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*St. David's Arncliffe Variation of Trusts and Land Sale  
Ordinance 1972*

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No. 31, 1972

AN ORDINANCE to vary the trusts and to authorise the sale of certain land in the Municipality of Rockdale and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is seised of an estate in fee simple in the land more particularly described in the Schedule hereto AND WHEREAS such land is church trust property held for the sole benefit of the Parish of St. David Arncliffe AND WHEREAS the said land is held upon trust to permit the same to be used occupied and enjoyed as a School House for the education of children members of the Established Church of England and to permit the erection of dwelling houses thereon AND WHEREAS the only building erected on the said land is the church known as "Old St. David's Arncliffe" AND WHEREAS it appears that the said church has not been consecrated AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which such land is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied AND WHEREAS it is expedient that the said land be sold and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same to the extent to which such trusts are hereby varied and it is expedient that the said land be sold.

2. The Corporate Trustee is hereby empowered to sell the said land described in the Schedule hereto by public auction or private contract at such time or times and at such price and upon such terms and conditions as it may determine freed from the trusts upon which the land is now held.

3. The proceeds arising from the sale of the said land after paying thereout the costs of and incidental to this Ordinance and of the sale and conveyance in pursuance thereof and all outgoings to which the said land may be subject shall be paid to the Churchwardens of St. David's Church Arncliffe and applied by them firstly in or towards the discharge of all debts of the said church and thereafter in effecting repairs to buildings within the said Parish.

4. This Ordinance may be cited as "St. David's Arncliffe Variation of Trusts and Land Sale Ordinance 1972".

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SCHEDULE

ALL THAT piece or parcel of land situate in the Municipality of Rockdale Parish of St. George and County of Cumberland being Lot A in Plan of Subdivision of Mr. Surveyor C. L. Tyson dated 4th April 1949, of the land in Registered Book 1131 No. 616 having frontages of 16' 8½" to Edward Street and 70' 7" to Hirst Street with depths of 219' 11¼" on the Northern side and 156' 10¼" on the Southern side and a rear dimension of 48' 9" and containing 35% perches (all dimensions being more or less).

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

ATHOL RICHARDSON,  
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 4th day of September, 1972.

W. L. J. HUTCHISON,  
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

4/9/1972.