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*Parish of St. Paul Canterbury — Declaration of Trusts,  
Land Sale and Variation of Trusts Ordinance 1968*

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No. 9, 1968.

AN ORDINANCE to declare the trusts, to authorise the sale of certain lands in Florence Street Canterbury and Thompson Street North Earlwood and to provide for the application of the proceeds and to vary the trusts of certain moneys in the North Earlwood Building Fund.

WHEREAS the Church of England Property Trust Diocese of Sydney is the registered proprietor of the land comprised in Certificate of Title Volume 4822 Folio 222 more particularly described in the first part of the Schedule hereto AND WHEREAS the said land is Church Trust property held for the sole benefit of the Parish of St. Paul Canterbury but no trusts in writing have been declared concerning the same AND WHEREAS the said land has now been subdivided into three lots 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 part of the said land being Lots 2 and 3 as more particularly described in the second part of the Schedule hereto be sold and the proceeds applied as hereinafter set forth AND WHEREAS the Church of England Property Trust Diocese of Sydney is the registered proprietor of the land comprised in Certificate of Title Volume 3274 Folio 64 more particularly described in the third part of the Schedule hereto AND WHEREAS the said land is Church Trust property held for the sole benefit of the Parish of St. Paul Canterbury but no trusts in writing have 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 and it is expedient that the said land in the third part of the Schedule hereto be sold and the proceeds applied as hereinafter set forth AND WHEREAS certain moneys are held by the Churchwardens of the said Parish in a fund known as the "North Earlwood Building Fund" hereinafter called "the Fund" being moneys originally designated for the purpose of building a church on the land described in the third part of the Schedule hereto AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which the Fund is held it is inexpedient to carry out and observe the same and it is expedient that the fund be applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES AND DIRECTS as follows:—

1. The land described in the first part of the Schedule hereto shall be held by the Corporate Trustee upon trust to permit the same to be used as a Church parsonage or parish hall or partly for one and partly for another of such purposes in connection with the Church of England in Australia in the Parish of St. Paul Canterbury.

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2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said lands described in the first second and third parts of the Schedule hereto are 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 lands described in the second and third parts of the Schedule hereto be sold.

3. The Corporate Trustee is hereby empowered to sell the said lands described in the second and third parts of the Schedule hereto by public auction or private contract at such time or times and at such price or prices and upon such terms and conditions as the Parish Council of the said Parish and the Corporate Trustee may determine freed from any trusts whatsoever.

4. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the moneys in the Fund are held it is inexpedient to carry out and observe the same and it is expedient that the moneys in the Fund be now applied by the Churchwardens for the purposes hereinafter set forth.

5. The proceeds arising from the sale of the said lands after paying thereout the costs of and incidental to this Ordinance and of the sales and transfers in pursuance thereof and all outgoings to which the said land may be subject hereinafter called "the net proceeds" shall be paid to the Churchwardens of the said Parish and such net proceeds together with the Fund shall be used and applied by them for such flat or other developmental projects as may be agreed between the Parish Council of the said Parish and the Corporate Trustee, and approved of by resolution of the Standing Committee.

6. This Ordinance may be cited as "Parish of St. Paul Canterbury Declaration of Trust, Land Sale and Variation of Trusts Ordinance 1968".

## THE SCHEDULE

### FIRST PART

All that piece or parcel of land in the Municipality of Ashfield Parish of Petersham and County of Cumberland having a frontage to Princess Street of about 168' 4" by a depth along Florence Street of about 89' 1½" and a frontage along Hardy Street of about 210' 10½" and a rear line of about 110' 10½" and being Lot 7 in Deposited Plan No. 17861 and being the whole of the land comprised in Certificate of Title Volume 4822 Folio 222.

### SECOND PART

All that piece or parcel of land situate in the Municipality of Ashfield Parish of Petersham and County of Cumberland being Lots 2 and 3 in a subdivision plan prepared by Harold Edgar Lanyon and having frontages respectively of 44' 6" and 44' 7½" to Florence Street and a depth of approximately 100' and each containing an

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area of 16 perches and being a re-subdivision of Lot 7 D.P. 17861 and part of the land comprised in Certificate of Title Volume 4822 Folio 222.

THIRD PART

All that piece or parcel of land in the Municipality of Canterbury Barish of St. George and County of Cumberland having a frontage to Thompson Street North Earlwood of about 50' by a depth along either side of about 136' 3 $\frac{1}{2}$ " and being Lot 15 in D.P. 7868 and being the whole of the land comprised in Certificate of Title Volume 3274 Folio 64.

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

H. G. S. BEGBIE,  
Deputy Chairman of Committees.

I certify that the Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of April, 1968.

F. A. JOHNSON,  
Acting Secretary.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

29/4/1968.