

SUTHERLAND VARIATION OF TRUSTS AND LAND SALE
ORDINANCE 1981

No. 26 1981.

AN ORDINANCE to authorise the variation of trusts subdivision and sale of certain land situate at Loftus in the Shire of Sutherland and 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 the whole of the land comprised in Land Grant Volume 10328 Folio 191 more particularly described in the First Schedule hereto.

B. The land is Church trust property within the meaning of Church of England Trust Property Act 1917 (as amended) held for the benefit of the Parish of St. John the Baptist Sutherland but no trusts in writing have been declared concerning the same.

C. By reason of circumstances which have arisen subsequent to the creation of the trusts it is inexpedient to carry out and observe the same to the extent that they are hereby varied.

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

E. It is expedient to sell a portion of the land after the subdivision being the land more particularly described in the Third 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 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 Second Schedule hereto shall henceforth be held upon trust for a:-

(a) church;

-2-

- (b) residence for a minister, assistant to the minister or person employed by the churchwardens;
- (c) hall or halls;
- (d) school or other place of assembly;

30 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 Sutherland or any parish or ecclesiastical district into which it may subsequently be
35 formed or of which it may 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 Third 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
40 purposes as those specified in clause 2 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
45 may be approved.

5. The Corporate Trustee is hereby authorised to sell the land in the Third Schedule by public auction or by private contract at such time for such price and upon such terms and conditions as it may think fit freed from the trusts upon which that land is held.

6. The proceeds arising from the sale of the land in the Third Schedule
50 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 the Church of St. John the Baptist Sutherland and applied by them towards the costs of the construction of
55 a residence for a minister, assistant to the minister or person employed by the churchwardens on the land in the Second Schedule hereto.

-3-

7. This Ordinance may be cited as "Sutherland Variation of Trusts and Land Sale Ordinance 1981".

FIRST SCHEDULE

ALL THAT piece or parcel of land at Loftus in the County of Cumberland and Parish of Sutherland being Portion 1109 as shown in plan catalogued No. C.9020-2030 in the Department of Land and being the whole of the land in Land Grant Volume 10328 Folio 191.

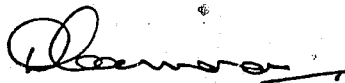
SECOND SCHEDULE

ALL THAT piece or parcel of land at Loftus in the County of Cumberland and Parish of Sutherland being Lot 112 on a plan of Subdivision prepared by Harrison Friedmann & Associates Pty. Limited Surveyors reference 1350 and intended to be registered being part of the land in Land Grant Volume 10328 Folio 191.

THIRD SCHEDULE

ALL THAT piece or parcel of land at Loftus in the County of Cumberland and Parish of Sutherland being Lot 111 on a plan of Subdivision prepared by Harrison Friedmann & Associates Pty. Limited Surveyors reference 1350 and intended to be registered being part of the land in Land Grant Volume 10328 Folio 191.

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



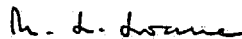
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the *21st* day of *August* 1981.



Secretary

I ASSENT to this Ordinance.



Archbishop of Sydney
31/8/1981 1981.