
*Abbotsford and Russell Lea Variation and Declaration of
Trust and Land Sale Ordinance 1964.*

No. 22, 1964.

AN ORDINANCE to vary the trusts of certain land at Abbotsford and Russell Lea in the Municipality of Drummoyne, to authorise the sale of such land, to provide for the application of the proceeds thereof and to declare the trusts of certain other land in the said Municipality.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor in fee simple of the land comprised in Certificates of Title Volume 4155 Folio 96, Volume 3983 Folio 65 and Volume 3342 Folio 157 more particularly described in the first schedule hereto AND WHEREAS the said land was acquired by the Parish of St. Alban Five Dock but has since about the year 1943 been situated in the area known as the Provisional Parish of Abbotsford and Russell Lea AND WHEREAS no trusts in writing have been declared concerning the said land AND WHEREAS the Parish Council of the Parish of St. Alban, Five Dock has consented that the said land be held as Church Trust Property for the sole benefit of the said Provisional Parish of Abbotsford and Russell Lea in lieu of for the Parish of St. Alban, Five Dock as heretofore by reason of its original acquisition by that Parish AND WHEREAS the Church of St. John Abbotsford and a Rectory are erected on the land comprised in Certificates of Title Volume 4155 Folio 96 and Volume 3983 Folio 65 respectively and the Church of St. Thomas is erected on the land comprised in Certificate of Title Volume 3342 Folio 157 AND WHEREAS it is proposed to sell the said parcels of land and the buildings thereon and to apply the net proceeds towards the erection of a new Church, Rectory and Parish Hall on the land described in the second schedule hereto AND WHEREAS the land described in the said second schedule has been recently purchased by the said Provisional Parish for the purposes aforesaid and it is expedient that the trusts thereof be now declared NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES AND ORDAINS as follows:-

1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the first schedule hereto is held it is inexpedient to carry out and observe

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the same to the extent to which they are hereby modified or varied.

2. The lands described in the first schedule shall henceforth and pending the sale thereof as hereinafter directed be severally held upon trust to permit the same to be used for a church, parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Provisional Parish of Abbotsford and Russell Lea in lieu of the Parish of St. Alban Five Dock as heretofore.

3. By reason also of circumstances which have arisen subsequent to the acquisition of the land described in the said first schedule and the creation of the trusts thereof upon which it is held it is inexpedient to carry out and observe such trusts and it is expedient that the said land be sold.

4. The Corporate Trustee is hereby authorised and empowered to sell the land described in the first schedule together or in parcels by public auction or private contract at such time or times and at such price or prices as it may think fit freed from the said trusts.

5. The proceeds arising from the sale or sales of the said land shall after paying thereout all outgoing to which it is subject the costs of and incidental to this Ordinance and of the sale and transfer of the land pursuant thereto be paid to the Churchwardens for the time being of St. John Abbotsford to be applied by them towards the costs of and incidental to the erection of a new church rectory and parish hall or to such one or other of such buildings and in such priority as the Parish Council of the said Provisional Parish may determine upon the land described in the second schedule hereto.

6. The land described in the second schedule shall be held by the Corporate Trustee upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Provisional Parish of Abbotsford and Russell Lea or any Parish into which it may subsequently be formed.

7. This Ordinance may be cited as "Abbotsford and Russell Lea Variation and Declaration of Trust and Land Sale Ordinance 1964."

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FIRST SCHEDULE

All that piece or parcel of land situated in the Municipality of Drummoyne Parish of Concord County of Cumberland having a frontage of 42' to Great North Road being Lot 9 D.P. 14102 and being the whole of the land in Certificate of Title Volume 4155 Folio 96 ALSO ALL THAT piece or parcel of land situated as aforesaid having a frontage of 40' to Great North Road containing 1 rood 25½ perches being Lot 8 D.P. 14102 and being the whole of the land in Certificate of Title Volume 3983 Folio 65. ALSO ALL THAT piece or parcel of land situated as aforesaid having a frontage of 75' 3¾" to Lyons Road by depth along Lithgow Street of 130' being Lot 71 and part Lot 70 D.P. 5229 and being the whole of the land in Certificate of Title Volume 3342 Folio 157.

SECOND SCHEDULE

All that piece or parcel of land situated in the Municipality of Drummoyne Parish of Concord County of Cumberland having a frontage of 122' 8¾" to Bay Road a splay corner to Sibbick Street of 11' 3¾" and depth along that Street of 194' being Lot 1 D.P. 220546 and the whole of the land in Certificate of Title Volume 9647 Folio 207.

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

H. G. S. BEGBIE,
Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 31st day of August 1964.

W. L. J. HUTCHISON,
Secretary.

I assent to this Ordinance.

31/8/1964.

HUGH SYDNEY,
Archbishop of Sydney.