944 (as amended) and the interest from such investment be paid to the Churchwardens for the time being of the Church of All Saints Parramatta for general Church purposes.

5. By reason of circumstances which have arisen subsequent to the acquisition of the land described in the Third Schedule and the trusts upon which it is now held it is inexpedient to observe and carry out the same and it is expedient that the said land be sold

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and the Corporate Trustee is hereby authorised to sell such land either in whole or in parcels and to grant the easement for support described in the Third Schedule hereto freed from such trusts.

6. The proceeds arising from the sale of the land described in the Third Schedule hereto shall after paying thereout any outgoing to which the land may be subject and the costs of and incidental to this Ordinance and the sale and transfer in pursuance thereof be applied towards payment for gallery alterations to house a new pipe organ recently purchased for the Church of All Saints at Parramatta and secondly for urgent rectory repairs and renovations or building of a new rectory which ever shall be more advisable as may be determined by the Parish Council of the Parish of All Saints Parramatta.

7. This Ordinance may be cited as "All Saints Parramatta Vesting, Variation of Trusts and Land Sale Ordinance 1967".

FIRST SCHEDULE

All that allotment or parcel of land situate in the Parish of Field of Mars in the County of Cumberland in the Territory of New South Wales being Lot 6 of the Newlands Estate containing Two acres two rods ten perches more or less bounded on the East by Elizabeth Street COMMENCING on the South East corner of an allotment now appropriated for a Church at a point Three hundred and seventeen and three quarter links from Pennant Street bearing South three degrees fifteen minutes West Two hundred and ninety and one quarter links to Lot 7 purchased by Mr. Robert Campbell on the South by that Lot bearing West three degrees fifteen minutes North six hundred and seventy eight links to the Creek on the West by that Creek to the South-west corner of Lot 1 purchased by Mr. Charles Marsden and on the North by Lots 1, 2, 3, 4, 5 and the aforesaid Church allotment bearing East three degrees fifteen minutes South nine chains seventy three links to the point of commencement.

SECOND SCHEDULE

All that piece or parcel of land situate at Parramatta in the Parish of Field of Mars County of Cumberland being part of the land in Conveyance registered Number 972 Book 614 also being Lot 13 in a plan of subdivision of land in Certificate of Title Volume 4578 Folio 154 and land in Conveyance Number 972 Book 614 by Mr. Surveyor J. P. O'Keefe dated 18th May 1966 and containing an area of 1 acre and 2½ perches COMMENCING at the south eastern

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corner of land in Real Property Application No. 35353 also being the south western corner of Lot 12 in aforesaid plan of subdivision and bounded thence on part of the north by the southern boundary of that Lot 12 bearing 93 degrees 21 minutes for 71 feet 7½ inches thence on the east by the western boundary of Lot 10 in aforesaid plan of subdivision being lines bearing firstly 178 degrees 45 minutes 40 seconds for 83 feet 9 inches thence 187 degrees 57 minutes 30 seconds for 111 feet 3 inches thence on the south by part of the northern boundary of land in Miscellaneous Plan of Subdivision (O.S.) Number 7830 bearing 273 degrees 5 minutes 40 seconds for 89 feet 9¼ inches thence generally on the south west by lines 2 feet north easterly from the inner face of the north eastern wall of a concrete stormwater channel bearing firstly 307 degrees 57 minutes for 168 feet and ¾ inch thence 303 degrees 53 minutes for 59 feet 9¼ inches thence by a curved line of a circle having a radius of 57 feet an arc length of 46 feet 4¾ inches and a chord bearing 327 degrees 12 minutes for 45 feet 1½ inches thence on the west by a line 2 feet easterly from the inner face of the eastern wall of a concrete stormwater channel bearing 350 degrees 31 minutes for 30 feet 10 inches thence again on the remainder of the north Ly part of the southern boundary of land in aforesaid Real Property Application No. 35353 bearing firstly 93 degrees 18 minutes 40 seconds for 86 feet 3½ inches thence 92 degrees 28 minutes 40 seconds for 157 feet 5½ inches to the point of commencement *together* with the grant of an Easement for support 10 feet wide variable width and 14 feet wide over aforesaid Lot 10 in favour of the above described Lot 13 COMMENCING at the north eastern corner of above described Lot 13 and bounded thence on the north by part of the northern boundary of aforesaid Lot 10 bearing 93 degrees 21 minutes for 10 feet 0¾ inches thence on the east by lines bearing firstly 178 degrees 45 minutes 40 seconds for 170 feet 9¼ inches thence 187 degrees 57 minutes 30 seconds for 86 feet 2 inches thence on the south by part of the northern boundary of land in Miscellaneous Plan of Subdivision (O.S.) Number 7830 bearing 273 degrees 5 minutes 40 seconds for 14 feet 0¾ inches thence on the west by the eastern boundary of aforesaid Lot 13 bearing firstly 7 degrees 57 minutes 30 seconds for 111 feet 3 inches thence 358 degrees 45 minutes 40 seconds for 83 feet 9 inches to the point of commencement.

THIRD SCHEDULE

All that piece or parcel of land situate at Parramatta in the Parish of Field of Mars County of Cumberland being part of the land

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in Certificate of Title Volume 4576 Folio 154 also being Lot 12 in a plan of subdivision of land in Certificate of Title Volume 4576 Folio 154 and land in Conveyance Number 972 Book 614 by Mr. Surveyor J. P. O'Keefe dated 18th May 1966 and containing an area of 1 rood 8 $\frac{1}{2}$ perches COMMENCING at the north eastern corner of land in Real Property Application No. 35353 being a point on the southern side of Victoria Road bearing 88 degrees 45 minutes 40 seconds and distant 320 feet 10 $\frac{1}{2}$ inches from the intersection of that side of the road with the eastern side of Sorrell Street and bounded thence on the north by part of the aforesaid southern side of Victoria Road bearing 88 degrees 45 minutes 40 seconds for 79 feet thence on the east by the western boundary of Lot 11 in aforesaid plan of subdivision being lines bearing firstly 178 degrees 45 minutes 40 seconds for 28 feet 6 inches thence 190 degrees 55 minutes for 33 feet 3 inches thence 178 degrees 45 minutes 40 seconds for 123 feet 1 $\frac{1}{2}$ inches to the northern boundary of land in Conveyance No. 972 Book 614 thence on the south by part of that northern boundary also being part of the northern boundary of Lot 13 in aforesaid plan of subdivision and bearing 273 degrees 21 minutes for 71 feet 7 $\frac{1}{2}$ inches thence on the west by the eastern boundary of land in aforesaid Real Property Application No. 35353 bearing 358 degrees 33 minutes 40 seconds for 178 feet 5 inches to the point of commencement *together* with the grant of an Easement for support of variable width over aforesaid Lot 11 in favour of the above described Lot 12 COMMENCING at the south eastern corner of above described Lot 12 and bounded thence on the west by part of the eastern boundary of that Lot being lines bearing first 358 degrees 45 minutes 40 seconds for 123 feet 1 $\frac{1}{2}$ inches thence 10 degrees 55 minutes for 33 feet 3 inches thence on the east by a line bearing 177 degrees 40 minutes for 156 feet 6 inches to the southern boundary of aforesaid Lot 11 thence on the south by part of that boundary of that Lot bearing 273 degrees 21 minutes for 10 feet 0 $\frac{1}{2}$ inches to the point of commencement.

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

ATHOL RICHARDSON,
Chairman of Committees.

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I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 18th day of December, 1967.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

18/12/1967.