

St. Stephen's Lidcombe (Berala) Land Sale 1930.

No. 3. 1930.

AN ORDINANCE to authorise the sale of certain land at Berala in the Parish of St. Stephen's Lidcombe and to provide for the application of the proceeds thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the said Trust) is the registered proprietor under the provisions of the Real Property Act of certain land situated in 3rd Avenue and Park Road Berala in the Parish of Liberty Plains and County of Cumberland containing by admeasurement twenty-two perches or thereabouts and being the whole of the land comprised in Certificate of Title dated the First day of September One thousand nine hundred and fifteen registered Volume 2602 Folio 236 AND WHEREAS by Declaration of Trust dated the Seventeenth day of August One thousand nine hundred and twenty-three it was declared that the said Trust should stand seized of interested in and registered as the proprietor of the said lands upon trust to permit the same to be used for a Church Parsonage and Parish Hall or partly for one and partly for another and others of such purposes in connection with the Church of England in the Parish of Lidcombe AND WHEREAS the said Trust is also the registered proprietor under the provisions of the Real Property Act of certain land situated in 3rd Avenue Berala aforesaid containing by admeasurement thirteen perches or thereabouts and being the whole of the land comprised in Certificate of Title dated the Twentieth day of June One thousand eight hundred and ninety-five Registered Volume 1166 Folio 1 AND WHEREAS the said land is Church Trust Property and is held by the said Trust in trust for the Parish of St. Stephen's Lidcombe AND WHEREAS certain land situated in Crawford Street Berala aforesaid being Lot 8 of Section 3 shown on Deposited Plan No. 435 and being the whole of the land comprised in Certificate of Title dated the Seventeenth day of September One thousand eight hundred and eighty-three Registered Volume 666 Folio 216 was purchased for

the use of the Church of England in the said Parish of St. Stephen's Lidcombe AND WHEREAS by Declaration of Trust dated the Eleventh day of January One thousand nine hundred and twenty-nin it was declared that the said Trust should stand seized of interested in and registered as the proprietor of the said lands upon trust to permit the same to be used as a Church parsonage or Parish Hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of Lidcombe at Berala AND WHEREAS there is a school-hall erected on such land but no Church has yet been erected for the district of Berala AND WHEREAS it is expedient to build a Church at Berala upon such land AND WHEREAS by reason of circumstances subsequent to the creation of the abovementioned Trusts it is expedient to sell the land comprised in the two Certificates of Title first hereinbefore mentioned. Now therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and the Land Ordinance Procedure and Delegation of Powers Ordinance 1926 and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or otherwise in the name and in the place of the said Synod directs declares and rules as follows:—

1. That by reason of circumstances subsequent to the creation of the trusts abovementioned it is expedient to sell the said lands comprised in Certificate of Title Registered Vol. 2602 Folio 236 and Certificate of Title Registered Vol. 1166 Folio 1 respectively.

2. The said Trust is hereby authorised to sell the said lands comprised in the said Certificates of Title Registered Volume 2602 Folio 236 and Volume 1166 Folio 1 in such manner as it may deem expedient and such sale may be by public auction or private contract and either in one lot or in several lots in cash or on credit at such price or prices and upon such terms and conditions as the Trust may deem proper with power to vary or rescind any contract for sale and to buy in at any auction.

3. The proceeds arising from such sale or sales shall be applied:—

- (a) In payment thereof of all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the vendor's costs of the transfer of the land in pursuance thereof.
- (b) The balance and the accumulation of ~~income~~ income arising therefrom from time to time shall be held by the said Trust upon trust to pay and apply the same as the Parish Council of the said Church with the approval of the Archbishop shall deem expedient in or towards the payment of the costs and expenses of the erection of a permanent Church to be erected upon the said land situated in Crawford Street Berala aforesaid and the receipts of the Churchwardens for the time being of the Church of St. Stephen Lidcombe shall be a full and sufficient discharge to the said Trust for all moneys paid in connection with the erection of the said Church as aforesaid.

4. Any moneys receivable under or by virtue of this Ordinance and the accumulations of the income arising therefrom in the possession of the said Trust and not immediately required to be applied as aforesaid may until such application be invested by the said Trust in any one or more of the following investments that is to say:--

- (1) Investments for the time being allowed by law for the investment of trust funds;
- (2) Mortgage of land situated within the Commonwealth;
- (3) Debentures of any Harbour Trust or Board of Works within the Commonwealth;
- (4) Mortgage bonds under any of the Savings Banks Acts of the Federal Government or any State within the Commonwealth;
- (5) Deposit in any Government Savings Bank within the Commonwealth;
- (6) Fixed deposit in any Bank carrying on business in the State of New South Wales;

and the said Trust may from time to time vary release or raise money on the security of such investments.

5. This Ordinance may be cited as "St. Stephen's Lidcombe (Berala) Land Sale Ordinance 1930."

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

A. J. GOULD,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this thirty-first day of March, 1930.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

2nd April, 1930.