
*Baulkham Hills (St. Stephen's Kellyville) Variation
Trust and Land Sale Ordinance 1969*

No. 48, 1969

AN ORDINANCE to vary the trusts upon which certain land at Kellyville in the Shire of Baulkham Hills is held, to authorise the sale of such land and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificate of Title Volume 9336 Folio 60 more particularly described in the Schedule hereto but subject to certain restrictions as to user of part thereto under Section 27 E (6) Main Roads Act 1924 AND WHEREAS the said land is church trust property and was originally situated in the Parish of Castle Hill when the church of St. Stephens Kellyville was erected thereon some eighty years ago but no trusts in writing have been declared concerning the same AND WHEREAS the said land and church are now situated in the Provisional Parish of Holy Trinity Baulkham Hills AND WHEREAS the majority of the Parish Council of the Parish of St. Paul Castle Hill has consented in writing that the said land be held for the sole benefit of the Provisional Parish of Holy Trinity Baulkham Hills and it is expedient that the trusts thereof be varied accordingly AND WHEREAS part of the land now comprised in the said Certificate of Title was donated by one Roy Edward Snelling for the use and purposes of the said church of St. Stephen Kellyville AND WHEREAS the said Roy Edward Snelling has consented to the sale thereof on condition that he receive the sum of Five hundred dollars (\$500) in the event of the sale of such land AND WHEREAS the said Provisional Parish has acquired a new site at Kellyville and established thereon a new church of St. Stephen AND WHEREAS the former church is now no longer required for any purpose in connection with the said Provisional Parish and it is expedient that it be sold and the net proceeds applied firstly in payment to the said Roy Edward Snelling as aforesaid and secondly in part repayment of money borrowed for the acquisition of the said new site NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES RULES AND ORDAINS as follows:—

1. 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 trusts be now varied as hereinafter set out and that the land be subsequently sold.

*Baulkham Hills (St. Stephen's Kellyville) Variation
Trust and Land Sale Ordinance 1969*

2. The Corporate Trustee shall henceforth and pending the sale of the said land hold the same upon trust for the sole benefit of the Provisional Parish of Holy Trinity Baulkham Hills or any Parish into which it may be formed.

3. The Corporate Trustee is hereby authorised and empowered to sell the said land by public auction or private contract at such time at such price and upon such conditions as it shall think fit freed from all trusts.

4. The proceeds arising from the sale shall after paying thereout all outgoings to which the land is subject the costs of and incidental to this Ordinance and the sale and transfer of the land pursuant thereto shall be paid to the Churchwardens for the time being of St. Stephen's Church Kellyville who shall apply the same in payment of the sum of Five hundred dollars (\$500) to the said Roy Edward Snelling and the balance in repayment of the debt owing to the National Bank of Australasia Ltd. and the remainder in reduction of the money borrowed from the Sydney Church of England Finance and Loans Board for the acquisition of the new site and such church in President Road Kellyville.

5. This Ordinance may be cited as "Baulkham Hills (St. Stephen's Kellyville) Variation of Trust and Land Sale Ordinance 1969".

SCHEDULE

All that piece or parcel of land situated at Kellyville in the Shire of Baulkham Hills Parish of Castle Hill County of Cumberland having a frontage of 109' 1 $\frac{1}{2}$ " to New Windsor Road by depth on the South-East of 136' 3" on the North-West of 112' 2 $\frac{1}{2}$ " and rear width of 106' being Lot 2, Deposited Plan 212536 and the whole of the land in Certificate of Title Volume 9336 Folio 60 (subject to restriction on user of a strip for road widening purposes of varying width from about 18' 11" to 20' 9" pursuant to the provisions of section 27 E (6) Main Roads Act 1924 as noted on the said Certificate of Title).

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

ATHOL RICHARDSON,
Chairman of Committees.

*Baulkham Hills (St. Stephen's Kellyville) Variation
Trust and Land Sale Ordinance 1969*

I certify that this Ordinance was passed by the Standing Committee of Synod of the Diocese of Sydney on the 27th day of October, 1969.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

27/10/1969.