

MILTON VARIATION OF TRUSTS AND
LAND SALE ORDINANCE 1977

No. 48 1977

AN ORDINANCE to vary the trusts of certain land at Milton and Sussex Inlet to permit the sale of part thereof and to amend the St. Peter's and St. Paul's Milton (Ulladulla) Variation of Trusts and Land Sale Ordinance No. 19 of 1976.

WHEREAS

A. The land in the First Schedule was by Deed of Conveyance dated the 22nd of October, 1857 registered No. 335 Book 53 conveyed to the Bishop of Sydney upon trust to permit the same to be used for the erection thereon of a Church or Chapel in connection with the United Church of England and Ireland as by law established.

B. The Archbishop of Sydney has pursuant to the provisions of Section 19 of Church of England Trust Property Act 1917 vested the land in the First Schedule in Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee").

C. It is expedient to vary the trusts of the land in the First Schedule as hereinafter set out.

D. The land in the Second Schedule was by Deed of Conveyance dated 18th July, 1967 Registered No. 204 Book 2847 conveyed to the Corporate Trustee upon trust for the Parish of Milton.

E. No trusts in writing have been declared in respect thereof.

F. The Corporate Trustee is the registered proprietor of part of the land in Certificate of Title Volume 2536 Folio 4 more particularly described in the Third Schedule hereto.

G. The land in the Third Schedule is held upon trust to be used for a church, parsonage or parish hall in connection with the Church of England at Sussex Inlet.

H. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land in the Second and Third Schedules is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied.

I. By St. Peter's and St. Paul's Milton (Ulladulla) Variation of Trusts and Land Sale Ordinance No. 19 of 1976, (hereinafter called "the Ulladulla Ordinance") the Corporate Trustee was authorised to sell certain land at Ulladulla more particularly described in the Schedule to that ordinance.

J. The Corporate Trustee was authorised by the Ulladulla ordinance to invest the proceeds thereof and pay the income arising therefrom to the churchwardens for the time being of St. Peter's and St. Paul's Church at Milton to be applied by them as set out therein.

K. By reason of circumstances which have arisen subsequent to the passing of the Ulladulla ordinance it is inexpedient to carry out and observe the trusts thereby created to the extent to which the same are hereby varied.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES RULES ORDAINS AND DIRECTS as follows:-

1. By reason of the 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 the same and it is expedient that such trusts be varied as hereinafter set out.

2. The land described in the First Schedule hereto shall henceforth be held upon trust for a church, church hall and rectory or partly for one or another or others of such purposes in connection with the Church of England in Australia at Milton in the Parish of St. Peter and St. Paul Milton.

3. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second and Third Schedules hereto 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 purposes and it is expedient that the said land be sold.

60 4. The Corporate Trustee is hereby empowered to sell the said lands by public auction or private contract at such time or times and at such price or prices and upon such terms and conditions as it may determine freed from the trusts upon which the said lands are now held.

65 5. The proceeds arising from the sale or sales of the said lands after paying thereout the costs of and incidental to this ordinance and of the sale or sales and conveyance or conveyances in pursuance thereof and all ~~at~~goings to which the said land may be subject shall be applied towards the cost of the construction of a rectory upon the land described in the First Schedule.

70 6. By reason of circumstances which have arisen subsequent to the passing of the Ulladulla ordinance it is inexpedient to carry out and observe the trusts thereby created to the extent that the same are hereby varied.


75 7. The Corporate Trustee shall apply the proceeds of the sale pursuant to the Ulladulla ordinance firstly in payment of the arrears of Diocesan assessments owing by the Parish at the date of this ordinance and then towards the cost of the construction of the rectory upon the land described in the First Schedule hereto.

80 8. Any proceeds arising from the sales above referred to or the variation of trusts created by clause 7 hereof not required for the purpose of the erection of the rectory hereinbefore referred to shall be invested by the Corporate Trustee and the income arising from such investment shall be paid to the said churchwardens and applied by them for general parochial purposes.

9. This Ordinance may be cited as the "Milton Variation of Trusts and Land Sale Ordinance 1977".

FIRST SCHEDULE

ALL THAT piece or parcel of land at Milton in the County of St. Vincent Parish of Ulladulla being a part of allotment No. 10 and being the whole of the land in Conveyance Registered No. 335 Book 53.



SECOND SCHEDULE

ALL THAT piece or parcel of land at Milton in the Municipality of Ulladulla Parish of Ulladulla and County of St. Vincent being part of allotment No. 13 of Section A of the said township and being Lot B on a plan registered at the Registrar General's Office, Sydney, Miscellaneous Plan of Subdivision (O.S.) No. 5412 being the whole of the land in Conveyance registered No. 204 Book 2847.

THIRD SCHEDULE

ALL THAT piece or parcel of land at Sussex Inlet in the Shire of Shoalhaven Parish of Farnham County of St. Vincent being part of the land in Certificate of Title Volume 2536 Folio 4 and being Lots 2 to 4 in a plan of subdivision prepared by Mr. G. Scarratt, Registered Surveyor, Reference No. 738/9/76 and proposed to be registered of the land in plan annexed to instrument of transfer No. A132141.

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




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 November 1977.



Secretary.

I ASSENT to this Ordinance.



Archbishop of Sydney.

2/11/1977.