

KURRAJONG ORDINANCE 1978NO. 143 1978

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

WHEREAS

A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the owner of the land described in the First Schedule hereto.

5 B. The land described in the First Schedule hereto is held upon trust to permit a church to be erected on the said land to be called the Comleroy Road Church and to be subject to the regulations so far as they may be applicable contained in "The Sydney Church Ordinance" or in any other ordinance to be passed by the Synod of the said Diocese altering or modifying  
10 the first mentioned ordinance.

C. By reason of circumstances which have arisen subsequent to the creation of the said trust, it is expedient that the said trust be varied to the extent herein provided and that the said land be sold.

15 D. By Grant made the 30th June, 1823 the land described in the Second Schedule hereto was granted to Thomas Woolley.

E. By indenture made the 11th day of December 1851 between Alfred Jones of the one part and George Matcham Pitt, Robert Pitt and John Ezzey of the other part registered No. 3 Book 22 the said Alfred Jones (inter alia) conveyed the land described in the Third Schedule hereto to the said George Matcham Pitt,  
20 the said Robert Pitt and the said John Ezzey and their heirs upon trust to permit and suffer to be erected and built thereon a Church or Chapel of the United Church of England and Ireland with the appurtenances thereto belonging and also to permit and suffer the same or a part thereof to be used as a burial ground of the said United Church of England and Ireland and to hold the same  
25 upon the trusts and to and for the ends intents and purposes and with under and subject to the powers proviso's declarations and agreements mentioned *wh*

*wh.*

expressed and declared in and by a certain Act of the Governor and Legislative Council of the Colony of New South Wales made and passed in the seventh year of the reign of His late Majesty King William the Fourth intituled "An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales" and of another Act of the Governor and  
 30 Legislative Council made and passed in the eighth year of the reign of His said late Majesty King William the Fourth intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in  
 35 New South Wales" and in and by any other act of the Governor and Legislative Council of the said Colony then or thereafter to be made which doth or shall or may in any manner affect or regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales.

F. By an indenture made the 3rd day of November 1873 between the said Alfred  
 40 Jones of the one part and the Bishop of Sydney and Metropolitan of the other part registered No. 715 Book 139, the said Alfred Jones (inter alia) conveyed to the said Bishop of Sydney and his successors the land described in the Second Schedule hereto other than the part described in the Third Schedule hereto to hold the same upon trust to permit and suffer the same to be used occupied  
 45 and enjoyed as a Minister's dwelling and Glebe in connection with the Church of England situated at the Kurrajong in the County of Cook in the Colony of New South Wales and to and for the ends intents and purposes and with and under and subject to the powers provisos declarations and agreements mentioned expressed and declared in and by virtue of the said Acts and by any other Act  
 50 of the Governor and Legislative Council of the said Colony then or thereafter to be made which doth or shall or may in any manner affect or regulate the temporal affairs of Churches and Chapels of the Church of England in New South Wales or for such purposes as the said Bishop of Sydney or his successors shall from time to time determine.

G. By an indenture made the 5th day of February 1866 between John Lamrock of  
 55 the one part and the said John Ezzey the said George Matcham Pitt and John Town of the other part registered No. 580 Book 97, the said John Lamrock (inter alia) conveyed to the said John Ezzey the said George Matcham Pitt and the said John Town the land described in the Fourth Schedule hereto upon trust for the use and

60 benefit of the members of the United Church of England and Ireland residing  
 in the vicinity of the land described in the Fourth Schedule hereto for Church  
 and Education purposes generally in connection with the said United Church  
 and upon further trust to permit and suffer a Church, School-house and other  
 necessary buildings in connection with the said United Church in the said  
 65 Colony to be erected and built upon the said land whenever practicable and  
 convenient provided always that all Ministers and teachers labouring and  
 officiating in any such Church and School shall be in full membership with  
 the said United Church and shall be subject to the proper Ecclesiastical  
 authorities of the said United Church in the said Colony.

70 H. By an indenture made the 6th day of November 1884 registered No. 517  
 Book 298, the then Bishop of Sydney (inter alia) sold part of the land described  
 in the Second Schedule hereto.

I. Another part of the land described in the Second Schedule hereto has been  
 resumed or compulsorily acquired.

75 J. The land described in the Fifth and Sixth Schedules hereto comprises the  
 land described in the Fourth Schedule hereto and so much of the land described  
 in the Second Schedule hereto as has not been sold resumed or compulsorily  
 acquired.

80 K. By reason of circumstances which have arisen subsequent to the creation of  
 the trusts on which the land described in the Fifth Schedule hereto is held it  
 is expedient that those trusts be varied to the extent herein provided and that  
 the said land be sold.

L. By reason of circumstances which have arisen subsequent to the creation of the  
 trusts on which the land described in the Sixth Schedule hereto is held it is  
 85 expedient that those trusts be varied to the extent herein provided.

M. The Trustees of the land described in the Fifth and Sixth Schedules hereto  
 (other than the Archbishop of Sydney) are believed to be dead.

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:-

90 1. The land described in the Fifth and Sixth Schedules hereto is hereby vested  
 in the Corporate Trustee.

95 2. By reason of circumstances subsequent to the creation of the trusts on which the land described in the First and Fifth Schedules hereto is held it is expedient that the same be varied to the extent necessary to permit the same to be sold and the proceeds therefrom applied in the manner hereinafter provided.

100 3. The Corporate Trustee is hereby authorised and empowered to sell the land referred to in the First Schedule hereto by auction or private treaty and for such consideration and on and subject to such terms and conditions as to the Corporate Trustee seem appropriate.

4. The Corporate Trustee is hereby authorised and empowered to sell the land referred to in the Fifth Schedule hereto by auction or private treaty and for such consideration and on and subject to such terms and conditions as to the Corporate Trustee seem appropriate.

105 5. The proceeds from such sale or sales shall be applied firstly in meeting all costs of and incidental to this ordinance and such sale or sales and then in meeting all costs incurred in connection with any application to bring the title to any part of the land described in the First, Fifth and Sixth Schedules hereto under the provisions of the Real Property Act 1900 and then in meeting  
 110 the cost of subdividing the land described in the Fifth and Sixth Schedules hereto and the balance remaining thereafter shall be applied in or towards meeting the cost of erecting a building suitable for use as a Christian Education Centre on the land described in the Sixth Schedule hereto. Any moneys not so applied shall be held upon trust for the Parish of Kurrajong and the income therefrom shall be capitalised.  
 115 ~~paid to the Churchwardens for the time being of the church known as St. Stephen at Kurrajong.~~ }/K

6. By reason of circumstances subsequent to the creation of the trusts on which the land described in the Sixth Schedule hereto is held it is expedient that the same be varied. The said land shall be held upon trust for a:-

- 120 (i) church;
- (ii) residence for a minister, assistant to the minister or person employed by the churchwardens;
- (iii) hall or halls;
- (iv) Christian Education Centre, school or other place of assembly;

125 or partly for one or another or others of those purposes in connection with the Church of England in Australia within the Diocese of Sydney for the sole benefit of the parish or other ecclesiastical district of Kurrajong or any parish or ecclesiastical district into which it may subsequently be formed or form a part.

130 7. This ordinance may be cited as "Kurrajong Ordinance 1978".

FIRST SCHEDULE

ALL THAT parcel of land (Portion of Thomas Johns 100 acres Grant) containing by admeasurement 1 rood or thereabouts situate in the Parish of Kurrajong County of Cook and State aforesaid commencing on the eastern side of Comleroy Road leading to Colo at the intersection of the same with portion of north boundary of the said Grant and bounded thence on the north by portion of Robinsons 80 acres Grant being a fenced line dividing the said 2 Grants bearing due east 126 feet thence on the east by a line bearing due south 108 feet thence by a line bearing due west 126 feet to the Comleroy Road aforesaid both lines lastly described dividing from the other portion of the said Grant and thence on the west by the said road 108 feet to the point of commencement.

SECOND SCHEDULE

ALL THOSE 50 acres of land situate lying and being in the County of Northumberland and District of Kurrajong bounded on the West by Hansey's Farm 37 chains on the south by a line east 15 chains on the east by a line north 32 chains and on the north by a line west 15 degrees north 15 chains 50 links.

THIRD SCHEDULE

ALL THAT parcel of land containing by superficial measurement 3 acres and 31 perches (situate in the District of Kurrajong County of Northumberland the Colony aforesaid)(portion of the parcel of land containing 50 acres hereinbefore described) bounded on the north side by Lawsons Grant the line bearing west 15 degrees north 8 chains and 60 links commencing 4 chains 90 links from the north-east corner of the said 50 acres of land thence on the west by a line south 15 degrees west 3 chains thence on the south by a line east 15 degrees south 6 chains 98 links again on the west by a line south 18 degrees west 4 chains again on the south by a line east 18 degrees south 1 chain and 60 links and thence on the east by a line north 18 degrees east 7 chains to the point of commencement and dividing it from the road leading from Look-Out Hill.

FOURTH SCHEDULE

ALL THAT parcel of land containing by admeasurement 2 acres 2 roods and 20 perches more or less portion of the 500 acres which were granted to William Lawson situate lying and being at the Kurrajong in the County of Cook in the Colony aforesaid commencing on the south boundary of the said grant at a point bearing south 74 degrees 5 minutes east 2 chains and 3 links from the north-west corner of Thomas Woolley's Grant and bounded on the south by part of the said boundary the line bearing south 74 <sup>degrees</sup> 5 minutes east 8 chains 80 links to the road leading from Wheeny Creek to the South Kurrajong thence on the south-east by the said road bearing north 76 degrees 25 minutes east 3 chains 38 links and thence on the north and the north-west sides first by a line bearing north 39½ degrees west 200 links and a line bearing north 65 degrees 25 minutes west 407 links and a line north 76 degrees 45 minutes west 142 links and a line south 69 degrees 20 minutes west 575 links to the point of commencement.

D

MK

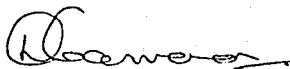
FIFTH SCHEDULE

ALL THAT land containing an area of 5.241 hectares (or thereabouts) bounded on the north-east by the western and south-western boundary of the land described in the Sixth Schedule hereto, on the east by the Grose Vale Road bearing south 196 degrees 3 minutes for 34.0 metres, 196 degrees 3 minutes 20 seconds for 232.69 metres and 194 degrees 43 minutes 20 seconds for 21.665 metres, bounded on the south by a line bearing west 279 degrees 40 minutes 15 seconds for 110.485 metres, bounded on the west by a line bearing north 1 degree 28 minutes for 383.535 metres and bounded on the north by Willow Glen Road by lines bearing in easterly direction 104 degrees 40 minutes 45 seconds for 43.935 metres and 67 degrees 29 minutes 30 seconds for 24.47 metres to the intersection of that road and the western and south-western boundary of the land described in the Sixth Schedule hereto all of the said directions and dimensions being a little more or less.

SIXTH SCHEDULE

ALL THAT land commencing at the intersection of Willow Glen Road, and Grose Vale Road and bounded on the north by the frontage of the said land to Willow Glen Road being lines bearing westerly 131 degrees 15 minutes 10 seconds 67.29 metres, 109 degrees 25 minutes 79.085 metres and 69 degrees 27 minutes 89.585 metres and thence on the west by a line bearing in a southerly direction 217 degrees 47 minutes 30 seconds 20.185 metres and thence on the south-west by a line bearing in a south-easterly direction 310 degrees 7 minutes 166.79 metres and then by frontage of the said land to Grose Vale Road being lines bearing 16 degrees 3 minutes 20 seconds 68.195 metres and 76 degrees 0 minutes 50 seconds 77.3 metres to the point of commencement all of the said directions and dimensions being a little more or less.

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



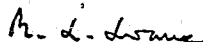
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 20<sup>th</sup> day of November 1978.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney

20/11/78.