

PARISH OF THE OAKS (OAKDALE) ORDINANCE 1980

No. 13 1980.

AN ORDINANCE to vary the trusts and to authorise the sale of certain land at Oakdale, to provide for the application of the proceeds thereof in purchasing and developing further land and to declare trusts in respect of such further land.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is the registered proprietor of the residue of the land comprised in Certificate of Title Volume 7353 Folio 151 more particularly described in the First Schedule hereto AND WHEREAS the said land is church trust property within the meaning of the Church of England Trust Property Act, 1917 (as amended) and is held for the sole benefit of the Church of England in Australia at Oakdale in the Parish of The Oaks, but no trusts in writing had been declared concerning the same AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said land is held, it is inexpedient to carry out and observe the same to the extent to which the same are hereby varied and it is expedient that the said land be sold and the proceeds applied as hereinafter set forth AND WHEREAS under a certain contract the Corporate Trustee is the purchaser of the land described in the Second Schedule hereto which, upon completion of the transfer, will become church trust property within the meaning of the said Act and it is expedient to declare trusts in respect of that property NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS RULES AND DIRECTS 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 to the extent to which the same are hereby varied and it is expedient that the said land be sold.
2. The Corporate Trustee is hereby empowered to sell the land in the First Schedule by public auction or private treaty, at such time and at such price and upon such terms and conditions as the Corporate Trustee may determine, freed from any trusts whatsoever.

3. The proceeds arising from the sale of the land in the First Schedule, after paying thereout the costs of and incidental to this Ordinance, the transfer in pursuance thereof and all outgoings to which the said land may be subject, shall be applied towards completion of the purchase of the land in the Second Schedule, in the development of that land and building a Church thereon, as may be determined by resolution of the Parish Council of the said Parish from time to time. Pending any such application, the Corporate Trustee shall invest the net proceeds and capitalise the income.

4. Upon completion of the purchase of the land in the Second Schedule, that land shall be held upon trust for a:-

- (i) Church
- (ii) residence for a minister, assistant to the minister or person employed by the churchwardens;
- (iii) hall or halls;
- (iv) school or other place of assembly;

or partly for one or another or others of those purposes in connection with the Church of England in Australia at Oakdale in the Parish of The Oaks or any parish or ecclesiastical district into which it may subsequently be formed or form a part.


5. This Ordinance may be cited as the "Parish of The Oaks (Oakdale) Ordinance 1980".

#### FIRST SCHEDULE

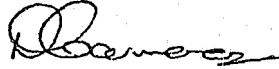
ALL THAT parcel of land in the Shire of Wollondilly and State of New South Wales, being Lot 2 in Deposited Plan No. 509247 having a frontage of about 160 feet to Burraborang Road, Oakdale and a depth of about 125 feet 10 1/4 inches, being the residue of the land comprised in Certificate of Title Volume 7353 Folio 151.

#### SECOND SCHEDULE

ALL THAT parcel of land situated as aforesaid and having a frontage to Barker's Lodge Road, being Lot 11 in Deposited Plan No. 609714 and being part of the land comprised in Certificate of Title Volume 12540 Folio 121.

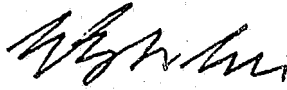


I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.



Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the *23rd* day of *June* 1980.



Secretary

I ASSENT to this Ordinance.

*M. d. Downe.*

Archbishop of Sydney

*23/6/1980.*