
Parish of St. Mary's Land Sale Ordinance 1972

No. 50, 1972

AN ORDINANCE to vary the trusts and authorise the sale or disposition of certain land in the Municipality of St. Mary's and to provide for the application of the proceeds.

WHEREAS :

A. Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is registered as proprietor of the land comprised in the Schedule hereto (which land is hereinafter referred to as the "said land");

B. The said land is church trust property within the meaning of the Church of England Trust Property Act 1917;

C. The said land is at present held upon trust for the sole benefit of the Parish of St. Mary's as a site for a church but no trusts in writing have been declared concerning the same;

D. The State Planning Authority of New South Wales (hereinafter referred to as the "Authority") has given notice that it requires the said land for purposes incidental to the implementation of the Sydney Region Outline Plan.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES its opinion that by reason of circumstances subsequent to the creation of the trusts to which the said land is subject it has become inexpedient to carry out and observe such trusts to the extent to which the same are hereinafter varied and that it appears by reason of circumstances subsequent to the creation of such trusts expedient that the said land be sold AND ACCORDINGLY ORDAINS as follows:—

1. This Ordinance may be cited as "Parish of St. Mary's Land Sale Ordinance 1972".

2. The Corporate Trustee is hereby authorised and empowered to sell the said land to the Authority by private contract or to permit the Authority to acquire the said land by way of resumption or otherwise at such time and for such price and upon such terms and conditions as the Corporate Trustee may think fit freed from the trusts upon which it is held and without limiting the generality of the foregoing the Corporate Trustee is also empowered to execute and deliver to the Authority a release in favour of the Authority and the Council of the City of Penrith releasing all claims for compensation in respect of the said land arising out of or by reason of the provisions of the County of Cumberland Planning Scheme Ordinance

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and/or the City of Penrith Planning Scheme Ordinance or of any ordinances amending or replacing the same or out of the acquisition of the said land by the Authority, and also to do any such act or execute any such document as may be necessary to give effect to the provisions of this Ordinance.

3. The proceeds of sale or disposition of the said land after paying thereout all outgoings to which the land is subject shall be applied as follows:—

- (a) First in payment of those costs of and incidental to this Ordinance and to any such sale or disposition or other matter in pursuance thereof as are not paid by the Authority;
- (b) Secondly the balance to be paid to the Churchwardens of the Church of St. Mary Magdalene in the Parish of St. Mary's to be applied by them for general parochial purposes.

SCHEDULE

ALL THAT piece or parcel of land in the Municipality of St. Mary's Parish of Melville and County of Cumberland containing an area of 16½ perches or thereabouts being part of Lot 104 in Deposited Plan 2054 and being the whole of the land in Certificate of Title Volume 5061 Folio 13.

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 11th day of December, 1972.

W. L. J. HUTCHISON,
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

11/12/1972.