

BERRY VARIATION OF TRUSTS AND LAND SALE ORDINANCE 1978No. 47 1978

AN ORDINANCE to authorise the variation of trusts subdivision and sale of certain properties situate at Berry in the Shire of Shoalhaven and to provide for the application of the proceeds thereof.

WHEREAS:

A. Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is the registered proprietor of certain land and buildings situate in Princess Street, Berry being the whole of the land comprised in Deeds of Conveyance registered numbers 10 Book 287 and 987 Book 307.

B. The said land is held upon trust for the sole benefit of the Parish of Berry for the erection thereon of a Clergyman's dwelling house and a Church for the performance of divine service.

C. Erected upon the said land is the Church of St. Lukes Berry, the Rectory, and a Parish Hall.

D. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land in the First Schedule is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

E. It has been determined to seek approval for the subdivision of the land.

F. It is expedient to sell a portion of the land after the subdivision being the land more particularly described in the Second Schedule hereto and to apply the proceeds of sale as hereinafter provided.

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:

1. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land in the First Schedule is held it is inexpedient to carry out and observe the same and it is expedient that such trusts be varied as hereinafter set out.

2. The land described in the First Schedule hereto shall henceforth be held upon trust for a:-

- (a) church;
- (b) residence for a minister, assistant to the minister or person employed by the churchwardens;

(c) hall or halls;

30 (d) school or other place of assembly;

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 Berry or any parish or ecclesiastical district into which it may subsequently be formed or <sup>of which it may</sup> form a part.

3. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule is held it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply such property or any part thereof for the same or like purposes and it is expedient that the land be sold.

4. The Corporate Trustee is hereby empowered to seek approval of the subdivision referred to above in such manner as it shall think fit and to proceed subsequently with the registration of such plan of subdivision as maybe approved.

5. The proceeds arising from the sale of the land in the Second Schedule after paying thereout the costs of and incidental to this ordinance and the costs of and incidental to the subdivision of the land shall be paid to the churchwardens for the time being of St. Luke's Church Berry and applied by them towards the costs of the renovation and re-construction repair and maintenance of the church hall situate upon the land in the First Schedule hereto.

6. This Ordinance may be cited as "Berry Variation of Trusts and Land Sale Ordinance 1978".

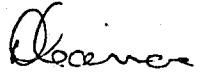
FIRST SCHEDULE

ALL THAT piece or parcel of land at Berry in the Parish of Coolangatta County of Camden and Shire of Shoalhaven being Lot 2 on a plan of subdivision prepared by Mr. G.C. Scarratt, Surveyor, reference 1081/11/38 and intended to be registered being part of the land comprised in Conveyances Registered Number 10 Book 287 and Number 987 Book 307.

SECOND SCHEDULE

ALL THAT piece or parcel of land at Berry in the Parish of Coolangatta County of Camden and Shire of Shoalhaven being Lot 1 on a plan of subdivision prepared by Mr. G.C. Scarratt, Surveyor, reference 1081/11/38 and intended to be registered being part of the land comprised in Conveyances Registered Number 10 Book 287 and Number 987 Book 307.

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



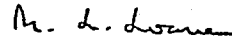
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 11<sup>th</sup> day of December 1978.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney  
11/12/78