

THE OAKS VARIATION OF TRUSTS AND LAND SALE ORDINANCE 1984

No. 22 1984

AN ORDINANCE to vary the trusts of certain land at The Old Oaks in the Shire of Wollondilly to authorise the sale thereof and to provide for the application of the proceeds.

WHEREAS

A. The Anglican Church Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") is seized of an estate in fee simple in the land described in the Schedule hereto (hereinafter called "the land").

B. The land is church trust property within the meaning of the Anglican Church of Australia Trust Property Act, 1917 (as amended).

C. The land is held pursuant to the trusts contained in Crown Grant dated 1st day of July, 1874, Registered Volume CLXXV Folio 114 namely for a site for Church of England Church purposes.

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

E. It is expedient that the land be sold and the proceeds applied as hereinafter set out.

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 circumstances which have arisen subsequent to the creation of the trusts upon which the land 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 Corporate Trustee is hereby authorised to sell the land within three (3) years after the date of assent to this ordinance and thereafter only with the consent of the Standing Committee by public auction or private contract in one or more lots and for such price or prices and subject to such terms and conditions as, to the Corporate Trustee, may seem appropriate.

3. The proceeds arising from the sale or sales shall be applied as follows:-

- (a) First in payment of the costs of and incidental to this Ordinance, the subdivision and sale or sales;
- (b) Secondly towards the costs of the extension to the Parish Hall situate at Merlin Street, The Oaks, in the Parish of The Oaks;
- (c) Thirdly as to the balance thereof such moneys shall be invested by the Corporate Trustee and the income arising therefrom shall be paid or applied as follows:

- (i) As to thirty three and one third percentum (33 1/3%) the same shall be added to the capital sum;
- (ii) As to the remainder such sum to be paid to the Churchwardens for the time being of the Church of St. Luke, The Oaks, to be applied by them towards the restoration, maintenance and repair of buildings within the said Parish held upon trust for the sole benefit of the Parish.

4. This Ordinance may be cited as "The Oaks Variation of Trusts and Land Sale Ordinance 1984".

THE SCHEDULE

ALL THAT piece or parcel of land at The Old Oaks in the Shire of Wollondilly Parish of The Oaks and County of Camden being the whole of the land in Land Grant Volume CLXXV Folio 114.

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

E.D. Cameron
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 24th day of September 1984.

W.G.S. Gotley
Secretary

I ASSENT to this Ordinance.

Donald Robinson
Archbishop of Sydney
24/09/1984