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*Harbord and South Curl Curl Variation of Trust and Land Sale Ordinance, 1960.*

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No. 41, 1960.

AN ORDINANCE to vary the trusts upon which certain land at South Curl Curl is held to authorise the sale of such land and of other land at Harbord in the Shire of Warringah and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) is registered as Proprietor of the land comprised in Certificates of Title Registered Volume 2514 Folio 217 and Volume 2292 Folio 80 more particularly described in the first Schedule hereto AND WHEREAS the said land was acquired in the year 1946 and was then situated in the Parish of St. Matthew Manly and is Church Trust Property held for the benefit of such Parish but no trusts in writing have been declared concerning the same AND WHEREAS the said Parish has by a majority of its Parish Council consented and agreed that the said land should henceforth be held as Church Trust Property for the benefit of the Provisional District of Harbord and South Curl Curl in which it is now situated and that the same might be sold and the proceeds applied towards the erection of a new Rectory in such Provisional District AND WHEREAS the Corporate Trustee is also registered as proprietor of the land comprised in Certificate of Title Registered Volume 4845 Folio 11 more particularly described in the second schedule hereto AND WHEREAS such lastly mentioned land is Church Trust Property held for the sole benefit of the said Provisional District having been purchased for the purpose of a Rectory AND WHEREAS by reason of the unsuitability of the existing building for the purposes of a Rectory it is inexpedient to retain the same but it is expedient that a new Rectory be built or acquired in lieu of the existing Rectory and for such purpose to sell the lands described in the first and second schedules hereto and to apply the proceeds of the sale of the present Rectory and some part of the proceeds of the land described in the first schedule towards the acquisition of a site and the erection of such new Rectory thereon or of an existing dwelling for such purpose Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod Hereby Ordains and Directs 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 has become inexpedient to carry out and observe the same to the extent to which they are hereby varied

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and it is expedient that the said land shall henceforth be held by the Corporate Trustee for the sole benefit of the Provisional District of Harbord and South Curl Curl in lieu of for the Parish of St. Matthew Manly as heretofore and the trusts are hereby varied accordingly.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the first and second schedules hereto are held it is inexpedient to carry out and observe the same and it is expedient that the said lands be sold.

3. The Corporate Trustee is hereby authorised to sell the said lands at such times at such prices and upon such terms and conditions and by public auction or private contract as it shall think fit freed from the trusts aforesaid.

4. The proceeds of the sale of such lands shall after paying thereout all charges and outgoings to which the lands may be subject and of the costs and expenses of and incidental to this Ordinance and of the sale or sales and transfer or transfers in pursuance thereof be applied as follows:—

- (i) As regards the land referred to in the first schedule by payment of one fourth to the Churchwardens of St. James' South Curl Curl to be applied by them in capital expenditure in such church or other buildings for the use of the Church of England at South Curl Curl and three fourths to the Churchwardens of St. Mark's Church Harbord towards the purchase of a new site and erection thereon of a new Rectory or the acquisition of an existing dwelling for such purposes in the said Provincial District Provided that two of such fourth parts shall be regarded as a loan by St. James South Curl Curl to St. Mark's Church Harbord for the purposes aforesaid free of interest for fifteen years and shall thereafter be recouped by such instalments as the Standing Committee shall determine and until repayment shall bear interest to be paid half yearly at the rate then charged by the Commonwealth Trading Bank of Australia for overdraft advances less one per centum.
- (ii) As regards the land referred to in the second Schedule to the Churchwardens of St. Mark's Church Harbord to be applied by them towards the acquisition of a site and erection of a new Rectory thereon or the acquisition of an existing dwelling for such purposes.

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5. This Ordinance may be cited as "Harbord and South Curl Curl Variation of Trust and Land Sale Ordinance 1960."

FIRST SCHEDULE.

All that piece or parcel of land situated in the Shire of Warringah Parish of Manly Cove County of Cumberland having a frontage of 66' to Curl Curl Parade by depth along Gardere Avenue on the south of 143' 5½" and on the north of 129' 4½" being Lots 104 and 105 in Deposited Plan No. 5539 and being the whole of the land comprised in Certificates of Title Registered Volume, 2514 Folio 217 (Lot 104) and Volume 2292 Folio 80 (Lot 105).

SECOND SCHEDULE.

All that piece or parcel of land situated at Harbord in the Shire of Warringah Parish of Manly Cove County of Cumberland having a frontage of 66' to Soldiers' Avenue being Lot 7 of Section 2 in Deposited Plan 587 and the whole of the land comprised in Certificate of Title Registered Volume 4845 Folio 11 upon which is erected the premises known as No. 66 Soldiers' Avenue Harbord.

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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 19th day of December, 1960.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

HUGH SYDNEY,  
Archbishop of Sydney,

19/12/1960.