

ST. BARNABAS' GYMEA BAY VARIATION OF TRUSTS  
AND LAND SALE ORDINANCE 1974

No. 7, 1974

AN ORDINANCE to vary the trusts and to authorise the sale of certain land in the Shire of Sutherland and to provide for the application of the proceeds.

WHEREAS Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") is seised of an estate in fee simple of the land more particularly described in the Schedule hereto AND WHEREAS the said land is held upon trust to permit the same to be used for a church parsonage or parish hall or partly for one and partly for another or others of such purposes in connection with the Church of England in the Parish of Sutherland at Gymea Bay AND WHEREAS the said land is church trust property and is now within the Parish of St. Paul Gymea with St. Barnabas' Gymea Bay and St. Timothy's Gray's Point hereinafter called the "said Parish" AND WHEREAS the only buildings erected on the said land are the church and hall known as "St. Barnabas', Gymea Bay" AND WHEREAS it appears that the said church has not been consecrated AND WHEREAS by reason of circumstances which have arisen subsequent to the creation of the trusts upon which such land is held it is inexpedient to carry out and observe the same to the extent that the same are hereby varied AND WHEREAS it is expedient that the said land be sold and the proceeds applied as hereinafter set forth NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:-

1. 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 such trusts are hereby varied and it is expedient that the said land be sold.
2. The Corporate Trustee is hereby empowered to sell the said land described in the Schedule hereto by public auction or private contract at such time or times and at such price and upon such terms and conditions as it may determine freed from the trusts upon which the land is now held.
3. The proceeds arising from the sale of the said land after paying thereout the costs of and incidental to this Ordinance and of the sale and transfer in pursuance thereof and all outgoings to which the said land may be subject shall be paid to the Churchwardens of St. Paul's Church Gymea and shall be applied by them as follows:
  - (a) A sum not exceeding five thousand dollars (\$5,000) towards the liquidation of the debt then owing on the land on which St. Timothy's Church Gray's Point is erected.
  - (b) A sum not exceeding five thousand dollars (\$5,000) towards the cost of renovations repairs and improvements to the Rectory and Curate's cottage in the said Parish.
  - (c) The balance towards the liquidation of the debt then owing on the land on which St. Paul's and St. Barnabas' Church Gymea is to be erected.
4. This Ordinance may be cited as "St. Barnabas' Gymea Bay Variation of Trusts and Land Sale Ordinance 1974."

SCHEDULE

ALL THAT piece of land situate at Gymea Bay in the Shire and Parish of Sutherland and County of Cumberland having frontages of 148' 2 $\frac{1}{2}$ " to Gymea Bay Road South and 167' 10 $\frac{1}{2}$ " to Sylvania Road and a splayed corner of 12' 0" with a dimension of 90' 9 $\frac{1}{2}$ " at the rear (all dimensions being more or less) being Lot 1 in Deposited Plan 14346 and being the whole of the land comprised in Certificate of Title Volume 4082 Folio 86.

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

K.R. Handley  
Acting Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 29th day of April, 1974.

W.G.S. Gotley  
Secretary

I ASSENT to this Ordinance.

M.L. Loane  
Archbishop of Sydney  
29/4/1974